

State of Iowa

**JOURNAL
OF THE SENATE**

2001

**EXTRAORDINARY SESSION
SEVENTY-NINTH
GENERAL ASSEMBLY**

June 19, 2001

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

Published by the
STATE OF IOWA
Des Moines

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST EXTRAORDINARY SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, June 19, 2001

Pursuant to the proclamation of the Governor, the Honorable Thomas J. Vilsack, the Seventy-ninth General Assembly of Iowa convened in Extraordinary Session at 10:10 a.m., President Kramer presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

May 21, 2001

The Honorable Mary Kramer
President of the Senate
State Capitol
LOCAL

The Honorable Brent Siegrist
Speaker of the House
State Capitol
LOCAL

I hereby submit the Proclamation setting the Extraordinary Session of the Iowa Legislature to convene at 10:00 a.m., June 19, 2001.

Sincerely,
THOMAS J. VILSACK
Governor

STATE OF IOWA
Executive Department

In The Name And By The Authority Of The State Of Iowa

PROCLAMATION

Whereas, the 2001 Regular Session of the Seventy-ninth General Assembly had final adjournment pursuant to House Concurrent Resolution 39, and

Whereas, the General Assembly did not adopt legislation that sets new congressional and legislative district boundaries, and

Whereas, the General Assembly may need to adopt prudent and necessary legislation to address any other issues which may be identified by the Governor and legislative leaders before the convening of the extraordinary session, and

Whereas, the General Assembly must convene in extraordinary session in accordance with Article IV, Section XI, of the Constitution of the State of Iowa in order to consider the Legislative Service Bureau's second plan for the redrawing of Iowa's congressional and legislative districts.

Now, Therefore, I, Thomas J. Vilsack, Governor of the State of Iowa, in accordance with Article IV, Section XI, of the Constitution of the State of Iowa, do hereby proclaim that the Seventy-ninth General Assembly shall convene in extraordinary session in Des Moines, Iowa, at 10:00 a.m. on the nineteenth day of June, 2001, and to that end I do call up and direct the members of the House of Representatives to convene at the new State Historical Building and members of the Senate to convene in the Senate Chamber at the State Capitol at 10:00 a.m. on June 19, 2001, for the purpose which the assembly is convened, namely the matter of redistricting and other issues deemed appropriate to take legislative action in keeping therewith.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 21st day of May in the year of our Lord two thousand one.

(SEAL)

THOMAS J. VILSACK, Governor

Attest:

CHESTER J. CULVER
Secretary of State

ANNOUNCEMENT OF VACANCY

President Kramer announced that notification had been received from the office of Governor Vilsack of the following vacancy in the Senate:

District 43 – Derryl McLaren, resignation effective May 17, 2001.

COMMITTEE ON CREDENTIALS

Senator Iverson moved that a committee on Credentials be appointed to examine and report on the election in Senate District 43.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Johnson, Chair; Rehberg, Drake, Hammond, and Hansen.

The Senate stood at ease at 10:12 a.m. until the fall of the gavel.

The Senate resumed session at 10:15 a.m., President Kramer presiding.

REPORT OF THE COMMITTEE ON CREDENTIALS

MADAM PRESIDENT: We, your committee on Credentials, respectively report that we find the person named in the attached copy of the certification of the Secretary of State duly elected to and entitled to a seat in the Senate for the 2001 Extraordinary Session of the Seventy-ninth General Assembly.

JOANN JOHNSON, Chair
 KITTY REHBERG
 RICHARD F. DRAKE
 JOHNIE HAMMOND
 STEVE HANSEN

CERTIFICATION—STATE OF IOWA OFFICE OF THE SECRETARY OF STATE

To the Honorable Michael E. Marshall, the Secretary of the Senate:

I, Chester J. Culver, Secretary of State of the State of Iowa; custodian of the files and records pertaining to the elections in the state,

DO HEREBY CERTIFY THAT the State Canvassing Board has declared that at a special election held on June 12, 2001, Hubert Houser was elected to fill a vacancy in the office of State Senator of the Forty-third District, for the balance of the term which began on January second, 1999.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this eighteenth day of June, 2001.

CHESTER J. CULVER
 Secretary of State

I hereby acknowledge receipt of the original copy of this document on this eighteenth day of June, 2001.

MICHAEL E. MARSHALL
Secretary of the Senate

Senator Johnson moved the adoption of the report of the committee on Credentials, which motion prevailed by a voice vote.

Senator Houser approached the bar of the Senate, was duly sworn, and subscribed his name to the oath of office.

Senator Iverson moved that the newly elected member be permitted to occupy the seat of his predecessor for the remainder of 2001 provided, however, that in 2002 he will not be regarded as a holdover member with the right to retain this seat.

The motion prevailed by a voice vote.

ORGANIZATION OF THE SENATE

Senator Iverson moved that the selection of seats, determination of mileage of senators, assignment of press seats, and all other organizational or administrative matters not specifically provided for in Joint Rule 3 be the same for this Extraordinary Session as for the 2001 Regular Session of the Seventy-ninth General Assembly.

The motion prevailed by a voice vote.

SECRETARY TO NOTIFY THE GOVERNOR AND THE HOUSE

Senator Iverson moved that the Secretary of the Senate be directed to send a written message to the Governor and the House of Representatives informing them that the Senate was organized and ready to transact business and receive any messages that they may transmit.

The motion prevailed by a voice vote.

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, pursuant to the May 21, 2001, proclamation of the Governor, duly organized for the Extraordinary Session of the Seventy-ninth General Assembly and is ready to receive communications from the Senate.

ALSO: I am directed to inform your honorable body that the House has on May 1, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

House File 743, a bill for an act providing for fees for the remediation of sites evidencing contamination from a release of fertilizers and soil conditioners or pesticides, and providing an effective date.

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

COMMITTEE ASSIGNMENTS

Senator Iverson moved that Senator Houser retain Senator McLaren's assignments to standing committees, except that Senator Behn serve as acting Chair of the committee on Agriculture.

The Senate stood at ease at 10:22 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:02 p.m., President Kramer presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on June 19, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

House File 758, a bill for an act providing for congressional and legislative districts and providing an effective date.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 12:03 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 12:31 p.m., President Kramer presiding.

RECESS

On motion of Senator Boettger, the Senate recessed at 12:33 p.m. until the completion of a meeting of the committee on State Government.

RECONVENED

The Senate reconvened at 1:00 p.m., President Kramer presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:01 p.m. until the completion of a meeting of the committee on Business and Labor Relations.

AFTERNOON SESSION

The Senate reconvened at 1:19 p.m., President Kramer presiding.

QUORUM CALL

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

The vote revealed 47 present, 3 absent, and a quorum present.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 52, by committee on Rules and Administration, a Senate resolution urging the Iowa congressional delegation to support and work to implement the renewal of the trade promotion authority of the President of the United States.

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

Senate Resolution 53, by Iverson and Gronstal, a Senate resolution honoring Nobel Peace Prize Laureate Dr. Norman E. Borlaug, and recognizing his contributions to alleviating world hunger and malnutrition, including the founding of the World Food Prize.

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

COMMITTEE REPORT

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 758, a bill for an act providing for congressional and legislative districts and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: King, Lamberti, Kibbie, Bolkom, Connolly, Deluhery, Drake, Fink, Houser, Jensen, McKean, and Sexton. Nays, 2: Dearden and Rittmer. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Regular Calendar)

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

House File 758

On motion of Senator King, **House File 758**, a bill for an act providing for congressional and legislative districts and providing an effective date, 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. 758), the vote was:

Ayes, 37:

| | | | |
|----------|----------|----------|----------|
| Angelo | Behn | Boettger | Bolkcom |
| Connolly | Deluhery | Drake | Dvorsky |
| Fink | Flynn | Fraise | Freeman |
| Gaskill | Gronstal | Hansen | Horn |
| Houser | Iverson | Jensen | Johnson |
| Kibbie | King | Kramer | Lamberti |
| Lundby | McCoy | McKean | McKibben |
| McKinley | Redfern | Redwine | Rehberg |
| Schuerer | Sexton | Shearer | Tinsman |
| Veenstra | | | |

Nays, 13:

| | | | |
|---------|---------|---------|---------|
| Bartz | Black | Dearden | Fiegen |
| Greiner | Hammond | Harper | Holveck |
| Maddox | Miller | Rittmer | Soukup |
| 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.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 758** be **immediately messaged** to the House.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 53, a Senate resolution honoring Nobel Peace Prize Laureate Dr. Norman E. Borlaug, and recognizing his contributions to alleviating world hunger and malnutrition, including the founding of the World Food Prize.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, 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 53.

Senate Resolution 53

On motion of Senator McCoy, **Senate Resolution 53**, a Senate resolution honoring Nobel Peace Prize Laureate Dr. Norman E. Borlaug, and recognizing his contributions to alleviating world hunger and malnutrition, including the founding of the World Food Prize, with report of committee recommending passage, was taken up for consideration.

Senator McCoy moved the adoption of Senate Resolution 53, which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she returns, on request of Senator Iverson.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 698.

House File 698

On motion of Senator Jenson, **House File 698**, a bill for an act providing appropriations for certain temporary staffing for the Iowa utilities board and consumer advocate prior to assessment of such staffing expenses to utilities, with report of committee recommending passage, was taken up for consideration.

Senator Lamberti offered amendment S-3712, filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-3712 was adopted by a voice vote.

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. 698), the vote was:

Ayes, 38:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Black |
| Boettger | Connolly | Dearden | Deluhery |
| Drake | Dvorsky | Fink | Flynn |
| Gaskill | Gronstal | Harper | Horn |
| Houser | Iverson | Jensen | Johnson |
| King | Kramer | Lamberti | Maddox |
| McCoy | McKean | McKibben | McKinley |
| Redfern | Redwine | Rehberg | Rittmer |
| Schuerer | Sexton | Shearer | Soukup |
| Tinsman | Veenstra | | |

Nays, 11:

| | | | |
|---------|---------|--------|---------|
| Bolkcom | Fiegen | Fraise | Freeman |
| Greiner | Hammond | Hansen | Holveck |
| Kibbie | Miller | Zieman | |

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.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 698** be **immediately messaged** to the House.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 52, a Senate resolution urging the Iowa congressional delegation to support and work to implement the renewal of the trade promotion authority of the President of the United States.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Iverson, Kramer, Boettger, Gaskill, Johnson, McKean, and Rittmer. Nays, 4: Gronstal, Dvorsky, Fink, and Harper. 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 52.

Senate Resolution 52

On motion of Senator Gaskill, **Senate Resolution 52**, a Senate resolution urging the Iowa congressional delegation to support and work to implement the renewal of the trade promotion authority of the President of the United States, was taken up for consideration.

Senator Kibbie offered amendment S-3711, filed by him from the floor to page 2 of the resolution.

President Pro Tempore McKean took the chair at 3:36 p.m.

Senator Kibbie moved the adoption of amendment S-3711.

A record roll call was requested.

On the question "Shall amendment S-3711 be adopted?" (S.R. 52), the vote was:

Ayes, 22:

| | | | |
|----------|---------|----------|---------|
| Black | Bolkcom | Connolly | Dearden |
| Deluhery | Dvorsky | Fiegen | Fink |
| Flynn | Fraise | Gronstal | Hammond |
| Hansen | Harper | Holveck | Horn |
| Kibbie | Lundby | McCoy | McKean |
| Shearer | Soukup | | |

Nays, 28:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Boettger |
| Drake | Freeman | Gaskill | Greiner |
| Houser | Iverson | Jensen | Johnson |
| King | Kramer | Lamberti | Maddox |
| McKibben | McKinley | Miller | Redfern |

| | | | |
|---------|---------|----------|----------|
| Redwine | Rehberg | Rittmer | Schuerer |
| Sexton | Tinsman | Veenstra | Zieman |

Absent or not voting, none.

Amendment S-3711 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Drake, until he returns, on request of Senator Iverson.

BUSINESS PENDING

Senate Resolution 52

The Senate resumed consideration of Senate Resolution 52.

Senator Gaskill moved the adoption of Senate Resolution 52.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.R. 52), the vote was:

Ayes, 29:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Boettger |
| Freeman | Gaskill | Greiner | Houser |
| Iverson | Jensen | Johnson | King |
| Kramer | Lamberti | Lundby | Maddox |
| McKean | McKibben | McKinley | Miller |
| Redfern | Redwine | Rehberg | Rittmer |
| Schuerer | Sexton | Tinsman | Veenstra |
| Zieman | | | |

Nays, 20:

| | | | |
|----------|---------|----------|---------|
| Black | Bolkcom | Connolly | Dearden |
| Deluhery | Dvorsky | Fiegen | Fink |
| Flynn | Fraise | Gronstal | Hammond |
| Hansen | Harper | Holveck | Horn |
| Kibbie | McCoy | Shearer | Soukup |

Absent or not voting, 1:

Drake

The motion prevailed and the resolution was adopted.

COMMITTEE REPORT

BUSINESS AND LABOR RELATIONS

Final Bill Action: HOUSE FILE 696, a bill for an act relating to the employment security administrative contribution surcharge, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Greiner, Dearden, Behn, Fraise, Hammond, Horn, King, Lundby, McKibben and Schuerer. Nays, none. Absent or not voting, 1: Freeman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 696.

House File 696

On motion of Senator Behn, **House File 696**, a bill for an act relating to the employment security administrative contribution surcharge, and providing an effective date, was taken up for consideration.

Senator Kibbie asked and received unanimous consent to withdraw amendment S-3410, filed by him on April 19, 2001, striking everything after the enacting clause and to the title page of the bill.

Senator Behn offered amendment S-3698, filed by him on May 8, 2001, striking everything after the enacting clause of the bill.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lundby, until she returns, on request of Senator Bartz; and Senator Dearden, until he returns, on request of Senator Gronstal.

BUSINESS PENDING

House File 696

The Senate resumed consideration of House File 696.

Senator King offered amendment S-3715, filed by Senators King, Rehberg, and Schuerer from the floor to page 1 of amendment S-3698.

President Kramer took the chair at 4:15 p.m.

The Senate stood at ease at 4:16 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 4:41 p.m., President Kramer presiding.

Senator King moved the adoption of amendment S-3715 to amendment S-3698.

A record roll call was requested.

On the question "Shall amendment S-3715 to amendment S-3698 be adopted?" (H.F. 696), the vote was:

Ayes, 9:

| | | | |
|----------|---------|----------|----------|
| Gaskill | Houser | King | McKinley |
| Miller | Rehberg | Schuerer | Sexton |
| Veenstra | | | |

Nays, 39:

| | | | |
|----------|---------|----------|----------|
| Angelo | Bartz | Behn | Black |
| Boettger | Bolkcom | Connolly | Deluhery |
| Drake | Dvorsky | Fiegen | Fink |
| Flynn | Fraise | Freeman | Greiner |
| Gronstal | Hammond | Hansen | Harper |
| Holveck | Horn | Iverson | Jensen |
| Johnson | Kibbie | Kramer | Lamberti |
| Maddox | McCoy | McKean | McKibben |

| | | | |
|---------|---------|---------|---------|
| Redfern | Redwine | Rittmer | Shearer |
| Soukup | Tinsman | Zieman | |

Absent or not voting, 2:

| | |
|---------|--------|
| Dearden | Lundby |
|---------|--------|

Amendment S-3715 lost.

Senator Iverson offered amendment S-3710, filed by him from the floor to pages 1 and 2 of amendment S-3698, and moved its adoption.

Amendment S-3710 was adopted by a voice vote.

Senator Behn moved the adoption of amendment S-3698, as amended, which motion prevailed by a voice vote.

With the adoption of amendment S-3698, the Chair ruled amendment S-3383, filed by Senator Freeman on April 18, 2001, to page 2 of the bill, out of order.

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. 696), the vote was:

Ayes, 41:

| | | | |
|----------|---------|----------|----------|
| Angelo | Bartz | Behn | Black |
| Boettger | Bolkcom | Connolly | Dearden |
| Deluhery | Drake | Dvorsky | Fiegen |
| Fink | Flynn | Fraise | Freeman |
| Gaskill | Greiner | Gronstal | Hammond |
| Hansen | Harper | Holveck | Horn |
| Houser | Iverson | Jensen | Johnson |
| Kibbie | Lundby | McCoy | McKean |
| McKibben | Redfern | Rehberg | Rittmer |
| Sexton | Shearer | Soukup | Veenstra |
| Zieman | | | |

Nays, 9:

| | | | |
|----------|--------|----------|----------|
| King | Kramer | Lamberti | Maddox |
| McKinley | Miller | Redwine | Schuerer |
| 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 **House File 696** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 577

On motion of Senator Jensen, **House File 577**, a bill for an act relating to electric power generation and transmission, by addressing the criteria for construction of an electric generating facility; waivers; approval of power purchase contracts; management of regulated emissions from facilities fueled by coal; providing for the development of a state electric energy policy; providing for joint agreements for acquisition of ownership of a joint facility for electric power generation and transmission, and for the planning, financing, operation, and maintenance of the joint facility; providing for the bonding authority of electric power agencies; and making certain other changes and requirements related to electric generation and transmission, with report of committee on Commerce without recommendation, placed on the Unfinished Business Calendar on April 5, 2001, re-referred to the committee on Commerce on April 18, 2001, and returned to the calendar with report of committee on Commerce recommending amendment and passage on May 7, 2001, was taken up for consideration.

Senator Gronstal offered amendment S-3686, filed by Senator Gronstal, et al., on May 7, 2001, striking everything after the enacting clause and to the title page of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S-3686 be deferred.

Senator Johnson asked and received unanimous consent to withdraw amendment S-3713, filed by her from the floor striking everything after the enacting clause and to the title page of the bill.

Senator Johnson offered amendment S-3717, filed by her from the floor striking everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment S-3717 was adopted by a voice vote.

With the adoption of amendment S-3717, the Chair ruled the following amendments out of order:

S-3686, filed by Senator Gronstal, et al., previously deferred;

S-3673, filed by the committee on Commerce on May 7, 2001, to pages 1-4 of the bill;

S-3685, filed by Senator Johnson on May 7, 2001, to pages 1, 3, and 4 of amendment S-3673;

S-3689, filed by Senator Johnson on May 7, 2001, to pages 1, 3, and 4 of amendment S-3673;

S-3352, filed by Senator Connolly on April 12, 2001, to page 1 of the bill;

S-3691, filed by Senator Johnson on May 7, 2001, to pages 1 and 2 of the bill;

S-3687, filed by Senator Freeman, et al., on May 7, 2001, to page 2 of the bill; and

S-3701, filed by Senator Johnson on May 8, 2001, to page 4 of the bill.

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. 577), the vote was:

Ayes, 50:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Black |
| Boettger | Bolkcom | Connolly | Dearden |
| Deluhery | Drake | Dvorsky | Fiegen |
| Fink | Flynn | Fraise | Freeman |
| Gaskill | Greiner | Gronstal | Hammond |
| Hansen | Harper | Holveck | Horn |
| Houser | Iverson | Jensen | Johnson |
| Kibbie | King | Kramer | Lamberti |
| Lundby | Maddox | McCoy | McKean |
| McKibben | McKinley | Miller | Redfern |
| Redwine | Rehberg | Rittmer | Schuerer |

Sexton
Veenstra

Shearer
Zieman

Soukup

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, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 577** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on June 19, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

House File 757, a bill for an act relating to the taxation under the individual income tax of certain federal tax rebates and including a retroactive applicability date provision.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 5:25 p.m. until the completion of a meeting of the committee on Ways and Means.

RECONVENED

The Senate reconvened at 5:31 p.m., President Kramer presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 5:34 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 5:45 p.m., President Kramer presiding.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 32, by committee on Rules and Administration, a concurrent resolution to provide for adjournment sine die.

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

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: HOUSE FILE 757, a bill for an act relating to the taxation under the individual income tax of certain federal tax rebates and including a retroactive applicability date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 15: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 757.

House File 757

On motion of Senator McKibben, **House File 757**, a bill for an act relating to the taxation under the individual income tax of certain

federal tax rebates and including a retroactive applicability date provision, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie offered amendment S-3714, filed by Senators Kibbie, Fraise, and Connolly from the floor striking everything after the enacting clause and to the title page of the bill.

Senator McKibben raised the point of order that amendment S-3714 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3714 out of order.

Senator Harper offered amendment S-3716, filed by Senator Harper, et al., from the floor striking everything after the enacting clause and to the title page of the bill.

Senator McKibben raised the point of order that amendment S-3716 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3716 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. 757), the vote was:

Ayes, 48:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Black |
| Boettger | Bolkcom | Connolly | Deluhery |
| Drake | Dvorsky | Fiegen | Fink |
| Flynn | Fraise | Freeman | Gaskill |
| Greiner | Gronstal | Hansen | Harper |
| Holveck | Horn | Houser | Iverson |
| Jensen | Johnson | Kibbie | King |
| Kramer | Lamberti | Lundby | Maddox |
| McCoy | McKean | McKibben | McKinley |
| Miller | Redfern | Redwine | Rehberg |
| Rittmer | Schuerer | Sexton | Shearer |
| Soukup | Tinsman | Veenstra | Zieman |

Nays, 2:

Dearden 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 **House File 757** be **immediately messaged** to the House.

The Senate stood at ease at 6:10 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:19 p.m., President Kramer presiding.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 32, a concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, 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 32.

Senate Concurrent Resolution 32

On motion of Senator Iverson, **Senate Concurrent Resolution 32**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 32, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 32** be **immediately messaged** to the House.

SECRETARY TO NOTIFY THE GOVERNOR AND THE HOUSE

Senator Iverson moved that the Secretary of the Senate be directed to send a written message to the Governor and to the House to inform them that the Senate was prepared to adjourn sine die pursuant to Senate Concurrent Resolution 32.

The motion prevailed by a voice vote.

APPENDIX

RESIGNATION FROM OFFICE

The following resignation was received subsequent to adjournment of the 2001 Regular Session:

May 15, 2001

The Honorable Thomas J. Vilsack
State Capitol
Des Moines, Iowa 50319

Dear Governor Vilsack:

I respectfully submit my resignation from the Iowa Senate, District 43, effective Thursday, May 17.

I have accepted the position of State Executive Director of the Iowa Farm Service Agency of USDA.

Sincerely,
Derryl McLaren

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:

June 6, 2001

IOWA COLLEGE STUDENT AID COMMISSION

1999–2000 Annual Report, pursuant to Iowa Code Chapter 261.

June 11, 2001

DEPARTMENT OF HUMAN RIGHTS

Iowa Division of Community Action Agencies 1999 Annual Report.

COMMUNICATION FROM LEGISLATIVE SERVICE BUREAU

The following communication was received from the Legislative Service Bureau on June 1, 2001:

To: Secretary of the Iowa Senate, Chief Clerk of the Iowa House of Representatives, and Members of the Iowa General Assembly.

From: Diane Bolender, Director, and Ed Cook, Legal Counsel, Iowa Legislative Service Bureau.

Date: June 1, 2001

Pursuant to Chapter 42 of the 2001 Code of Iowa, the Legislative Service Bureau delivers to the Iowa General Assembly identical bills embodying a (second) plan of legislative and Congressional districting prepared in accordance with the U.S. Constitution, the Iowa Constitution, and Iowa Code section 42.4. In addition to the identical bills, this memorandum and the accompanying attachments include maps illustrating the plan, a summary of the standards prescribed by law for redistricting, a listing of the population for each district created, a statistical analysis of the plan, and listings of the political subdivisions undivided under the plan. This memorandum, the identical bills, as well as maps illustrating the plan, are also available through the internet on the Iowa Redistricting in 2001 link on the Iowa General Assembly's website (www.legis.state.ia.us).

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: June 19, 2001, 1:06 p.m.

Members Present: Greiner, Vice Chair; Dearden, Ranking Member; Behn, Fraise, Hammond, Horn, King, Lundby, McKibben, and Schuerer.

Members Absent: Freeman, Chair (excused).

Committee Business: Passed HF 696.

Adjourned: 1:15 p.m.

RULES AND ADMINISTRATION

Convened: June 19, 2001, 12:05 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Harper, Johnson, McKean, and Rittmer.

Members Absent: Gaskill (excused).

Committee Business: Passed SRs 52 and 53.

Adjourned: 12:25 p.m.

ALSO:

Convened: June 19, 2001, 5:38 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer.

Members Absent: None.

Committee Business: Passed SCR 32.

Adjourned: 5:40 p.m.

STATE GOVERNMENT

Convened: June 19, 2001, 12:40 p.m.

Members Present: King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolcom, Connolly, Dearden, Deluhery, Drake, Fink, Houser, Jensen, McKean, Rittmer, and Sexton.

Members Absent: Maddox (excused).

Committee Business: Passed HF 758.

Adjourned: 12:52 p.m.

WAYS AND MEANS

Convened: June 19, 2001, 5:25 p.m.

Members Present: McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

Members Absent: None.

Committee Business: Passed HF 757.

Adjourned: 5:29 p.m.

SUBCOMMITTEE ASSIGNMENTS

House File 743

WAYS AND MEANS: Greiner, Chair; Harper and McKinley

House File 757

WAYS AND MEANS: McKibben, Chair; Flynn and McKinley

House File 758

STATE GOVERNMENT: King, Chair; Kibbie and Lamberti

PETITIONS

The following petitions were presented and placed on file:

From 530 residents of various counties in Iowa favoring legislation to allow local control of hog confinement facilities. Senator Soukup.

From residents of Lee County, Iowa, supporting the continuance of workforce centers in rural Iowa and favoring the extension of the employer surtax to fund the centers. Senator Shearer.

From residents of Washington County, Iowa, supporting the continuance of workforce centers in rural Iowa and favoring the extension of the employer surtax to fund the centers. Senator Shearer.

AMENDMENTS FILED

| | | |
|--------|----------|----------------------|
| S-3710 | H.F. 696 | Stewart Iverson, Jr. |
| S-3711 | S.R. 52 | John P. Kibbie |
| S-3712 | H.F. 698 | Jeff Lamberti |

| | | |
|--------|----------|---------------------|
| S-3713 | H.F. 577 | JoAnn Johnson |
| S-3714 | H.F. 757 | John P. Kibbie |
| | | Eugene S. Fraise |
| | | Mike Connolly |
| S-3715 | H.F. 696 | Steve King |
| | | Kitty Rehberg |
| | | Neal Schuerer |
| S-3716 | H.F. 757 | Patricia Harper |
| | | Johnie Hammond |
| | | Matt McCoy |
| | | Betty A. Soukup |
| | | Tom Flynn |
| | | Patrick J. Deluhery |
| | | Mike Connolly |
| | | Joe Bolkcom |
| | | Robert E. Dvorsky |
| | | Michael E. Gronstal |
| S-3717 | H.F. 577 | JoAnn Johnson |

MOTION TO ADJOURN ADOPTED

Senator Iverson moved that that 2001 Extraordinary Session of the Seventy-ninth General Assembly adjourn sine die in accordance with Senate Concurrent Resolution 32, duly adopted.

The motion prevailed by a voice vote.

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 June 19, 2001, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 577, a bill for an act relating to electric power generation and transmission, by addressing the criteria for construction of an electric generating facility; waivers; approval of power purchase contracts; management of regulated emissions from facilities fueled by coal; providing for the development of a state electric energy policy; providing for joint agreements for acquisition of

ownership of a joint facility for electric power generation and transmission, and for the planning, financing, operation, and maintenance of the joint facility; providing for the bonding authority of electric power agencies; and making certain other changes and requirements related to electric generation and transmission.

House File 696, a bill for an act relating to the employment security administrative contribution surcharge, and providing an effective date.

House File 698, a bill for an act providing appropriations for certain temporary staffing for the Iowa utilities board and consumer advocate prior to assessment of such staffing expenses to utilities.

ALSO: That the House has on June 19, 2001, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 32, a concurrent resolution to provide for adjournment sine die.

ALSO: That the House is prepared to adjourn the 2001 Extraordinary Session of the Seventy-ninth General Assembly pursuant to Senate Concurrent Resolution 32, duly adopted.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 32, duly adopted, the day of June 19, 2001, having arrived, President Kramer declared the 2001 Extraordinary Session of the Seventy-ninth General Assembly adjourned sine die.

AMENDMENTS FILED

During the

Seventy-Ninth General Assembly

2001 Regular Session

S-3001

1 Amend Senate File 58 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 422.45, Code 2001, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 60. a. The gross receipts from
7 the sale, furnishing, or service of metered gas to
8 provide energy for residential customers and the gross
9 receipts from the sale, furnishing, or service of
10 fuel, including propane and heating oil, used to
11 provide heat for residential dwellings and units of
12 apartment and condominium complexes used for human
13 occupancy.
14 b. Paragraph "a" applies to the gross receipts
15 from the sale, furnishing, or service of metered gas
16 for energy if the date of the utility billing of the
17 customer is during March 2001, or April 2001, or
18 applies to the gross receipts from the sale,
19 furnishing, or service of fuel used for heating
20 purposes if such sale, furnishing, or service occurs
21 during the period beginning with the effective date of
22 this Act and ending on March 31, 2001.
23 Sec. _____. If a utility that sells, furnishes, or
24 services metered gas to provide energy for residential
25 customers is unable to timely adjust its billing
26 system to provide the sales and use tax exemption
27 provided in section 1 of this Act, the utility is
28 authorized to charge the sales or use tax on utility
29 bills that are dated during March 2001 or until the
30 billing system is adjusted for the sales and use tax
31 exemption provided in section 1 of this Act. The
32 utility shall grant to each residential customer from
33 which the tax was collected on such gross receipts a
34 credit equal to the amount of tax collected. The
35 credit shall appear on the first utility billing which
36 is dated after March 31, 2001. The department of
37 revenue is granted emergency rulemaking authority to
38 implement this section.
39 Sec. _____. This Act, being deemed of immediate
40 importance, takes effect upon enactment."
41 2. Title page, line 1, by inserting after the
42 word "exemption" the following: "during a certain
43 period".

LARRY McKIBBEN

S-3002

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

3 1. Page 1, by inserting after line 17 the
4 following:
5 "Sec. ____ Section 422.45, Code 2001, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 61. a. Subject to paragraph "b",
8 the gross receipts from the sale, furnishing, or
9 service of metered gas and electricity to provide
10 energy for residential customers and the gross
11 receipts from the sale, furnishing, or service of
12 fuel, including propane and heating oil, used to
13 provide heat for residential dwellings and units of
14 apartment and condominium complexes used for human
15 occupancy.
16 b. The exemption in this subsection shall be
17 phased in by means of a reduction in the tax rate as
18 follows:
19 (1) If the date of the utility billing of the
20 customer for the sale, furnishing, or service of
21 metered gas and electricity is between January 1,
22 2002, and December 31, 2002, or the sale, furnishing,
23 or service of fuel for heating purposes occurs between
24 January 1, 2002, and December 31, 2002, the rate of
25 tax is four percent of the gross receipts.
26 (2) If the date of the utility billing of the
27 customer for the sale, furnishing, or service of
28 metered gas and electricity is between January 1,
29 2003, and December 31, 2003, or the sale, furnishing,
30 or service of fuel for heating purposes occurs between
31 January 1, 2003, and December 31, 2003, the rate of
32 tax is three percent of the gross receipts.
33 (3) If the date of the utility billing of the
34 customer for the sale, furnishing, or service of
35 metered gas and electricity is between January 1,
36 2004, and December 31, 2004, or the sale, furnishing,
37 or service of fuel for heating purposes occurs between
38 January 1, 2004, and December 31, 2004, the rate of
39 tax is two percent of the gross receipts.
40 (4) If the date of the utility billing of the
41 customer for the sale, furnishing, or service of
42 metered gas and electricity is between January 1,
43 2005, and December 31, 2005, or the sale, furnishing,
44 or service of fuel for heating purposes occurs between
45 January 1, 2005, and December 31, 2005, the rate of
46 tax is one percent of the gross receipts.
47 (5) If the date of the utility billing of the
48 customer for the sale, furnishing, or service of
49 metered gas and electricity is on or after January 1,
50 2006, or the sale, furnishing, or service of fuel for

Page 2

1 heating purposes occurs on or after January 1, 2006,
 2 the rate of tax is zero percent of the gross receipts.
 3 c. The exemption in this subsection does not apply
 4 to local option sales and services tax imposed
 5 pursuant to chapters 422B and 422E."
 6 2. Title page, line 1, by striking the words
 7 "during a certain period".

LARRY McKIBBEN
 MIKE CONNOLLY
 JEFF LAMBERTI

S-3003

1 Amend Senate File 65 as follows:
 2 1. Page 3, by inserting after line 4 the
 3 following:
 4 "Sec. ____ 2000 Iowa Acts, chapter 1220, section
 5 11, subsection 4, is amended to read as follows:
 6 4. The remainder of the appropriation in this
 7 section following the allocations made in subsections
 8 2 and 3, shall be used to help eligible households as
 9 defined in 42 U.S.C., chapter 94, subchapter II, to
 10 meet home energy costs. In determining eligibility
 11 for such help, the department shall establish the
 12 maximum income eligibility limit, as authorized in
 13 federal requirements, at 150 percent of the federal
 14 poverty level used for the program or 60 percent of
 15 the Iowa household median income, whichever is
 16 greater."
 17 2. Page 3, by inserting before line 5 the
 18 following:
 19 "Sec. ____ 2000 Iowa Acts, chapter 1220, section
 20 11, subsection 4, is amended by adding the following
 21 new unnumbered paragraph:
 22 NEW UNNUMBERED PARAGRAPH. In determining income
 23 eligibility for such help, the department shall
 24 deduct, as authorized in federal requirements,
 25 household expenditures for child care and medical
 26 expenses."
 27 3. By renumbering as necessary.

MARK SHEARER
 THOMAS FIEGEN
 JACK HOLVECK
 TOM FLYNN
 PATRICK J. DELUHERY
 JOE BOLKCOM
 MIKE CONNOLLY
 STEVEN D. HANSEN

BILL FINK
PATRICIA HARPER
ROBERT E. DVORSKY
JOHNIE HAMMOND
MICHAEL E. GRONSTAL
BETTY A. SOUKUP

S-3004

1 Amend Senate File 65 as follows:
2 1. Page 1, by striking lines 1 through 29.
3 2. By striking page 2, line 10 through page 3,
4 line 23 and inserting the following:
5 "Sec. ____ Section 476.6, Code 2001, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 25. LOW-INCOME FUNDING. Moneys
8 collected by rate-regulated gas utilities pursuant to
9 subsection 19, paragraph "e", that represent
10 unrecovered amounts for the gas portions of energy
11 efficiency plans approved prior to July 1, 1996, shall
12 be paid, up to a maximum of fifteen million dollars
13 for the fiscal year beginning July 1, 2000, and up to
14 a maximum of twenty million dollars for the fiscal
15 year beginning July 1, 2001, to the department of
16 human rights. The moneys received by the department
17 are appropriated to the department and shall be used
18 to provide financial assistance to eligible low-income
19 customers of gas public utilities, as defined by the
20 federal low-income home heating energy assistance
21 program guidelines, in paying their natural gas bills.
22 The board shall adopt rules specifying each rate-
23 regulated gas utility's share of the fund and each
24 utility's allocation methods among residential and
25 other firm customers, but a customer's rates shall not
26 increase as a result of this subsection. These funds
27 shall be paid to the department for the period
28 beginning on the effective date of this subsection and
29 ending six hundred thirty days later, after which time
30 rate-regulated gas utilities may continue recovery of
31 any remaining amounts for the gas portions of energy
32 efficiency plans approved prior to July 1, 1996.
33 The board may direct, upon the department of human
34 rights' request, all rate-regulated gas utilities to
35 advance to the department a maximum of the authorized
36 amount collected and paid to the department under this
37 subsection for each specified fiscal year, pursuant to
38 the allocation methods adopted by the board, to allow
39 for the provision of immediate financial assistance to
40 eligible customers. A rate-regulated gas utility
41 advancing moneys shall have the amount of the advance
42 added to the unpaid amount of the gas portion of its
43 energy efficiency plan approved prior to July 1, 1996,

44 and interest shall be paid on any moneys advanced at a
 45 rate equal to the interest paid on the unrecovered gas
 46 portions of energy efficiency plans approved prior to
 47 July 1, 1996."
 48 3. Title page, by striking lines 1 through 3 and
 49 inserting the following: "An Act relating to the low-
 50 income home energy assistance program by providing an

Page 2

1 appropriation and for the use of energy efficiency
 2 plan-related moneys to provide financial assistance to
 3 low-income customers of gas public utilities and
 4 providing an effective date."
 5 4. By renumbering as necessary.

TOM FLYNN
 PATRICK J. DELUHERY
 JOE BOLKCOM
 BILL FINK
 MIKE CONNOLLY
 PATRICIA HARPER
 ROBERT E. DVORSKY
 JOHNIE HAMMOND
 MICHAEL E. GRONSTAL
 DENNIS H. BLACK
 JOHN P. KIBBIE
 MARK SHEARER
 JACK HOLVECK
 EUGENE S. FRAISE

S-3005

1 Amend Senate File 59 as follows:
 2 1. Page 1, line 6, by striking the figure "2003"
 3 and inserting the following: "2004".
 4 2. Page 1, line 11, by striking the figure "2003"
 5 and inserting the following: "2004".
 6 3. Page 1, line 14, by striking the figure "2001"
 7 and inserting the following: "2002".
 8 4. Page 1, line 16, by striking the figure "2002"
 9 and inserting the following: "2003".
 10 5. Page 1, line 29, by striking the figure "2003"
 11 and inserting the following: "2004".
 12 6. Page 1, by inserting after line 29 the
 13 following:
 14 "Sec. ____ Section 422.73, Code 2001, is amended
 15 by adding the following new subsection:
 16 **NEW SUBSECTION.** 4. Notwithstanding subsection 2,
 17 a claim for refund of individual income tax paid for
 18 any tax year beginning on or after January 1, 1985,
 19 and before January 1, 1989, is considered timely if

20 filed with the department on or before October 31,
21 2001, if the taxpayer's claim is the result of the
22 unconstitutional taxation of federal pension benefits
23 based upon the decision in *Davis v. Michigan*
24 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
25 (1989).

26 A taxpayer entitled to a refund of tax paid under
27 this subsection shall receive an amount equal to one
28 hundred percent of the refund without interest. The
29 claim for refund must be filed separately from any
30 income tax return and a refund shall not be allowed as
31 a credit for income taxes owed. A claim must be filed
32 between the effective date of this Act and October 31,
33 2001. An extension for filing shall not be allowed
34 and claims disallowed on the basis of timeliness shall
35 not be allowed upon appeal to any other state agency
36 notwithstanding any other provision of law.

37 The claim for refund must be made on claim forms to
38 be made available by the department. In order for a
39 taxpayer to have a valid refund claim, the taxpayer
40 must supply legible copies of documents the director
41 deems necessary to show entitlement to the refund,
42 including but not limited to income tax forms and W-2P
43 forms, which will establish the state income tax that
44 was paid on the federal pension benefits for the tax
45 years in question. The burden of proof is on the
46 taxpayer to show that the claim for refund is valid.
47 Estates are not entitled to file a claim for refund
48 under this subsection, except a spouse of a deceased
49 taxpayer who was the spouse of the taxpayer when the
50 unconstitutional tax was imposed may file a claim for

Page 2

1 refund without reopening the deceased taxpayer's
2 estate. If a taxpayer has filed a claim under this
3 subsection and subsequently dies before receipt of the
4 refund, the taxpayer's estate is entitled to receipt
5 of any valid refund claim.

6 The department shall make a reasonable attempt to
7 notify individuals who are entitled to a refund under
8 this subsection".

9 7. Page 1, by striking line 30 and inserting the
10 following: "Sec. ____ EFFECTIVE AND APPLICABILITY
11 DATES. This Act, being deemed of immediate
12 importance, takes effect upon enactment. Section 1 of
13 this Act applies".

14 8. Title page, line 1, by inserting after the
15 word "Act" the following "relating to the time and

16 the criteria for filing of claims for refund under the
17 state individual income tax by retired federal
18 employees as a result of the unconstitutional taxation
19 of federal pensions and".

STEVEN D. HANSEN

S-3006

1 Amend House File 43, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 11, by inserting after the "line"
4 the following: "and shall prohibit the use of lead
5 shot for the taking of a mourning dove".

JACK HOLVECK

S-3007

1 Amend the amendment, S-3002, to House File 1, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking everything after the amending
5 clause and inserting the following:
6 " _____. By striking everything after the enacting
7 clause and inserting the following:
8 "Section 1. Section 422.45, Code 2001, is amended
9 by adding the following new subsection:
10 NEW SUBSECTION. 60. a. The gross receipts from
11 the sale, furnishing, or service of metered gas and
12 electricity to provide energy for residential
13 customers and the gross receipts from the sale,
14 furnishing, or service of fuel, including propane and
15 heating oil, used to provide heat for residential
16 dwellings and units of apartment and condominium
17 complexes used for human occupancy.
18 b. Paragraph "a" applies to the gross receipts
19 from the sale, furnishing, or service of metered gas
20 and electricity for energy if the date of the utility
21 billing of the customer is on or after February 1,
22 2001, or applies to the gross receipts from the sale,
23 furnishing, or service of fuel used for heating
24 purposes if such sale, furnishing, or service occurs
25 on or after February 1, 2001.
26 Sec. 2. This Act, being deemed of immediate
27 importance, takes effect upon enactment."
28 _____. Title page, line 1, by striking the words
29 "during a certain period"."

MICHAEL E. GRONSTAL
BETTY A. SOUKUP

JOHNIE HAMMOND
PATRICIA HARPER
TOM FLYNN
PATRICK J. DELUHERY
MARK SHEARER
THOMAS FIEGEN
DENNIS H. BLACK

S-3008

- 1 Amend Senate File 84 as follows:
2 1. Page 1, lines 7 and 8, by striking the words
3 "purple loosestrife (lythrum virgatum)".
4 2. Page 1, line 9, by inserting after the word
5 "state." the following: "A county weed commissioner
6 may direct that purple loosestrife (lythrum virgatum)
7 or its seeds shall not be sold within areas under the
8 commissioner's jurisdiction."

SANDRA GREINER

S-3009

HOUSE AMENDMENT TO
SENATE FILE 65

- 1 Amend Senate File 65, as passed by the Senate, as
2 follows:
3 1. Page 2, line 27, by striking the figure
4 "\$1,995,780" and inserting the following:
5 "\$2,663,921".
6 2. Page 3, line 9, by striking the figure
7 "\$640,561" and inserting the following: "\$715,000".

S-3010

- 1 Amend Senate File 63 as follows:
2 1. Page 1, by striking line 18 and inserting the
3 following: "physical bodily injury, or that is
4 intended to cause".
5 2. Page 1, line 21, by striking the word
6 "subsection:" and inserting the following:
7 "subsections:
8 NEW SUBSECTION. 1A. For the purposes of
9 subsection 1, "person having control over a child or a
10 minor" means any of the following:
11 a. A person who has accepted, undertaken, or
12 assumed supervision of a child or such a minor from
13 the parent or guardian of the child or minor.
14 b. A person who has undertaken or assumed
15 temporary supervision of a child or such a minor

16 without explicit consent from the parent or guardian
17 of the child or minor.
18 c. A person who operates a motor vehicle with a
19 child or such a minor present in the vehicle."
20 3. Title page, line 2, by inserting after the
21 word "child" the following: "or minor".

MAGGIE TINSMAN

S-3011

1 Amend Senate Resolution 6 as follows:
2 1. Page 33, line 14, by inserting after the word
3 "session" the following: "or when a senate caucus is
4 meeting".

MICHAEL E. GRONSTAL

S-3012

1 Amend Senate Resolution 6 as follows:
2 1. Page 33, by inserting after line 14 the
3 following:
4 "7A. Two committees with overlapping membership
5 shall not meet at the same time."

MICHAEL E. GRONSTAL

S-3013

1 Amend Senate File 30 as follows:
2 1. Page 1, by striking lines 6 and 7 and
3 inserting the following: "shall clearly and
4 conspicuously include the statement, "Iowa is a right
5 to work and right to organize state."

STEVEN D. HANSEN

S-3014

1 Amend Senate Concurrent Resolution 6 as follows:
2 1. Page 16, line 2, by inserting after the word
3 "bills," the following: "bills sponsored by standing
4 committees in response to a referral from the
5 president of the senate or the speaker of the house of
6 representatives relating to an administrative rule
7 whose effective date has been delayed until the
8 adjournment of the next regular session of the general
9 assembly by the administrative rules review
10 committee.".

MERLIN E. BARTZ
 JOHN P. KIBBIE
 MICHAEL E. GRONSTAL
 STEWART IVERSON, Jr.

S-3015

1 Amend Senate Resolution 6 as follows:
 2 1. Page 48, line 26, by inserting after the word
 3 "bills," the following: "bills sponsored by standing
 4 committees in response to a referral from the
 5 president of the senate or the speaker of the house of
 6 representatives relating to an administrative rule
 7 whose effective date has been delayed until the
 8 adjournment of the next regular session of the general
 9 assembly by the administrative rules review
 10 committee.".

MERLIN E. BARTZ
 JOHN P. KIBBIE
 MICHAEL E. GRONSTAL
 STEWART IVERSON, Jr.

S-3016

1 Amend Senate Resolution 4 as follows:
 2 1. Page 6, by inserting after line 21 the
 3 following:
 4 "12A. APPLICABILITY OF LAWS TO SENATE. A senator
 5 shall not be exempt from the applicability of any
 6 general law, including any general law that otherwise
 7 might be deemed inapplicable as a rule of proceeding
 8 under article III of the Constitution of the State of
 9 Iowa, section 9."

MICHAEL E. GRONSTAL

S-3017

1 Amend Senate Resolution 4 as follows:
 2 1. Page 5, by inserting after line 9 the
 3 following:
 4 "9A. A senator shall not solicit or use a
 5 contribution from any person for purposes of paying
 6 for expenses associated with duties of office or
 7 constituency services if the contribution has not
 8 first been received by the senator's candidate's
 9 committee."

ROBERT E. DVORSKY
 MARK SHEARER

PATRICK J. DELUHERY
JOE BOLKCOM
PATRICIA HARPER
JOHNIE HAMMOND
JOHN P. KIBBIE

S-3018

1 Amend Senate Resolution 4 as follows:
2 1. Page 24, by inserting after line 8 the
3 following:
4 "d. Please list the name of each person from whom
5 you received a contribution for purposes of providing
6 revenue for an issue committee. For purposes of this
7 paragraph, an "issue committee" means a committee,
8 corporation, company, or association that is formed
9 for purposes of supporting or challenging an existing
10 law, administrative rule or agency action, or
11 executive order."

MATT McCOY
BETTY A. SOUKUP
PATRICK J. DELUHERY
JOE BOLKCOM
PATRICIA HARPER
JOHNIE HAMMOND
JACK HOLVECK
JOHN P. KIBBIE
MICHAEL E. GRONSTAL

S-3019

1 Amend Senate Resolution 4 as follows:
2 1. Page 5, by inserting after line 9 the
3 following:
4 "9A. FALSE OR MISLEADING POLITICAL ADVERTISING. A
5 senator shall not sponsor any published material on
6 behalf of or in opposition to any candidate or ballot
7 issue that contains any assertion, representation, or
8 statement of fact, including, but not limited to,
9 information concerning another candidate's prior
10 public record, which the senator knows to be untrue,
11 deceptive, or misleading.
12 For purposes of this rule, "published material"
13 means statements or graphic representations made
14 through any public medium which shall include, but is
15 not limited to, electronic media such as live or
16 prerecorded radio or television broadcasts, broadcasts
17 or transmissions through other publicly available
18 electronic communications, and video or audio tape
19 recordings which are publicly distributed; print

20 media, such as newspapers, pamphlets, folders, display
 21 cards, signs, posters, and billboard advertisements;
 22 or any other methods or mediums designed for publicly
 23 advertising or publishing information.
 24 For purposes of this rule, "sponsor" means to pay
 25 for or take affirmative action to approve published
 26 material and shall include a senator or a senator's
 27 candidate's committee which knows and approves of an
 28 independent expenditure made by another person under
 29 section 56.13."
 30 2. By renumbering as necessary.

STEVEN D. HANSEN
 MATT McCOY
 BETTY A. SOUKUP
 JOE BOLKCOM
 PATRICIA HARPER
 JACK HOLVECK
 MARK SHEARER
 JOHN P. KIBBIE
 MICHAEL E. GRONSTAL

S-3020

1 Amend House File 103, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 6 and 7 and
 4 inserting the following: "shall clearly and
 5 conspicuously include the statement, "Iowa is a right-
 6 to-work and right-to-organize state.""

STEVEN D. HANSEN

S-3021

1 Amend Senate File 115 as follows:
 2 1. Title page, line 1, by striking the words
 3 "relating to establishing" and inserting the
 4 following: "providing for the establishment of".

NANCY BOETTGER

S-3022

1 Amend Senate File 106 as follows:
 2 1. Page 4, by striking lines 28 and 29, and
 3 inserting the following:
 4 "Sec. ____ Section 56.14, subsection 2, paragraph
 5 a, Code 2001, is amended by striking the paragraph."
 6 2. Page 9, by inserting after line 24 the
 7 following:

8 "Sec. ____ Section 183A.7, unnumbered paragraph 3,
9 Code 2001, is amended to read as follows:

10 From the moneys collected, deposited, and
11 transferred to the council as provided in this
12 chapter, the council shall first pay the costs of
13 referendums held pursuant to this chapter. Of the
14 moneys remaining, ~~at least ten percent shall be~~
15 ~~remitted to the national livestock and meat board and~~
16 ~~the pork industry group;~~ at least twenty-five percent
17 shall be remitted to the national pork producers
18 council; and at least fifteen percent shall be
19 remitted to the Iowa pork producers association, in
20 the proportion the committee determines, for use by
21 recipients in a manner not inconsistent with market
22 development as defined in section 183A.1. Moneys
23 remaining shall be spent as found necessary by the
24 council to further carry out the provisions and
25 purposes of this chapter."

26 3. Page 13, by inserting after line 19, the
27 following:

28 "Sec. ____ Section 331.424A, subsection 4, Code
29 2001, is amended to read as follows:

30 4. For the fiscal year beginning July 1, 1996, and
31 for each subsequent fiscal year, the county shall
32 certify a levy for payment of services. For each
33 fiscal year, county revenues from taxes imposed by the
34 county credited to the services fund shall not exceed
35 an amount equal to the amount of base year
36 expenditures for services as defined in section
37 331.438, less the amount of property tax relief to be
38 received pursuant to section 426B.2, in the fiscal
39 year for which the budget is certified. The county
40 auditor and the board of supervisors shall reduce the
41 amount of the levy certified for the services fund by
42 the amount of property tax relief to be received. A
43 levy certified under this section is not subject to
44 the appeal provisions of ~~sections~~ section 331.426 ~~and~~
45 ~~444.25B~~ or to any other provision in law authorizing a
46 county to exceed, increase, or appeal a property tax
47 levy limit.

48 Sec. ____ Section 331.424B, Code 2001, is amended
49 to read as follows:

50 331.424B CEMETERY LEVY.

Page 2

1 The board may levy annually a tax not to exceed six
2 and three-fourths cents per thousand dollars of the
3 assessed value of all taxable property in the county
4 to repair and maintain all cemeteries under the
5 jurisdiction of the board including pioneer cemeteries
6 and to pay other expenses of the board or the cemetery

7 commission as provided in section 331.325. The
 8 proceeds of the tax levy shall be credited to the
 9 county general fund. Sections 444.25A and 444.25B do
 10 not apply to the property tax levied or expended for
 11 cemeteries pursuant to section 331.325."
 12 4. By numbering, renumbering, and changing
 13 internal references as necessary.

COMMITTEE ON JUDICIARY
 O. GENE MADDOX, Chair

S-3023

1 Amend House File 103, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 6 and 7 and
 4 inserting the following: "shall clearly and
 5 conspicuously include the statement, "Iowa is the
 6 state with the highest literacy rate in the nation.
 7 Ninety percent of Iowa's schools score above the
 8 fiftieth percentile on basic skills tests each year.
 9 Each year, Iowa's students achieve top scores on
 10 college entrance exams. The State of Iowa has and
 11 will maintain extensive worker training programs to
 12 prepare the current workforce and the workforce of
 13 tomorrow. Current worker training programs in the
 14 state train over twenty thousand workers each year.
 15 According to statistics compiled by the Morgan Quitno
 16 Press and the Kennedy School of Government at Harvard
 17 University, Iowa has the second highest livability
 18 rating among all states.""

MICHAEL E. GRONSTAL
 ROBERT E. DVORSKY
 MATT McCOY
 JOHN P. KIBBIE
 JACK HOLVECK
 MARK SHEARER
 THOMAS FIEGEN
 PATRICK J. DELUHERY
 MIKE CONNOLLY
 BILL FINK
 JOE BOLKCOM
 PATRICIA HARPER
 BETTY A. SOUKUP
 JOHNIE HAMMOND
 DICK L. DEARDEN
 EUGENE S. FRAISE

S-3024

1 Amend House File 103, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 7 the
4 following:

5 "Sec. ____ Section 91D.1, subsection 1, paragraphs
6 a and d, Code 2001, are amended to read as follows:

7 a. The hourly wage stated in the federal minimum
8 wage law, pursuant to 29 U.S.C. § 206, shall be
9 increased to ~~\$3.85~~ \$5.65 on January 1, ~~of 1990, 2002,~~
10 ~~\$4.25 on January 1 of 1991,~~ and ~~\$4.65 to \$6.15 on~~
11 ~~January 1, of 1992~~ 2003.

12 d. An employer is not required to pay an employee
13 the applicable minimum wage provided in paragraph "a"
14 until the employee has completed ninety calendar days
15 of employment with the employer. An employee who has
16 completed ninety calendar days of employment with the
17 employer prior to January 1, ~~of 1990~~ 2002, 1991, or
18 ~~1992~~ January 1, 2003, shall earn the applicable hourly
19 minimum wage. An employer shall pay an employee who
20 has not completed ninety calendar days of employment
21 with the employer an hourly wage of at least ~~\$3.35~~
22 \$5.15 as of January 1, ~~of 1990~~ 2002, \$3.85 as of
23 ~~January 1 of 1991,~~ and ~~\$4.25~~ \$5.65 as of January 1, ~~of~~
24 ~~1992~~ 2003.

25 Sec. ____ Section 91D.1, subsection 2, Code 2001,
26 is amended by striking the subsection."

27 2. Title page, line 3, by inserting after the
28 word "development" the following: "and state-mandated
29 wage rates".

30 3. By renumbering as necessary.

MARK SHEARER
ROBERT E. DVORSKY
MATT McCOY
JOHN P. KIBBIE
JACK HOLVECK
THOMAS FIEGEN
TOM FLYNN
DICK L. DEARDEN
JOHNNIE HAMMOND
PATRICK J. DELUHERY
MIKE CONNOLLY
BILL FINK
JOE BOLKCOM
PATRICIA HARPER
BETTY A. SOUKUP
EUGENE S. FRAISE

S-3025

- 1 Amend House File 103, as passed by the House, as
2 follows:
- 3 1. Page 1, by inserting after line 7 the
4 following:
5 "Sec. ____ Section 15A.1, Code 2001, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 4. In addition to the
8 requirements of subsections 2 and 3, a state agency
9 shall not provide a grant, loan, or other financial
10 assistance to a private person or on behalf of a
11 private person unless the business for whose benefit
12 the financial assistance is to be provided pays at
13 minimum a living wage to its employees. For purposes
14 of this subsection, "living wage" means an hourly wage
15 of no less than the annualized federal poverty level
16 for a family of four, as defined by the most recently
17 revised poverty income guidelines as published by the
18 United States department of health and human services,
19 divided by two thousand eighty. If any provision of
20 this subsection, which relates to a living wage paid
21 by a business applying for or receiving state
22 financial assistance, is inconsistent or conflicts
23 with other provisions of chapter 15 or this chapter,
24 the provision that specifies the higher wage rate
25 prevails."
- 26 2. Title page, line 3, by inserting after the
27 word "development" the following: "and state
28 department financial assistance".
- 29 3. By renumbering as necessary.

MATT McCOY
JOHNIE HAMMOND
BETTY A. SOUKUP
PATRICIA HARPER
JOE BOLKCOM
MIKE CONNOLLY
PATRICK J. DELUHERY
TOM FLYNN
DICK L. DEARDEN
EUGENE S. FRAISE

S-3026

- 1 Amend Senate File 100 as follows:
2 1. Page 2, by striking lines 6 and 7.

JOHNIE HAMMOND

S-3027

1 Amend Senate File 100 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 125.12, Code 2001, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 8. a. The department shall
7 develop a risk assessment profile instrument for use
8 by health care providers as defined in section 135.61
9 to screen pregnant women for the presence of prenatal
10 substance abuse.
11 b. A health care provider who identifies a
12 pregnant woman as being at risk for prenatal substance
13 abuse may, with the woman's consent, refer the woman
14 to the department for service coordination. The
15 referral shall be made by providing the woman's name
16 to the department within five working days of the date
17 of identification. A woman's consent shall be deemed
18 to be a waiver of the privilege attaching to
19 confidential communications between a health care
20 provider and patient.
21 c. A civil or criminal cause of action shall not
22 be made against a health care provider relating to the
23 provider's rendering of or failure to render
24 assessment and referral or other service under this
25 subsection. A referral made under this subsection and
26 any documentation associated with the referral shall
27 not be used in any criminal prosecution. Any record
28 or report regarding the pregnant woman shall be kept
29 confidential by the person making the record or
30 report.
31 d. A pregnant woman referred to the department
32 under this subsection shall be deemed to be a first
33 priority user of substance abuse treatment services
34 available through the department. The department
35 shall ensure that family-oriented substance abuse
36 treatment services are available to meet the needs of
37 such pregnant women.
38 e. The department of human services shall
39 coordinate with the Iowa department of public health
40 as necessary to provide for the temporary placement of
41 the children of a pregnant woman who is receiving
42 treatment services pursuant to a referral made under
43 this subsection.
44 f. A substance abuse treatment services provider
45 that is receiving public funding shall not refuse to
46 provide treatment to a woman solely because the woman
47 is pregnant."
48 2. Title page, by striking line 2 and inserting

49 the following: "for referral and treatment services."

50 3. By renumbering as necessary.

JOHNIE HAMMOND

S-3028

1 Amend Senate File 100 as follows:

2 1. By striking page 1, line 1 through page 2,

3 line 5 and inserting the following:

4 "Section 1. Section 125.12, Code 2001, is amended

5 by adding the following new subsections:

6 NEW SUBSECTION. 8. In addition to the program

7 components listed in subsection 2, the program shall

8 include a program of services for pregnant women and

9 postpartum women who are substance abusers and their

10 children. The department shall establish an office on

11 perinatal substance abuse to implement the program of

12 services.

13 a. The office of perinatal substance abuse may do

14 any of the following:

15 (1) Coordinate pilot projects and planning

16 projects funded by the state which are related to

17 perinatal substance abuse.

18 (2) Provide technical assistance to counties,

19 public entities, and private entities that are

20 attempting to address the problem of perinatal

21 substance abuse.

22 (3) Serve as a clearinghouse of information

23 regarding strategies and programs which address

24 perinatal substance abuse.

25 (4) Encourage innovative responses by public and

26 private entities that are attempting to address the

27 problem of perinatal substance abuse.

28 (5) Review proposals of, and develop proposals

29 for, state agencies regarding the funding of programs

30 relating to perinatal substance abuse.

31 b. The office on perinatal substance abuse shall

32 work closely with the council on chemically exposed

33 infants and children established in section 235C.1 in

34 implementing the program of services and in developing

35 a coordinated state strategy for addressing the needs

36 of pregnant women, postpartum women, and their

37 children for substance abuse treatment.

38 c. The coordinated state strategy shall address

39 the special needs of pregnant women and postpartum

40 women who are substance abusers. The special needs to

41 be addressed may include but are not limited to all

42 the following:

43 (1) Provision for medical services, which may

44 include but are not limited to any of the following:

45 (a) Low-risk and high-risk prenatal care.

- 46 (b) Pediatric follow-up care, including preventive
- 47 infant health care.
- 48 (c) Developmental follow-up care.
- 49 (d) Nutrition counseling.
- 50 (e) Methadone.

Page 2

- 1 (f) Testing and counseling relating to acquired
- 2 immune deficiency syndrome.
- 3 (g) Monthly visits with a physician and surgeon
- 4 who specializes in treating persons with chemical
- 5 dependencies.
- 6 (2) Provision for nonmedical services which may
- 7 include but are not limited to any of the following:
- 8 (a) Case management.
- 9 (b) Individual or group counseling sessions, which
- 10 occur at least once a week.
- 11 (c) Family counseling, including counseling
- 12 services for partners and children of the women.
- 13 (d) Health education services, including perinatal
- 14 chemical dependency classes, addressing topics that
- 15 include but are not limited to the effects of drugs on
- 16 infants, acquired immune deficiency syndrome,
- 17 addiction in the family, child development, nutrition,
- 18 self-esteem, and responsible decision making.
- 19 (e) Parenting classes.
- 20 (f) Adequate child care for participating women.
- 21 (g) Encouragement of active participation and
- 22 support by spouses, domestic partners, family members,
- 23 and friends.
- 24 (h) Opportunities for a women-only treatment
- 25 environment.
- 26 (i) Transportation to outpatient treatment
- 27 programs.
- 28 (j) Follow-up services, which may include but are
- 29 not limited to assistance with transition into housing
- 30 in a drug-free environment.
- 31 (k) Child development services.
- 32 (l) Educational and vocational services for women.
- 33 (m) Weekly urine testing.
- 34 (n) Special recruitment, training, and support
- 35 services for foster care parents of chemically exposed
- 36 infants.
- 37 (o) Outreach which reflects the cultural and
- 38 ethnic diversity of the population served.
- 39 NEW SUBSECTION. 9. A county may establish a
- 40 perinatal substance abuse coordinating council which
- 41 consists of persons who are experts in the areas of
- 42 substance abuse, client outreach and intervention with
- 43 women who are substance abusers, child welfare
- 44 services, maternal and child health services,

45 developmental services, and representatives from other
46 community-based organizations. The county board of
47 supervisors may select an agency or department of the
48 county to be the lead agency for perinatal substance
49 abuse efforts. The coordination efforts provided by
50 the lead agency through the council may include but

Page 3

- 1 are not limited to the following:
- 2 a. The identification of the extent of the
3 perinatal substance abuse problem in the county based
4 on existing data.
- 5 b. The development of coordinated responses by
6 county health and social services agencies and
7 departments which address the problem of perinatal
8 substance abuse in the county.
- 9 c. The definition of the elements of an integrated
10 substance abuse recovery system for pregnant women,
11 postpartum women, and their children.
- 12 d. The identification of essential support
13 services to be included into the integrated recovery
14 system.
- 15 e. The promotion of communitywide understanding of
16 the perinatal substance abuse problem in the county
17 and appropriate responses.
- 18 f. The communication with policymakers at both the
19 state and federal level about substance abuse
20 prevention and treatment needs for pregnant women,
21 postpartum women, and their children.
- 22 g. The utilization of services which emphasize
23 coordination of treatment services with other health,
24 child welfare, child development, and education
25 services.
- 26 Sec. _____. REPORT. The office on perinatal
27 substance abuse created in this Act, in consultation
28 with the council on chemically exposed infants and
29 children, shall evaluate the effectiveness of the
30 coordinated state strategy for addressing the needs of
31 pregnant women, postpartum women, and their children
32 for substance abuse treatment and shall report its
33 findings to the general assembly on or before July 1,
34 2003."
- 35 2. Title page, by striking line 2 and inserting
36 the following: "for treatment services".
- 37 3. By renumbering as necessary.

PATRICIA HARPER

S-3029

1 Amend Senate File 62 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. NEW SECTION. 2B.4B BEE HERD.
5 1. As used in this section, unless the context
6 otherwise requires, "bee" means any livestock capable
7 of flight that customarily collects pollen.
8 2. The state veterinarian shall designate a state
9 bee bander and state bee brander to inspect each bee
10 herd located in this state and conduct statistical
11 testing of each herd to detect an incidence of
12 positive reaction within a herd. A positive reaction
13 includes any activity that indicates aggressive
14 behavior.
15 3. The bee bander shall band each bee that reacts
16 positively to the test. Except as otherwise provided
17 in this subsection, the band shall be snugly fitted
18 below the knee of the left behind leg of the bee in a
19 manner that does not cause significant discomfort or
20 immobility, according to rules adopted by the
21 department. The band shall be easily identifiable by
22 a bee breeder. If the left behind leg of the bee
23 becomes detached, the bee bander shall band the bee's
24 right behind leg. If the right behind leg of the bee
25 becomes detached, the bee brander shall brand the bee
26 at the bee's base with the bee brander's bee brand
27 easily identifiable by the bee breeder."
28 2. By renumbering as necessary.

MIKE SEXTON

S-3030

1 Amend Senate File 62 as follows:
2 1. Page 1, by inserting after line 17 the
3 following:
4 "Sec. _____. BEE IN GOOD HEALTH STUDY COMMITTEE.
5 1. There is established a bee in good health study
6 committee. The committee is composed of one member
7 of the senate appointed by the president of the
8 senate, after consultation with the majority leader
9 and the minority leader of the senate. The member
10 shall be a person who has demonstrated knowledge
11 regarding bees, including value-added products
12 produced from pollen.
13 2. The committee shall cooperate with any official
14 county health officer and the Iowa department of
15 public health to enter upon premises where bees
16 congregate in order to conduct complete personal

17 physical examinations of bees actively participating
 18 in the study.
 19 3. The committee shall report the findings of its
 20 study to the senate by January 10, 2003. The
 21 committee's report shall be made after a majority of
 22 members present at a meeting approve the report. The
 23 report shall include any practices that contribute to
 24 good health among the active participants. The
 25 committee shall designate a member to present the
 26 report to standing committees of the senate. Active
 27 participants in the study shall accompany the
 28 designated member for a hands-on demonstration."
 29 2. By renumbering as necessary.

MIKE SEXTON

S-3031

1 Amend Senate File 100 as follows:
 2 1. Page 2, by striking lines 6 and 7 and
 3 inserting the following:
 4 "Sec. ____ CONTINGENT EFFECTIVENESS. This Act
 5 shall not take effect unless an appropriation is
 6 enacted or the state's share of the cost of this Act
 7 is specified in accordance with section 25B.2,
 8 subsection 3."
 9 2. By renumbering as necessary.

JOHNIE HAMMOND

S-3032

1 Amend Senate File 66 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 8.54, subsections 3 and 4,
 5 Code 2001, are amended to read as follows:
 6 3. Except as otherwise provided in this section,
 7 the state general fund expenditure limitation for a
 8 fiscal year shall be ninety-nine and thirty-one
 9 hundredths percent of the adjusted revenue estimate.
 10 4. The state general fund expenditure limitation
 11 amount provided for in this section shall be used by
 12 the governor in the preparation of the budget under
 13 section 8.22 and by the general assembly in the budget
 14 process. If a source for new revenues is proposed,
 15 the budget revenue projection used for that new
 16 revenue source for the period beginning on the
 17 effective date of the new revenue source and ending in
 18 the fiscal year in which the source is included in the
 19 revenue base shall be an amount determined by

20 subtracting estimated tax refunds payable from the
 21 projected revenue from that new revenue source,
 22 multiplied by ninety-five and thirty-one hundredths
 23 percent. If a new revenue source is established and
 24 implemented, the original state general fund
 25 expenditure limitation amount provided for in
 26 subsection 3 shall be readjusted to include ninety-
 27 five and thirty-one hundredths percent of the
 28 estimated revenue from the new revenue source.

29 Sec. 2. Section 8.54, subsections 7 and 8, Code
 30 2001, are amended by striking the subsections and
 31 inserting in lieu thereof the following:

32 7. The governor shall transmit to the general
 33 assembly, in accordance with section 8.21, a budget
 34 which does not exceed the state general fund
 35 expenditure limitation. The general assembly shall
 36 pass a budget which does not exceed the state general
 37 fund expenditure limitation. The governor shall not
 38 transmit a budget with recommended appropriations in
 39 excess of the state general fund expenditure
 40 limitation and the general assembly shall not pass a
 41 budget with appropriations in excess of the state
 42 general fund expenditure limitation. In complying
 43 with the requirements of this subsection, the governor
 44 and the general assembly shall not rely on any
 45 anticipated reversion of appropriations in order to
 46 meet the state general fund expenditure limitation."

MICHAEL E. GRONSTAL

S-3033

1 Amend Senate File 66 as follows:

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

4 "Section 1. Section 2.10, subsection 4, unnumbered
 5 paragraph 1, Code 2001, is amended to read as follows:

6 The director of revenue and finance shall pay, from
 7 moneys appropriated to the general assembly pursuant
 8 to section 2.12, the travel and expenses of the

9 members of the general assembly commencing with the
 10 first pay period after the names of such persons are
 11 officially certified. The salaries of the members of
 12 the general assembly shall be paid pursuant to any of
 13 the following alternative methods:

14 Sec. __. Section 2.10, subsection 6, Code 2001,
 15 is amended to read as follows:

16 6. If a special session of the general assembly is
 17 convened, members of the general assembly shall
 18 receive, in addition to their annual salaries, the sum
 19 of eighty-six dollars per day for each day the general
 20 assembly is actually in special session, and the same

21 travel allowances and expenses as authorized by this
 22 section which shall be payable from moneys
 23 appropriated to the general assembly pursuant to
 24 section 2.12. A member of the general assembly shall
 25 receive the additional per diem, travel allowances and
 26 expenses only for the days of attendance during a
 27 special session.

28 Sec. ____ Section 2.11, unnumbered paragraph 1,
 29 Code 2001, is amended to read as follows:

30 Each house of the general assembly may employ such
 31 officers and employees as it ~~shall deem~~ deems
 32 necessary for the conduct of its business. The
 33 compensation of the chaplains, officers, and employees
 34 of the general assembly shall be fixed by joint action
 35 of the house and senate by resolution at the opening
 36 of each session, or as soon ~~thereafter~~ after the
 37 opening as conveniently can be done. Payment of the
 38 compensation shall be from moneys appropriated to the
 39 general assembly pursuant to section 2.12. Such
 40 persons shall be furnished ~~by the state~~ such supplies
 41 as may be necessary for the proper discharge of their
 42 duties.

43 Sec. ____ Section 2.12, Code 2001, is amended to
 44 read as follows:

45 2.12 EXPENSES OF GENERAL ASSEMBLY AND LEGISLATIVE
 46 AGENCIES -- BUDGETS.

47 1. There is appropriated out of any funds in the
 48 state treasury not otherwise appropriated a sum
 49 sufficient to pay for The following expenses,
 50 salaries, per diems, budgets, and other items shall be

Page 2

1 paid from appropriations made to the general assembly
 2 for these purposes:

3 a. For legislative printing and all current and
 4 miscellaneous expenses of the general assembly,
 5 authorized by either the senate or the house, ~~and the,~~
 6 The director of revenue and finance shall issue
 7 warrants for such items of expense upon requisition of
 8 the president, majority leader, and secretary of the
 9 senate or the speaker and chief clerk of the house.

10 b. There is appropriated out of any funds in the
 11 state treasury not otherwise appropriated, such sums
 12 as are necessary, for For each house of the general
 13 assembly for the payment of any unpaid expense of the
 14 general assembly incurred during or in the interim
 15 between sessions of the general assembly, including
 16 but not limited to salaries and necessary travel and
 17 actual expenses of members, expenses of standing and
 18 interim committees or subcommittees, and per diem or
 19 expenses for members of the general assembly who serve

20 on statutory boards, commissions, or councils for
 21 which per diem or expenses are authorized by law. The
 22 director of revenue and finance shall issue warrants
 23 for such items of expense upon requisition of the
 24 president, majority leader, and secretary of the
 25 senate for senate ~~expense~~ expenses or the speaker and
 26 chief clerk of the house for house ~~expense~~ expenses.

27 ~~c. There is appropriated out of any funds in the~~
 28 ~~state treasury not otherwise appropriated, such sums~~
 29 ~~as are necessary for~~ For the renovation, remodeling,
 30 or preparation of the legislative chambers,
 31 legislative offices, or other areas or facilities used
 32 or to be used by the legislative branch of government,
 33 and for the purchase of legislative equipment and
 34 supplies deemed necessary to properly carry out the
 35 functions of the general assembly. The director of
 36 revenue and finance shall issue warrants for such
 37 items of expense, whether incurred during or between
 38 sessions of the general assembly, upon requisition of
 39 the president, majority leader, and secretary of the
 40 senate for senate ~~expense~~ expenses or the speaker and
 41 chief clerk of the house for house ~~expense~~ expenses.

42 ~~d. There is appropriated out of any funds in the~~
 43 ~~state treasury not otherwise appropriated such sums as~~
 44 ~~may be necessary for~~ For the fiscal year budgets of
 45 the legislative service bureau, the legislative fiscal
 46 bureau, the citizens' aide office and the computer
 47 support bureau for salaries, support, maintenance, and
 48 miscellaneous purposes to carry out their statutory
 49 responsibilities.

50 2. The director of revenue and finance shall issue

Page 3

1 warrants for salaries, support, maintenance, and
 2 miscellaneous purposes upon requisition by the
 3 administrative head of each statutory agency. The
 4 legislative service bureau, the legislative fiscal
 5 bureau, the citizens' aide office, and the computer
 6 support bureau shall submit their proposed budgets to
 7 the legislative council not later than September 1 of
 8 each year. The legislative council shall review and
 9 approve the proposed budgets not later than December 1
 10 of each year. The legislative council on behalf of
 11 the general assembly shall propose a budget for the
 12 general assembly for the payment of expenses,
 13 salaries, per diems, and other items for which the
 14 general assembly is required to pay. The proposed
 15 budget shall include a budget for both houses of the
 16 general assembly. The budget approved by the
 17 legislative council for each of its statutory
 18 legislative agencies and its proposed budget for the

19 general assembly shall be transmitted by the
20 legislative council to the department of management on
21 or before December 1 of each year for the fiscal year
22 beginning July 1 of the following year. The
23 department of management shall submit the approved
24 budgets received from the legislative council to the
25 governor for review and revision as necessary for
26 inclusion in the governor's proposed budget for the
27 succeeding fiscal year. The approved and proposed
28 budgets developed by the legislative council shall
29 also be submitted to the chairpersons of the
30 committees on appropriations. ~~The committees on~~
31 ~~appropriations may allocate from the funds~~
32 ~~appropriated by this section the funds contained in~~
33 ~~the approved budgets, or such other amounts as~~
34 ~~specified, pursuant to a concurrent resolution to be~~
35 ~~approved by both houses of the general assembly. The~~
36 ~~director of revenue and finance shall issue warrants~~
37 ~~for salaries, support, maintenance, and miscellaneous~~
38 ~~purposes upon requisition by the administrative head~~
39 ~~of each statutory legislative agency. If the~~
40 ~~legislative council elects to change the approved~~
41 ~~budget for a legislative agency prior to July 1, the~~
42 ~~legislative council shall transmit the amount of the~~
43 ~~budget revision to the department of management prior~~
44 ~~to July 1 of the fiscal year, however, if the general~~
45 ~~assembly approved the budget it cannot be changed~~
46 ~~except pursuant to a concurrent resolution approved by~~
47 ~~the general assembly.~~

48 Sec. ____ Section 2.13, Code 2001, is amended to
49 read as follows:

50 2.13 ISSUANCE OF WARRANTS.

Page 4

1 The director of revenue and finance shall also
2 issue to each officer and employee of the general
3 assembly, during legislative sessions or interim
4 periods, upon vouchers signed by the president,
5 majority leader, and secretary of the senate or the
6 speaker and chief clerk of the house, warrants for the
7 amount due for services rendered. The warrants shall
8 be paid ~~out of any moneys in the treasury not~~
9 ~~otherwise appropriated~~ from moneys appropriated to the
10 general assembly pursuant to section 2.12.

11 Sec. ____ Section 2.104, Code 2001, is amended to
12 read as follows:

13 2.104 BUDGET.

14 Expenses of the computer support bureau shall be
15 paid upon approval of the director of the bureau from
16 moneys appropriated to the general assembly pursuant
17 to section 2.12. The budget of the computer support

18 bureau for each fiscal year shall be prepared by the
19 director and submitted to the legislative council as
20 provided in section 2.12.

21 Sec. ____ Section 2B.22, Code 2001, is amended to
22 read as follows:

23 2B.22 APPROPRIATION.

24 ~~There is hereby appropriated out of any money in~~
25 ~~the treasury not otherwise appropriated an amount~~
26 ~~sufficient to defray all The expenses incurred in the~~
27 carrying out of the provisions of this chapter shall
28 be paid from moneys appropriated to the general
29 assembly pursuant to section 2.12."

30 2. Page 1, by inserting after line 16 the
31 following:

32 "Sec. ____ Section 17A.8, subsection 3, Code 2001,
33 is amended to read as follows:

34 3. A committee member shall be paid the per diem
35 specified in section 2.10, subsection 5, for each day
36 in attendance and shall be reimbursed for actual and
37 necessary expenses. ~~There is appropriated from money~~
38 ~~in the general fund not otherwise appropriated an~~
39 ~~amount sufficient to pay The costs incurred under this~~
40 section shall be paid from moneys appropriated to the
41 general assembly pursuant to section 2.12."

42 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3034

1 Amend Senate File 66 as follows:

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

4 "Section 1. SAVINGS ACCOUNT FUND APPROPRIATION.

5 There is appropriated from the general fund of the
6 state to the department of education 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 deposit in the teacher compensation reform and
11 student achievement savings account fund created in
12 section 8.57B:

13\$ 42,000,000

14 Notwithstanding section 8.33, moneys appropriated
15 in this section shall not revert at the close of the
16 fiscal year."

17 2. Page 1, line 6, by inserting after the word
18 "limitation." the following: "The governor's budget
19 transmitted in accordance with section 8.21 shall
20 incorporate all other funds affecting directly or
21 indirectly the condition of the general fund of the
22 state, including but not limited to the funds created

23 in sections 8.55, 8.56, 8.57, 8.57A, and 8.57B."

24 3. Page 1, by inserting after line 16, the
25 following:

26 "Sec. ____ NEW SECTION. 8.57B TEACHER
27 COMPENSATION REFORM AND STUDENT ACHIEVEMENT SAVINGS
28 ACCOUNT FUND.

29 1. A teacher compensation reform and student
30 achievement savings account fund is created as a
31 separate and distinct fund in the state treasury under
32 the control of the department of education. Moneys in
33 the fund in a fiscal year shall be used as directed by
34 the general assembly for teacher compensation reform
35 and student achievement activities approved by the
36 Seventy-ninth General Assembly, First Regular Session,
37 or by future general assemblies.

38 2. Revenue for the teacher compensation reform and
39 student achievement savings account fund shall be
40 deposited with the treasurer of state and credited to
41 the fund and shall include, but is not limited to,
42 moneys in the form of a devise, gift, bequest,
43 donation, federal or other grant, reimbursement,
44 repayment, judgment, transfer, payment, or
45 appropriation from any source intended to be used for
46 the purposes of the fund.

47 3. Notwithstanding section 8.33, moneys
48 appropriated for deposit in the teacher compensation
49 reform and student achievement savings account fund
50 shall not revert but shall remain available for

Page 2

1 expenditure as directed by the general assembly in
2 appropriations made from the fund.

3 Sec. ____ EFFECTIVE DATE. This Act, being deemed
4 of immediate importance, takes effect upon enactment."

5 4. Title page, line 4, by inserting after the
6 word "assembly" the following: ", making an
7 appropriation, and providing an effective date".

MIKE CONNOLLY

S-3035

1 Amend Senate File 66 as follows:

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

4 "Section 1. SAVINGS ACCOUNT FUND APPROPRIATION.

5 There is appropriated from the general fund of the
6 state to the department of education for the fiscal
7 year beginning July 1, 2001, and ending June 30, 2002,
8 the following amount, or so much thereof as is
9 necessary, to be used for the purpose designated:

10 For deposit in the teacher compensation reform and
 11 student achievement savings account fund created in
 12 section 8.57B:
 13\$ 42,000,000

14 Notwithstanding section 8.33, moneys appropriated
 15 in this section shall not revert at the close of the
 16 fiscal year."

17 2. Page 1, line 6, by inserting after the word
 18 "limitation." the following: "The governor's budget
 19 transmitted in accordance with section 8.21 shall
 20 incorporate all other funds affecting directly or
 21 indirectly the condition of the general fund of the
 22 state, including but not limited to the funds created
 23 in sections 8.55, 8.56, 8.57, 8.57A, and 8.57B."

24 3. Page 1, by inserting after line 16, the
 25 following:

26 "Sec. ____ **NEW SECTION. 8.57B TEACHER**
 27 **COMPENSATION REFORM AND STUDENT ACHIEVEMENT SAVINGS**
 28 **ACCOUNT FUND.**

29 1. A teacher compensation reform and student
 30 achievement savings account fund is created as a
 31 separate and distinct fund in the state treasury under
 32 the control of the department of education. Moneys in
 33 the fund in a fiscal year shall be used as directed by
 34 the general assembly for teacher compensation reform
 35 and student achievement activities approved by the
 36 Seventy-ninth General Assembly, First Regular Session,
 37 or by future general assemblies.

38 2. Revenue for the teacher compensation reform and
 39 student achievement savings account fund shall be
 40 deposited with the treasurer of state and credited to
 41 the fund and shall include, but is not limited to,
 42 moneys in the form of a devise, gift, bequest,
 43 donation, federal or other grant, reimbursement,
 44 repayment, judgment, transfer, payment, or
 45 appropriation from any source intended to be used for
 46 the purposes of the fund.

47 3. Notwithstanding section 8.33, moneys
 48 appropriated for deposit in the teacher compensation
 49 reform and student achievement savings account fund
 50 shall not revert but shall remain available for

Page 2

1 expenditure as directed by the general assembly in
 2 appropriations made from the fund."

3 4. Title page, line 4, by inserting after the
 4 word "assembly" the following: "and making an
 5 appropriation".

S-3036

- 1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to
4 provide funding designated for the vision Iowa program
5 established in section 15F.302, in".

THOMAS FIEGEN

S-3037

- 1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to
4 provide funding designated for immigration service
5 centers, in".

PATRICK J. DELUHERY

S-3038

- 1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to
4 provide funding for school on-time funding budget
5 adjustments, in".

ROBERT E. DVORSKY

S-3039

- 1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to
4 provide funding designated for the university of
5 northern Iowa, in".

PATRICIA HARPER

S-3040

- 1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to
4 provide funding designated for the Iowa veterans home,
5 in".

JOHNIE HAMMOND

S-3041

- 1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to
4 provide funding designated for restoration of the
5 capitol, in".

MATT McCOY

S-3042

- 1 Amend Senate File 66 as follows:
2 1. Page 1, by inserting after line 16 the
3 following:
4 "Sec. 100. PILOT PROJECT FOR REFUND OF PROCESSING
5 FEES.
6 1. As used in this section:
7 a. "Customer" means a person paying a fee as
8 provided in paragraph "c", as part of an application
9 for the issuance of a renewed license or certification
10 by a participating agency.
11 b. "Participating agency" means the Iowa
12 department of public health or the professional
13 licensing division of the department of commerce that
14 elects to participate in the pilot project as provided
15 in subsection 2.
16 c. "Processing fee" means a fee that is required
17 to be paid to a participating agency as follows:
18 (1) The Iowa department of public health for
19 issuing a renewed emergency medical care provider
20 certification pursuant to section 147A.6 for which a
21 fee is required pursuant to rules adopted by the
22 department under section 147A.4.
23 (2) The professional licensing division, for
24 issuing any of the following:
25 (a) The renewal of a certificate of licensure as a
26 professional engineer pursuant to section 542B.18 for
27 which a fee is required pursuant to section 542B.30.
28 (b) The renewal of a license to practice as an
29 accounting practitioner pursuant to section 542C.20
30 for which a fee is required pursuant to section
31 542C.15.
32 (c) The renewal of a license as a real estate
33 broker or real estate salesperson pursuant to section
34 543B.28 for which a fee is required pursuant to
35 section 543B.27.
36 (d) The renewal of a certification as a real
37 estate appraiser pursuant to section 543D.7 for which
38 a fee is required pursuant to section 543D.6.
39 (e) The renewal of a certificate of registration

40 as an architect pursuant to section 544A.10 for which
41 a fee is required pursuant to section 544A.11.
42 (f) The renewal of a certificate of registration
43 as a landscape architect pursuant to section 544B.13
44 for which a fee is required pursuant to section
45 544B.14.
46 2. The department of management in cooperation
47 with a participating agency may establish a pilot
48 project for the refund of all or a portion of
49 processing fees paid by customers. The following
50 shall apply to a participating agency:

Page 2

1 a. The participating agency shall refund all or a
2 portion of a processing fee to a customer if the
3 participating agency fails to issue a license or
4 certification in a manner and within a period of time
5 customary for issuing similar licenses and
6 certifications.
7 b. The participating agency is not required to
8 refund any amount of a processing fee if the failure
9 to issue a license or certification is primarily
10 caused by the customer, including the customer's
11 failure to comply with legal requirements, furnish a
12 completed application or document, or cooperate with
13 the participating agency as required by the
14 participating agency.
15 3. Each participating agency shall adopt rules
16 pursuant to chapter 17A necessary in order to
17 administer this section. The participating agencies
18 shall cooperate in order to develop simple common
19 procedures for providing refunds, which may include a
20 uniform refund form. The agencies may cooperate with
21 the general assembly's joint oversight and
22 communications appropriations subcommittee or other
23 appropriate committee or subcommittee in carrying out
24 this section.
25 4. Each participating agency shall prepare a
26 report to the department of management. The report
27 shall analyze the administration of the pilot project,
28 including its effect on administrative efficiency, the
29 collection of revenue, and customer reactions. The
30 reports shall be delivered to the department of
31 management not later than November 1, 2002. The
32 department of management shall compile the reports and
33 include any findings or recommendations by the
34 department. The department's compiled report shall be
35 delivered to the governor and general assembly not
36 later than January 10, 2003.
37 Sec. ____. Section 100 of this Act, enacting a
38 pilot project for refund of processing fees, is

- 39 repealed January 11, 2003."
40 2. By renumbering as necessary.

JOE BOLKCOM

S-3043

- 1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to
4 provide funding designated for the center for
5 excellence in fundamental plant sciences at Iowa state
6 university of science and technology, in".

JOHNIE HAMMOND

S-3044

- 1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to
4 provide funding for a budget adjustment for
5 school districts with declining enrollment, in".

BETTY A. SOUKUP

S-3045

- 1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to
4 provide funding designated for foster care and other
5 child welfare services, in".

THOMAS FIEGEN

S-3046

- 1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to
4 provide funding designated for lake dredging, in".

DENNIS H. BLACK

S-3047

- 1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to

4 provide funding designated for water quality
5 activities, in".

DENNIS H. BLACK

S-3048

1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to
4 provide funding designated for class size reduction in
5 school programs, in".

JACK HOLVECK

S-3049

1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to
4 provide funding designated for department of human
5 services child abuse assessment staff, in".

JOHNIE HAMMOND

S-3050

1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to
4 provide funding designated for community empowerment
5 areas, family support programs, programs for at-risk
6 children, and other early childhood programs, in".

ROBERT E. DVORSKY

S-3051

1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and
3 inserting the following: "Except as necessary to
4 provide funding designated for sex offender registry
5 and treatment costs, in".

ROBERT E. DVORSKY

S-3052

1 Amend Senate File 66 as follows:
2 1. Page 1, line 12, by striking the word "In" and

- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for the braille and sight
- 5 saving school or the school for the deaf, in".

MICHAEL E. GRONSTAL

S-3053

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for homemaker-home health
- 5 aide services, in".

THOMAS FIEGEN

S-3054

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for support and promotion
- 5 of ethanol and other alternative fuels, in".

JOHN P. KIBBIE

S-3055

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for a program or purpose
- 5 which will draw down federal funding, in".

TOM FLYNN

S-3056

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding for the establishment of the state
- 5 percent of growth for purposes of the state school
- 6 foundation program under section 257.8, in".

MIKE CONNOLLY

S-3057

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for economic development
- 5 purposes, in".

TOM FLYNN
MARK SHEARER

S-3058

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for the operation of adult
- 5 correctional facilities, in".

ROBERT E. DVORSKY
EUGENE S. FRAISE
MARK SHEARER

S-3059

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for teacher salaries, in".

BILL FINK

S-3060

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for the child protection
- 5 system, in".

PATRICIA HARPER

S-3061

- 1 Amend Senate File 126 as follows:
- 2 1. Title page, line 1, by striking the words
- 3 "state banks" and inserting the following: "banks in
- 4 Iowa".

NEAL SCHUERER

S-3062

- 1 Amend Senate File 139 as follows:
 2 1. Page 1, by inserting after line 22 the
 3 following:
 4 "aa. For a child who is eighteen years of age to
 5 complete a treatment program."
 6 2. Page 1, lines 28 and 29, by striking the words
 7 "or to complete a treatment program.".

JOHNIE HAMMOND
 THOMAS FIEGEN

S-3063

- 1 Amend Senate File 62 as follows:
 2 1. Page 1, by inserting after line 17, the
 3 following:
 4 "Sec. ___. 2B.4U APPLICATION REQUIREMENTS FOR
 5 HONEY KEEPERS.
 6 Each person applying to be a honey keeper shall
 7 file a document as required in this section on the
 8 effective date of this Act. The document shall
 9 include a stylized representation of the structure
 10 associated with honey keeping, consisting of cells
 11 that perform functions related to circulation. The
 12 filed document shall be signed by the applicant and
 13 may be accompanied with pollen producing plants
 14 cultivated for their blossoms and associated with
 15 honey. The document shall include an acknowledgement
 16 of the document's recipient, which may include the
 17 following notice: honey bee mine.
 18 Sec. ___. EFFECTIVE DATE. This Act takes effect
 19 on February 14, 2001."

MERLIN E. BARTZ

S-3064

- 1 Amend Senate File 62 as follows:
 2 1. Page 1, by inserting after line 17 the
 3 following:
 4 "Sec. ___. EFFECTIVE DATE. This Act shall take
 5 effect on the enactment date of an Act permanently
 6 designating the city of Sioux City, Iowa, as the
 7 "Honey Capital of Iowa."
 8 2. Title page, line 2, by inserting after the
 9 word "residences" the following: "and providing an
 10 effective date".
 11 3. By renumbering as necessary.

STEVEN D. HANSEN

S-3065

- 1 Amend Senate File 98 as follows:
 2 1. Page 1, by inserting after line 12 the
 3 following:
 4 "Sec. 100. Section 96.7, subsection 12, paragraph
 5 d, Code 2001, is amended to read as follows:
 6 d. This subsection is repealed July 1, ~~2001~~ 2004,
 7 and the repeal is applicable to contribution rates for
 8 calendar year ~~2002~~ 2005 and subsequent calendar years.
 9 Sec. ____ EFFECTIVE DATE. Section 100 of this Act
 10 takes effect June 30, 2001."
 11 2. Title page, line 3, by inserting after the
 12 word "disaster" the following: "and by continuing the
 13 employment security administrative contribution
 14 surcharge and providing an effective date".
 15 3. By renumbering as necessary.

MARK SHEARER
 BETTY A. SOUKUP
 JOHNNIE HAMMOND
 PATRICIA HARPER
 BILL FINK
 PATRICK J. DELUHERY
 JOE BOLKCOM
 MATT McCOY
 MICHAEL E. GRONSTAL
 JOHN P. KIBBIE

S-3066

- 1 Amend Senate File 62 as follows:
 2 1. Page 1, by inserting after line 17 the
 3 following:
 4 "Sec. ____ Section 137F.2, subsection 6, Code
 5 2001, is amended to read as follows:
 6 6. 3-201.11(B) shall be amended to allow ~~food~~ all
 7 of the following:
 8 a. Food that is prepared by a home food
 9 establishment licensed under chapter 137D to be used
 10 or offered for sale.
 11 b. Honey that is stored; prepared, including by
 12 placement in a container; or labeled on or distributed
 13 from the premises of a residence."
 14 2. By renumbering as necessary.

MARK ZIEMAN

S-3067

- 1 Amend Senate File 100 as follows:
2 1. Page 2, line 5, by inserting after the word
3 "officer." the following: "The respondent shall not
4 be released until the treatment to preserve the
5 respondent's life or to appropriately control the
6 respondent's behavior has been satisfactorily
7 completed."

ROBERT E. DVORSKY

S-3068

- 1 Amend Senate File 100 as follows:
2 1. Page 1, line 34, by striking the word "may"
3 and inserting the following: "may shall".

ROBERT E. DVORSKY
JOHNIE HAMMOND

S-3069

- 1 Amend Senate File 100 as follows:
2 1. Page 1, line 2, by striking the word
3 "paragraph" and inserting the following:
4 "paragraphs".
5 2. Page 1, by inserting after line 7 the
6 following:
7 "d. If the person is alleged or claims to be the
8 biological father of an unborn child of a pregnant
9 woman with whom the person is cohabitating, the person
10 has a history of substance abuse or domestic abuse,
11 and habitually lacks self-control as to the use of
12 chemical substances to the extent that the person is
13 likely to seriously endanger the person's health, or
14 to physically injure the person's self, the pregnant
15 woman, the pregnant woman's fetus, or others, if
16 allowed to remain at liberty without treatment."
17 3. Page 1, line 15, by striking the word "or" and
18 inserting the following: "or".
19 4. Page 1, line 17, by inserting after the word
20 "liberty," the following: "or if a person
21 cohabitating with a pregnant woman as described in
22 section 125.2, subsection 4, paragraph "d", is likely
23 to injure the person's self, the pregnant woman, the
24 pregnant woman's fetus, or others, if allowed to
25 remain at liberty".
26 5. Page 2, line 3, by striking the word "or" and
27 inserting the following: "or".
28 6. Page 2, line 4 by inserting after the word

29 "others" the following: ", or if a person
30 cohabitating with a pregnant woman, as described in
31 section 125.2, subsection 4, paragraph "d", to the
32 respondent's self, the pregnant woman, the pregnant
33 woman's fetus, or others.".

ROBERT E. DVORSKY
JOHNIE HAMMOND

S-3070

1 Amend Senate File 149 as follows:
2 1. Page 1, by striking lines 33 and 34 and
3 inserting the following: "tank."

JEFF ANGELO

S-3071

1 Amend Senate File 211 as follows:
2 1. Page 1, line 27, by striking the word
3 "thoroughbred" and inserting the following:
4 "~~thoroughbred~~".

SANDRA GREINER

S-3072

1 Amend Senate File 103 as follows:
2 1. Page 2, line 9, by striking the word "bylaws"
3 and inserting the following: "bylaws articles of
4 incorporation".

JOHN W. JENSEN

S-3073

1 Amend Senate File 165 as follows:
2 1. Page 2, by inserting after line 20 the
3 following:
4 "i. Any oral or written communications,
5 examinations, or publications produced or utilized by
6 a driver's license station, provided public safety is
7 not jeopardized."

COMMITTEE ON STATE GOVERNMENT
STEVE KING, Chair

S-3074

- 1 Amend Senate File 267 as follows:
- 2 1. Page 34, line 11, by striking the figure "6,".
- 3 2. By striking page 35, line 33, through page 36,
- 4 line 8.
- 5 3. By renumbering as necessary.

THOMAS FIEGEN

S-3075

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "g,".
- 3 2. Page 31, by striking lines 28 through 34.
- 4 3. By renumbering as necessary.

THOMAS FIEGEN

S-3076

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 8, by striking the words and
- 3 figure "and subsection 5, are" and inserting the
- 4 following: "is".
- 5 2. Page 30, by striking lines 14 through 17.
- 6 3. By renumbering as necessary.

ROBERT E. DVORSKY

S-3077

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, by striking line 8 and inserting the
- 3 following: "subsection 5, is".
- 4 2. Page 30, by striking lines 10 through 13.
- 5 3. By renumbering as necessary.

ROBERT E. DVORSKY

S-3078

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "a,".
- 3 2. Page 30, by striking lines 21 through 27.
- 4 3. By renumbering as necessary.

BETTY A. SOUKUP

S-3079

- 1 Amend Senate File 267 as follows:
2 1. Page 34, by striking line 11 and inserting the
3 following: "subsection 3, are amended to read as
4 follows:"
5 2. Page 35, by striking lines 7 through 15 and
6 inserting the following:
7 "Sec. ____ 2000 Iowa Acts, chapter 1229, section
8 15, subsection 4, paragraph b, is amended to read as
9 follows:"
10 3. Page 35, by inserting before line 24 the
11 following:
12 "Sec. ____ 2000 Iowa Acts, chapter 1229, section
13 15, subsections 5, 6, and 7, are amended to read as
14 follows:"
15 4. By renumbering as necessary.

TOM FLYNN

S-3080

- 1 Amend Senate File 267 as follows:
2 1. Page 34, by striking line 11 and inserting the
3 following: "subsection 3, are amended to read as
4 follows:"
5 2. Page 35, by inserting before line 7 the
6 following:
7 "Sec. ____ 2000 Iowa Acts, chapter 1229, section
8 15, subsection 4, paragraph a, is amended to read as
9 follows:"
10 3. Page 35, by striking lines 16 through 23 and
11 inserting the following:
12 "Sec. ____ 2000 Iowa Acts, chapter 1229, section
13 15, subsections 5, 6, and 7, are amended to read as
14 follows:"
15 4. By renumbering as necessary.

TOM FLYNN

S-3081

- 1 Amend Senate File 267 as follows:
2 1. Page 32, by striking lines 13 through 35.
3 2. By renumbering as necessary.

JOHNIE HAMMOND

S-3082

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "f".
- 3 2. Page 31, by striking lines 21 through 27.
- 4 3. By renumbering as necessary.

ROBERT E. DVORSKY
WALLY E. HORN

S-3083

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "h".
- 3 2. By striking page 31, line 35, through page 32,
- 4 line 6.
- 5 3. By renumbering as necessary.

MARK SHEARER

S-3084

- 1 Amend Senate File 267 as follows:
- 2 1. Page 33, by striking lines 1 through 10.
- 3 2. By renumbering as necessary.

MARK SHEARER

S-3085

- 1 Amend Senate File 267 as follows:
- 2 1. By striking page 29, line 22 through page 30,
- 3 line 6.
- 4 2. By renumbering as necessary.

EUGENE S. FRAISE
MARK SHEARER

S-3086

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "c".
- 3 2. By striking page 30, line 35, through page 31,
- 4 line 6.
- 5 3. By renumbering as necessary.

STEVEN D. HANSEN

S-3087

- 1 Amend Senate File 267 as follows:
- 2 1. Page 28, by striking lines 28 through 34.
- 3 2. By renumbering as necessary.

JOHNIE HAMMOND

S-3088

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "b,".
- 3 2. Page 30, by striking lines 28 through 34.
- 4 3. By renumbering as necessary.

JOHNIE HAMMOND
BETTY A. SOUKUP**S-3089**

- 1 Amend Senate File 267 as follows:
- 2 1. By striking page 33, line 34 through page 34,
- 3 line 7.
- 4 2. By renumbering as necessary.

PATRICIA HARPER

S-3090

- 1 Amend Senate File 267 as follows:
- 2 1. Page 33, by striking lines 11 through 23.
- 3 2. By renumbering as necessary.

JACK HOLVECK

S-3091

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "e,".
- 3 2. Page 31, by striking lines 14 through 20.
- 4 3. By renumbering as necessary.

JACK HOLVECK

S-3092

- 1 Amend Senate File 267 as follows:
- 2 1. Page 34, line 11, by striking the figure "5,".

- 3 2. Page 35, by striking lines 24 through 32.
- 4 3. By renumbering as necessary.

PATRICIA HARPER

S-3093

- 1 Amend Senate File 267 as follows:
- 2 1. Page 34, by striking line 10.
- 3 2. Page 34, by striking lines 12 through 27.
- 4 3. By renumbering as necessary.

STEVEN D. HANSEN

S-3094

- 1 Amend Senate File 267 as follows:
- 2 1. By striking page 27, line 32 through 28, line
- 3 10.
- 4 2. By renumbering as necessary.

TOM FLYNN

S-3095

- 1 Amend Senate File 267 as follows:
- 2 1. Page 28, by striking lines 12 through 27.
- 3 2. By renumbering as necessary.

JACK HOLVECK

S-3096

- 1 Amend Senate File 267 as follows:
- 2 1. By striking page 28, line 35 through page 29,
- 3 line 13.
- 4 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3097

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "d".
- 3 2. Page 31, by striking lines 7 through 13.
- 4 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3098

- 1 Amend Senate File 267 as follows:
2 1. Page 15, line 34, by striking the word and
3 figures "7, 16, and 23" and inserting the following:
4 "7 and 23".
5 2. By striking page 16, line 7, through page 17,
6 line 3.
7 3. By renumbering as necessary.

MIKE CONNOLLY

S-3099

- 1 Amend Senate File 267 as follows:
2 1. Page 15, line 34, by striking the word and
3 figures "7, 16, and 23" and inserting the following:
4 "16 and 23".
5 2. By striking page 15, line 35, through page 16,
6 line 6.
7 3. By renumbering as necessary.

PATRICK J. DELUHERY

S-3100

- 1 Amend Senate File 267 as follows:
2 1. Page 18, by striking lines 20 through 32.
3 2. By renumbering as necessary.

MIKE CONNOLLY

S-3101

- 1 Amend Senate File 267 as follows:
2 1. Page 15, by striking lines 14 through 23.
3 2. By renumbering as necessary.

MIKE CONNOLLY

S-3102

- 1 Amend Senate File 267 as follows:
2 1. Page 18, by striking lines 10 through 19.
3 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-3103

- 1 Amend Senate File 267 as follows:
- 2 1. Page 15, line 34, by striking the word and
- 3 figures "7, 16, and 23" and inserting the following:
- 4 "7 and 16".
- 5 2. By striking page 17, line 4, through page 18,
- 6 line 8.
- 7 3. By renumbering as necessary.

JOHN P. KIBBIE
STEVEN D. HANSEN

S-3104

- 1 Amend Senate File 267 as follows:
- 2 1. Page 15, by striking lines 3 through 12.
- 3 2. By renumbering as necessary.

MIKE CONNOLLY

S-3105

- 1 Amend Senate File 267 as follows:
- 2 1. By striking page 19, line 27, through page 20,
- 3 line 1.
- 4 2. By renumbering as necessary.

PATRICIA HARPER

S-3106

- 1 Amend Senate File 267 as follows:
- 2 1. Page 19, by striking lines 16 through 26.
- 3 2. By renumbering as necessary.

JOHNIE HAMMOND

S-3107

- 1 Amend Senate File 267 as follows:
- 2 1. By striking page 18, line 33, through page 19,
- 3 line 15.
- 4 2. By renumbering as necessary.

ROBERT E. DVORSKY
JOE BOLKCOM

S-3108

- 1 Amend Senate File 267 as follows:
- 2 1. Page 20, by striking lines 2 through 7.
- 3 2. By renumbering as necessary.

STEVEN D. HANSEN
PATRICK J. DELUHERY

S-3109

- 1 Amend Senate File 267 as follows:
- 2 1. Page 15, by striking lines 24 through 32.
- 3 2. By renumbering as necessary.

BILL FINK

S-3110

- 1 Amend Senate File 267 as follows:
- 2 1. Page 33, line 24, by striking the words "--
- 3 MILITARY DIVISION".
- 4 2. Page 33, by striking lines 25 through 33.
- 5 3. By renumbering as necessary.

ROBERT E. DVORSKY

S-3111

- 1 Amend Senate File 267 as follows:
- 2 1. Page 36, by striking lines 29 through 34.
- 3 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-3112

- 1 Amend Senate File 57 as follows:
- 2 1. Page 1, by striking lines 10 through 14, and
- 3 inserting the following: "purpose before the next
- 4 regular city election. However, the city council may
- 5 dispense with such election as to the grant,
- 6 amendment, extension, or renewal of an electric light
- 7 and power, heating, or gasworks franchise unless there
- 8 is a valid petition requesting submission of the
- 9 proposal to the voters, or the party seeking such
- 10 franchise, grant, amendment, extension, or renewal
- 11 requests an election. If a majority of those".

COMMITTEE ON LOCAL GOVERNMENT
DAVID MILLER, Chair

S-3113

- 1 Amend Senate File 170 as follows:
2 1. Page 1, by striking lines 1 through 13 and
3 inserting the following:
4 "Section 1. Section 92.6, Code 2001, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 10. Health care provider
7 occupations involving routine exposure or handling of
8 blood borne pathogens."
9 2. Page 1, line 19, by inserting after the word
10 "services," the following: "notwithstanding section
11 92.8, subsection 18,".
12 3. Page 1, line 19, by inserting after the word
13 "hospital," the following: "hospice,".
14 4. Page 1, lines 20 and 21, by striking the words
15 "the minimum hours of training set forth in" and
16 inserting the following: "training consistent with".

NEAL SCHUERER

S-3114

- 1 Amend Senate File 222 as follows:
2 1. Page 1, line 9, by striking the word "ten" and
3 inserting the following: "eight".

JEFF ANGELO
TOM FLYNN
JEFF LAMBERTI
O. GENE MADDOX

S-3115

- 1 Amend Senate File 164 as follows:
2 1. Page 1, line 5, by inserting after the word
3 "services." the following: "A portion of the battle
4 flag collection shall remain at the state capitol at
5 all times."

PAUL MCKINLEY

S-3116

- 1 Amend Senate File 222 as follows:
2 1. Page 1, line 3, by inserting after the word
3 "PROPERTY." the following: "a."
4 2. Page 1, by inserting after line 15 the
5 following:
6 "b. This subsection shall not apply to the
7 following:

8 (1) The intentional or reckless disregard of
 9 design plans, specifications, or building codes,
 10 including but not limited to the substitution of
 11 specified materials without the knowledge of the
 12 purchaser.
 13 (2) Fraud or misrepresentation.
 14 (3) Breach of express warranty or guarantee.
 15 (4) Defective products.
 16 (5) Waiver of the provisions of this subsection by
 17 contract of the parties.
 18 (6) Prolonged exposure to hazardous waste; removal
 19 or encapsulation of asbestos; or application of
 20 environmental remediation.
 21 (7) Actions brought by the state or any
 22 governmental subdivision, including but not limited to
 23 any county, city, school district, or municipality.
 24 (8) Willful misconduct, gross negligence, or
 25 fraudulent concealment of defects.
 26 (9) Improvements to real property made prior to
 27 the effective date of this Act."

THOMAS FIEGEN

S-3117

1 Amend Senate File 276 as follows:
 2 1. Page 5, by striking lines 12 through 17.
 3 2. By striking page 6, line 35, through page 7,
 4 line 5, and inserting the following:
 5 "1. A person shall not sell, solicit, or negotiate
 6 insurance in this state for any line of insurance
 7 unless the person is licensed as an insurance producer
 8 for that line of insurance as provided in this
 9 chapter.
 10 2. A person offering to the public, for a fee or
 11 commission, to engage in the business of offering any
 12 advice, counsel, or service with respect to the
 13 benefits, advantages, or disadvantages promised under
 14 any policy of insurance must also be licensed as an
 15 insurance producer."
 16 3. By renumbering as necessary.

JOANN JOHNSON

S-3118

1 Amend Senate File 170 as follows:
 2 1. Page 1, by striking lines 1 through 13 and
 3 inserting the following:
 4 "Section 1. Section 92.6, Code 2001, is amended by
 5 adding the following new subsection:

- 6 NEW SUBSECTION. 10. Health care provider
 7 occupations involving routine exposure or handling of
 8 blood borne pathogens."
 9 2. Page 1, line 19, by inserting after the word
 10 "hospital," the following: "hospice,".
 11 3. Page 1, line 20, by inserting after the word
 12 "as" the following: "such work does not violate the
 13 provisions of section 92.8, subsection 18, and".
 14 4. Page 1, lines 20 and 21, by striking the words
 15 "the minimum hours of training set forth in" and
 16 inserting the following: "training consistent with".

NEAL SCHUERER
 THOMAS FIEGEN

S-3119

- 1 Amend House File 352, as passed by the House, as
 2 follows:
 3 1. Page 1, line 5, by inserting after the word
 4 "with" the following: "the department of veterans
 5 affairs and".
 6 2. Page 1, line 7, by inserting after the word
 7 "times" the following: "during restoration, and the
 8 entire battle flag collection shall remain at the
 9 state capitol after restoration".
 10 3. By renumbering as necessary.

RICHARD F. DRAKE
 JOHN P. KIBBIE
 DICK L. DEARDEN
 MARK SHEARER
 JOHN W. JENSEN

S-3120

- 1 Amend House File 352, as passed by the House, as
 2 follows:
 3 1. Page 1, line 5, by inserting after the word
 4 "with" the following: "the department of veterans
 5 affairs and".
 6 2. Page 1, by striking lines 6 and 7 and
 7 inserting the following: "portion of the battle flag
 8 collection shall be on display at the state capitol
 9 and the state historical building at all times, unless
 10 on loan approved by the department of cultural
 11 affairs."
 12 3. By renumbering as necessary.

RICHARD F. DRAKE
 JOHN P. KIBBIE

DICK L. DEARDEN
KITTY REHBERG
MARK SHEARER
JOHN W. JENSEN
PAUL MCKINLEY
MIKE CONNOLLY

S-3121

- 1 Amend Senate File 165 as follows:
2 1. Page 1, line 1, by inserting before the word
3 "ENGLISH" the following: "STANDARD AMERICAN".
4 2. Page 1, line 11, by inserting before the word
5 "English" the following: "standard American".
6 3. Page 1, line 13, by inserting before the word
7 "English" the following: "standard American".
8 4. Page 1, line 14, by inserting before the word
9 "English" the following: "standard American".
10 5. Page 1, line 18, by inserting before the word
11 "English" the following: "standard American".
12 6. Page 1, line 21, by inserting before the word
13 "English" the following: "standard American".
14 7. Page 1, line 24, by inserting before the word
15 "English" the following: "standard American".
16 8. Page 1, line 29, by inserting before the word
17 "English" the following: "standard American".
18 9. Page 2, line 16, by inserting before the word
19 "English" the following: "standard American".
20 10. Page 2, line 26, by inserting before the word
21 "English" the following: "standard American".
22 11. Page 2, line 31, by inserting before the word
23 "English" the following: "standard American".
24 12. Page 2, line 33, by inserting before the word
25 "English" the following: "standard American".
26 13. Page 2, line 35, by inserting before the word
27 "ENGLISH" the following: "STANDARD AMERICAN".
28 14. Page 3, line 1, by inserting before the word
29 "English" the following: "standard American".
30 15. Page 3, line 3, by inserting before the word
31 "English" the following: "standard American".
32 16. Page 3, line 9, by inserting before the word
33 "English" the following: "standard American".
34 17. Title page, line 1, by inserting before the
35 word "English" the following: "standard American".

STEVEN D. HANSEN

S-3122

- 1 Amend Senate File 165 as follows:
2 1. Page 1, line 1, by inserting before the word

- 3 "ENGLISH" the following: "OXFORD".
 4 2. Page 1, line 11, by inserting before the word
 5 "English" the following: "Oxford".
 6 3. Page 1, line 13, by inserting before the word
 7 "English" the following: "Oxford".
 8 4. Page 1, line 14, by inserting before the word
 9 "English" the following: "Oxford".
 10 5. Page 1, line 18, by inserting before the word
 11 "English" the following: "Oxford".
 12 6. Page 1, line 21, by inserting before the word
 13 "English" the following: "Oxford".
 14 7. Page 1, line 24, by inserting before the word
 15 "English" the following: "Oxford".
 16 8. Page 1, line 29, by inserting before the word
 17 "English" the following: "Oxford".
 18 9. Page 2, line 16, by inserting before the word
 19 "English" the following: "Oxford".
 20 10. Page 2, line 26, by inserting before the word
 21 "English" the following: "Oxford".
 22 11. Page 2, line 31, by inserting before the word
 23 "English" the following: "Oxford".
 24 12. Page 2, line 33, by inserting before the word
 25 "English" the following: "Oxford".
 26 13. Page 2, line 35, by inserting before the word
 27 "ENGLISH" the following: "OXFORD".
 28 14. Page 3, line 1, by inserting before the word
 29 "English" the following: "Oxford".
 30 15. Page 3, line 3, by inserting before the word
 31 "English" the following: "Oxford".
 32 16. Page 3, line 9, by inserting before the word
 33 "English" the following: "Oxford".
 34 17. Title page, line 1, by inserting before the
 35 word "English" the following: "Oxford".

STEVEN D. HANSEN

S-3123

- 1 Amend Senate File 267 as follows:
 2 1. By striking page 4, line 34 through page 6,
 3 line 6.
 4 2. By renumbering as necessary.

STEVEN D. HANSEN

S-3124

- 1 Amend Senate File 267 as follows:
 2 1. Page 4, by striking lines 5 through 33.
 3 2. By renumbering as necessary.

STEVEN D. HANSEN

S-3125

- 1 Amend Senate File 267 as follows:
2 1. Page 7, by striking lines 11 through 31.
3 2. By renumbering as necessary.

STEVEN D. HANSEN

S-3126

- 1 Amend Senate File 267 as follows:
2 1. By striking page 2, line 2 through page 4,
3 line 4.
4 2. By renumbering as necessary.

STEVEN D. HANSEN

S-3127

- 1 Amend Senate File 242 as follows:
2 1. Page 1, by striking lines 1 through 6, and
3 inserting the following:
4 "Section 1. Section 135B.7, Code 2001, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. The department shall
7 adopt rules that require hospitals to establish
8 procedures for authentication of verbal orders by a
9 practitioner within a period not to exceed thirty days
10 following a patient's discharge."

JOHN REDWINE
MERLIN E. BARTZ**S-3128**

- 1 Amend Senate File 196 as follows:
2 1. Page 1, by striking line 25 and inserting the
3 following: "April 16 through October 15, or October
4 16 through April 15."
5 2. Page 2, by striking lines 20 through 31 and
6 inserting the following:
7 "3. a. The reports by lobbyists before the
8 general assembly shall be filed not later than ~~twenty-~~
9 ~~five days following any month in which the general~~
10 ~~assembly is in session and thereafter on or before~~
11 ~~July 31, April 30 and October 31, and January 31.~~ The
12 reports filed by a lobbyist before the general
13 assembly shall contain information for the preceding
14 ~~calendar month or quarter~~ six-month reporting period
15 ~~or the parts thereof during which the person was~~
16 engaged in lobbying.

17 b. Reports filed by lobbyists before a state
 18 agency shall be filed on or before April 30, ~~July 31,~~
 19 ~~and October 31, and January 31,~~ for the preceding
 20 ~~calendar quarter~~ six-month reporting period or the
 21 ~~parts thereof during of~~ which the person was engaged
 22 in lobbying."

RICHARD F. DRAKE
 PATRICK J. DELUHERY
 MIKE SEXTON

S-3129

1 Amend Senate File 267 as follows:

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

4 "DIVISION I

5 SUPPLEMENTAL APPROPRIATIONS

6 Section 1. DEPARTMENT OF REVENUE AND FINANCE.

7 There is appropriated from the general fund of the
 8 state to the department of revenue and finance for the
 9 fiscal year beginning July 1, 2000, and ending June
 10 30, 2001, the following amount, or so much thereof as
 11 is necessary, to be used for the purposes designated,
 12 in addition to the appropriations made for those
 13 purposes in 2000 Iowa Acts, chapter 1231, section 28:

14 For compliance, including salaries, support,
 15 maintenance, and miscellaneous purposes:

16\$

142,236

17 DIVISION II

18 OTHER FUNDS

19 Sec. ____ ENHANCED COURT COLLECTIONS FUND.

20 Notwithstanding section 602.1304, subsection 2, for
 21 the fiscal year beginning July 1, 2000, the director
 22 of revenue and finance shall not deposit revenues into
 23 the enhanced court collections fund. On the effective
 24 date of this section, any revenues deposited during
 25 the fiscal year into the enhanced court collections
 26 fund before the effective date of this section shall
 27 be transferred and credited to the general fund of the
 28 state.

29 DIVISION III

30 APPROPRIATIONS REDUCTIONS

31 Sec. ____ GENERAL REDUCTIONS.

32 1. Except as otherwise provided in this section,
 33 the amounts appropriated from the general fund of the
 34 state in enactments made for the fiscal year beginning
 35 July 1, 2000, and ending June 30, 2001, and standing
 36 limited and unlimited appropriations from the general
 37 fund of the state for the fiscal year beginning July
 38 1, 2000, and ending June 30, 2001, are reduced by 1.00
 39 percent. For an appropriation that is reduced to a

40 specific amount in divisions IV through IX of this
41 Act, the appropriation reduction required pursuant to
42 this section shall be applied to the final
43 appropriation amount in divisions IV through IX.
44 However, an appropriation made from the general fund
45 of the state for the fiscal year beginning July 1,
46 2000, shall not be reduced if the appropriation is any
47 of the following:
48 a. An appropriation described or specified in
49 subsection 4.
50 b. An appropriation made in section 2.12.

Page 2

1 c. An appropriation to the judicial branch.
2 2. The reduction in appropriations made pursuant
3 to subsection 1 shall be carried out by the governor
4 in the manner specified in section 8.31, except as
5 provided in subsection 4. However, provided that the
6 total amount of the reductions required by this
7 section remains unchanged, the governor may approve
8 the exercise of transfer authority under section 8.39
9 as necessary to prudently adjust the reductions made
10 to individual appropriations and the report required
11 under this subsection shall constitute the notice
12 otherwise required under section 8.39, subsection 3.
13 Upon implementation of the appropriations reductions
14 specified in subsection 1, the department of
15 management shall submit a report to the chairpersons
16 and ranking members of the appropriations committees
17 of each chamber of the general assembly specifying how
18 the reductions were applied and if any transfers were
19 authorized.
20 3. Moneys which become available as a result of
21 the appropriations reductions made pursuant to this
22 section shall be considered to have reverted to the
23 general fund of the state on the effective date of
24 this section.
25 4. The appropriations reductions made in
26 subsection 1 shall not be applied to the
27 appropriations made from the general fund of the state
28 for the fiscal year beginning July 1, 2000, for any of
29 the following:
30 a. To the department of human services in 2000
31 Iowa Acts, chapter 1228, and other enactments making
32 appropriations from the general fund of the state to
33 the department for that fiscal year for the following
34 purposes: medical assistance, pharmaceutical case
35 management study, health insurance premium payment
36 program, children's health insurance program, medical
37 contracts, and state supplementary assistance.
38 b. To the department of corrections in 2000 Iowa

39 Acts, chapter 1229, and other enactments making
 40 appropriations from the general fund of the state to
 41 the department for that fiscal year for the following
 42 purposes: for correctional facilities under 2000 Iowa
 43 Acts, chapter 1229, section 4, and for annual payment
 44 relating to the financial arrangement for the
 45 construction or expansion of prison capacity, under
 46 2000 Iowa Acts, chapter 1229, section 5, subsection 3.
 47 c. To appropriations made from the general fund of
 48 the state for the following purposes: state
 49 unemployment compensation in section 96.13, personal
 50 property tax replacement in section 405A.8, franchise

Page 3

1 tax revenue allocation in section 405A.10, statewide
 2 fire and police retirement system in section 411.20,
 3 federal Cash Management and Improvement Act interest
 4 costs in section 421.31, livestock production credit
 5 refund in section 422.121, homestead tax credit in
 6 section 425.1, extraordinary property tax credit and
 7 reimbursement in section 425.39, agricultural land tax
 8 credit in section 426.1, military service tax credit
 9 in section 426A.1A, property tax relief fund in
 10 section 426B.1, industrial machinery, equipment and
 11 computers property tax replacement fund in section
 12 427B.19A, and cigarette and little cigar tax stamps in
 13 section 453A.8.
 14 d. To the commission of veterans affairs in 2000
 15 Iowa Acts, chapter 1222, section 7, subsection 3, and
 16 other enactments making appropriations from the
 17 general fund of the state to the commission for that
 18 fiscal year for the following purpose: for the Iowa
 19 veterans home.
 20 e. To the treasurer of state for Iowa
 21 communications network debt service in 2000 Iowa Acts,
 22 chapter 1226, section 1.
 23 f. For the Iowa early intervention block grant
 24 program in section 256D.5, for instructional support
 25 and state aid to school corporations in section
 26 257.16, for child development grants and other
 27 programs for at-risk children in section 279.51, for
 28 nonpublic school pupil transportation in section
 29 285.2, for educational excellence in section 294A.25,
 30 and for school improvement technology in section
 31 295.2.
 32 g. To the state board of regents for tuition
 33 replacement in 2000 Iowa Acts, chapter 1223, section
 34 11, subsection 1, paragraph "b".

35 DIVISION IV
 36 ADMINISTRATION AND REGULATION
 37 DEPARTMENT OF GENERAL SERVICES

38 Sec. ____ 2000 Iowa Acts, chapter 1231, section 8,
 39 subsection 3 is amended to read as follows:
 40 3. CAPITOL PLANNING COMMISSION
 41 For expenses of the members in carrying out their
 42 duties under chapter 18A:

| | | |
|----------|----|--------------|
| 43 | \$ | 2,000 |
| 44 | | <u>1,284</u> |

45 DIVISION V
 46 AGRICULTURE AND NATURAL RESOURCES
 47 SOIL CONSERVATION DIVISION

48 Sec. ____ 2000 Iowa Acts, chapter 1224, section 1,
 49 subsection 4, paragraph a, is amended to read as
 50 follows:

Page 4

1 a. For salaries, support, maintenance, assistance
 2 to soil conservation districts, and miscellaneous
 3 purposes, and for not more than the following full-
 4 time equivalent positions:

| | | |
|---------|------|------------------|
| 5 | \$ | 6,985,526 |
| 6 | | <u>6,435,526</u> |
| 7 | FTEs | 195.11 |

8 ENVIRONMENT FIRST FUND -- AGRICULTURE

9 Sec. ____ 2000 Iowa Acts, chapter 1225, section
 10 25, subsections 3 and 4, are amended to read as
 11 follows:

12 3. To initiate a statewide voluntary farm
 13 management demonstration program to demonstrate the
 14 effectiveness and adaptability of emerging practices
 15 in agronomy that protect water resources and provide
 16 other environmental benefits:

| | | |
|----------|----|----------------|
| 17 | \$ | 850,000 |
| 18 | | <u>350,000</u> |

19 4. For assisting farm operators in applying for
 20 project grants associated with the statewide voluntary
 21 farm management demonstration program:

| | | |
|----------|----|----------|
| 22 | \$ | 50,000 |
| 23 | | <u>0</u> |

24 Sec. ____ ENVIRONMENT FIRST FUND -- SOIL
 25 CONSERVATION DIVISION. There is appropriated from the
 26 environment first fund to the department of
 27 agriculture and land stewardship 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 the soil conservation division: | | |
| 32 | \$ | 550,000 |

33 DIVISION VI
 34 ECONOMIC DEVELOPMENT

35 Sec. ____ 2000 Iowa Acts, chapter 1230, section 1,
 36 subsection 2, paragraph a, unnumbered paragraphs 1 and

37 2, are amended to read as follows:

38 Business development operations

39 For salaries, support, maintenance, miscellaneous
40 purposes, and for not more than the following full-
41 time equivalent positions:

| | | |
|----------|------|------------------|
| 42 | \$ | <u>4,810,534</u> |
| 43 | | <u>4,760,534</u> |
| 44 | FTEs | 27.75 |

45 Sec. ____ 2000 Iowa Acts, chapter 1230, section 1,
46 subsection 3, paragraph a, is amended to read as
47 follows:

48 a. Community assistance

49 For salaries, support, maintenance, miscellaneous
50 purposes, and for not more than the following full-

Page 5

1 time equivalent positions for administration of the
2 community economic preparedness program, the Iowa
3 community betterment program, and the city development
4 board:

| | | |
|---------|------|----------------|
| 5 | \$ | <u>855,031</u> |
| 6 | | <u>805,031</u> |
| 7 | FTEs | 10.50 |

8 Sec. ____ 2000 Iowa Acts, chapter 1230, section 1,
9 subsection 3, paragraph c, unnumbered paragraphs 1 and
10 2, are amended to read as follows:

11 Community development program

12 For salaries, support, maintenance, miscellaneous
13 purposes, and for not more than the following full-
14 time equivalent positions, for rural resource
15 coordination, rural community leadership, rural
16 innovations grant program, and the rural enterprise
17 fund:

| | | |
|----------|------|----------------|
| 18 | \$ | <u>958,440</u> |
| 19 | | <u>908,440</u> |
| 20 | FTEs | 7.50 |

21 Sec. ____ 2000 Iowa Acts, chapter 1230, section 1,
22 subsection 5, unnumbered paragraphs 1 and 2, are
23 amended to read as follows:

24 Tourism operations and advertising

25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-
27 time equivalent positions:

| | | |
|----------|------|------------------|
| 28 | \$ | <u>4,940,413</u> |
| 29 | | <u>4,890,413</u> |
| 30 | FTEs | 18.52 |

31 DEPARTMENT OF WORKFORCE DEVELOPMENT

32 Sec. ____ 2000 Iowa Acts, chapter 1230, section
33 10, subsection 1 is amended to read as follows:

34 1. DIVISION OF LABOR SERVICES

35 For the division of labor services, including

| | | |
|--|------|------------------|
| 36 salaries, support, maintenance, miscellaneous | | |
| 37 purposes, and for not more than the following full- | | |
| 38 time equivalent positions: | | |
| 39 | \$ | <u>3,429,686</u> |
| 40 | | <u>3,425,686</u> |
| 41 | FTEs | 92.00 |

42 From the contractor registration fees, the division
 43 of labor services shall reimburse the department of
 44 inspections and appeals for all costs associated with
 45 hearings under chapter 91C, relating to contractor
 46 registration.

47 SCHOOL-TO-CAREER PROGRAM

48 Sec. ____ 2000 Iowa Acts, chapter 1230, section
 49 34, is amended to read as follows:
 50 SEC. 34. In lieu of the appropriation made in

Page 6

1 section 15.365, subsection 3, there is appropriated
 2 for the fiscal year beginning July 1, 2000, and ending
 3 June 30, 2001, ~~\$100,000, or so much thereof as is~~
 4 ~~necessary,~~ \$0 from the general fund of the state to
 5 the department of economic development to pay refunds
 6 as provided under section 15.365.

7 DIVISION VII

8 HUMAN SERVICES

9 HAWK-I PROGRAM

10 Sec. ____ 2000 Iowa Acts, chapter 1228, section
 11 11, unnumbered paragraph 2, is amended to read as
 12 follows:

13 For maintenance of the healthy and well kids in
 14 Iowa (HAWK-I) program pursuant to chapter 514I for
 15 receipt of federal financial participation under Title
 16 XXI of the federal Social Security Act, which creates
 17 the state children's health insurance program:

| | | |
|----------|----|------------------|
| 18 | \$ | <u>4,984,508</u> |
| 19 | | <u>3,684,508</u> |

20 STATE CASES

21 Sec. ____ 2000 Iowa Acts, chapter 1228, section
 22 24, subsection 1, unnumbered paragraph 1, is amended
 23 to read as follows:

24 For purchase of local services for persons with
 25 mental illness, mental retardation, and developmental
 26 disabilities where the client has no established
 27 county of legal settlement:

| | | |
|----------|----|-------------------|
| 28 | \$ | <u>13,308,845</u> |
| 29 | | <u>12,608,845</u> |

30 MH/MR/DD ALLOWED GROWTH

31 RISK POOL

32 Sec. ____ 1999 Iowa Acts, chapter 208, section 1,
 33 unnumbered paragraphs 2 and 3, and subsection 4, as
 34 amended by 2000 Iowa Acts, chapter 1228, section 38,

35 are amended to read as follows:

36 For distribution to counties of the county mental
37 health, mental retardation, and developmental
38 disabilities allowed growth factor adjustment, in
39 accordance with section 331.438, subsection 2, and
40 section 331.439, subsection 3, and chapter 426B:

41\$ 20,982,446
42 19,868,987

43 The funding appropriated in this section is the
44 allowed growth factor adjustment for fiscal year 2000-
45 2001, and is allocated as follows:

46 4. For deposit in the risk pool created in the
47 property tax relief fund pursuant to section 426B.5,
48 subsection 3:

49\$ 1,208,844
50 95,385

Page 7

DIVISION VIII
JUDICIAL BRANCH

3 Sec. ____ 2000 Iowa Acts, chapter 1227, section 2,
4 is amended to read as follows:

5 SEC. 2. JUDICIAL RETIREMENT FUND. There is
6 appropriated from the general fund of the state to the
7 judicial retirement fund for the fiscal year beginning
8 July 1, 2000, and ending June 30, 2001, the following
9 amount, or so much thereof as is necessary, to be used
10 for the purpose designated:

11 For the state's contribution to the judicial
12 retirement fund established in section 602.9104, in
13 the amount of ~~23.7~~ 16.6 percent of the basic salaries
14 of the judges covered under chapter 602, article 9:

15\$ 4,499,350
16 4,077,350

JUDICIAL RETIREMENT STATUTORY PROVISION

18 Sec. ____ Section 602.9104, subsection 4,
19 paragraph b, Code 2001, is amended to read as follows:

20 b. Effective with the fiscal year commencing July
21 1, 1994, and for each subsequent fiscal year until the
22 system attains fully funded status, based upon the
23 benefits provided for judges through the judicial
24 retirement system as of July 1, 2001, the state shall
25 contribute annually to the judicial retirement fund an
26 amount equal to at least ~~twenty-three and seven-tenths~~
27 sixteen and six-tenths percent of the basic salary of
28 all judges covered under this article. Commencing
29 with the first fiscal year in which the system attains
30 fully funded status, based upon the benefits provided
31 for judges through the judicial retirement system as
32 of July 1, 2001, and for each subsequent fiscal year,
33 the state shall contribute to the judicial retirement

34 fund the required contribution rate. The state's
35 contribution shall be appropriated directly to the
36 judicial retirement fund.

37 DIVISION IX
38 TRANSPORTATION

39 Sec. ____ 2000 Iowa Acts, chapter 1216, section 1,
40 subsections 1 and 2, are amended to read as follows:

41 1. For airport engineering studies and improvement
42 projects as provided in chapter 328:

43\$ 2,475,000
44 2,435,000

45 Of the amount appropriated in this subsection,
46 \$25,000 shall be allocated to the Iowa civil air
47 patrol.

48 2. For the rail assistance program and to provide
49 economic development project funding:

50\$ 662,000

Page 8

1 602,000

2 DIVISION X
3 EFFECTIVE DATE

4 Sec. ____ EFFECTIVE DATE. This Act, being deemed
5 of immediate importance, takes effect upon enactment."

6 2. By renumbering as necessary.

JEFF LAMBERTI

S-3130

1 Amend Senate File 165 as follows:

2 1. Page 3, by inserting after line 7 the
3 following:

4 "Sec. ____ Section 7A.1, unnumbered paragraph 1,
5 Code 2001, is amended to read as follows:

6 State officials, boards, commissions, and heads of
7 departments shall prepare and file written official
8 reports, in simple English language and in the most
9 concise form consistent with clearness and
10 comprehensiveness of matter, required by law or by the
11 governor."

12 2. By renumbering as necessary.

STEVEN D. HANSEN

S-3131

1 Amend Senate File 165 as follows:

2 1. Page 2, by inserting after line 20 the
3 following:

4 "i. Programming broadcast on an Iowa public radio
5 station."

STEVEN D. HANSEN

S-3132

1 Amend the amendment, S-3129, to Senate File 267, as
2 follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 "____. To the university of northern Iowa in 2000
6 Iowa Acts, chapter 1223, section 11, and other
7 enactments making appropriations from the general fund
8 of the state to the university for that fiscal year."

PATRICIA HARPER

S-3133

1 Amend the amendment, S-3129, to Senate File 267, as
2 follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 "____. To the state university of Iowa in 2000 Iowa
6 Acts, chapter 1223, section 11, and other enactments
7 making appropriations from the general fund of the
8 state to the university for that fiscal year."

ROBERT E. DVORSKY

S-3134

1 Amend the amendment, S-3129, to Senate File 267, as
2 follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 "____. To Iowa state university of science and
6 technology in 2000 Iowa Acts, chapter 1223, section
7 11, and other enactments making appropriations from
8 the general fund of the state to the university for
9 that fiscal year."

JOHNIE HAMMOND

S-3135

1 Amend the amendment, S-3129, to Senate File 267, as
2 follows:
3 1. Page 2, by inserting after line 29 the

4 following:
5 "____. To the department of education for community
6 colleges in 2000 Iowa Acts, chapter 1223, section 3,
7 subsection 23, and other enactments making
8 appropriations from the general fund of the state for
9 community colleges for that fiscal year."

JOHN P. KIBBIE

S-3136

1 Amend the amendment, S-3129, to Senate File 267, as
2 follows:

3 1. Page 2, by inserting after line 37 the
4 following:

5 "____. To the department of public safety for the
6 division of criminal investigation and bureau of
7 identification in 2000 Iowa Acts, chapter 1229,
8 section 15, subsection 2, and other enactments making
9 appropriations from the general fund of the state for
10 the division and the bureau for that fiscal year."

11 2. Page 2, by inserting before line 38 the
12 following:

13 "____. To the department of public safety for the
14 division of narcotics enforcement in 2000 Iowa Acts,
15 chapter 1229, section 15, subsection 3, and other
16 enactments making appropriations from the general fund
17 of the state for the division for that fiscal year."

18 3. Page 2, by inserting after line 46 the
19 following:

20 "____. To the department of public safety for the
21 division of the Iowa state patrol in 2000 Iowa Acts,
22 chapter 1229, section 15, subsection 6, and other
23 enactments making appropriations from the general fund
24 of the state for the division for that fiscal year."

25 4. Page 2, by inserting before line 47 the
26 following:

27 "____. To the department of public safety for
28 general administration, the state fire marshal's
29 office, the capitol police division, costs associated
30 with the maintenance of the automated fingerprint
31 information system, and costs associated with the
32 training and equipment needs of volunteer firefighters
33 in 2000 Iowa Acts, chapter 1229, section 15,
34 subsections 1, 4, 5, 7, and 9, and other enactments
35 making appropriations from the general fund of the
36 state for these purposes for that fiscal year."

ROBERT E. DVORSKY

S-3137

- 1 Amend the amendment, S-3129, to Senate File 267, as
 2 follows:
 3 1. Page 7, by striking lines 1 through 36.
 4 2. By renumbering as necessary.

MARK SHEARER

S-3138

- 1 Amend the amendment, S-3129, to Senate File 267, as
 2 follows:
 3 1. Page 2, line 34, by inserting after the word
 4 "purposes:" the following: "child protective services
 5 in field operations and general administration,".
 6 2. Page 2, line 35, by inserting after the word
 7 "study," the following: "costs associated with the
 8 commitment and treatment of sexually violent
 9 predators,".
 10 3. Page 2, line 37, by inserting after the word
 11 "contracts," the following: "family investment
 12 program, child support recovery, child care
 13 assistance, juvenile institutions, child and family
 14 services, community-based programs, family support
 15 subsidy program, Conner decree, state mental health
 16 institutes, state resource centers, mental illness
 17 special services, special needs grants, mental health
 18 and developmental disabilities community services
 19 fund, personal assistance, field operations, general
 20 administration, volunteers,".

JOHNIE HAMMOND
 ROBERT E. DVORSKY

S-3139

- 1 Amend the amendment, S-3129, to Senate File 267, as
 2 follows:
 3 1. Page 3, by inserting after line 34 the
 4 following:
 5 "____. To the college student aid commission in
 6 section 261.25, and other appropriations made from the
 7 general fund of the state to the commission for the
 8 fiscal year beginning July 1, 2000."

BILL FINK

S-3140

- 1 Amend Senate Concurrent Resolution 14 as follows:
2 1. Page 1, lines 12 and 13, by striking the
3 figure and word "1.50 percent" and inserting the
4 following: "\$1,800,000".

MICHAEL E. GRONSTAL

S-3141

- 1 Amend the amendment, S-3129, to Senate File 267, as
2 follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 "____. To the state board of regents for the state
6 school for the deaf and the Iowa braille and sight
7 saving school in 2000 Iowa Acts, chapter 1223, section
8 11, and other enactments making appropriations from
9 the general fund of the state for the schools for that
10 fiscal year."

MICHAEL E. GRONSTAL

S-3142

- 1 Amend the amendment, S-3129, to Senate File 267, as
2 follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 "____. To the department of education in 2000 Iowa
6 Acts, chapter 1223, section 3, and other enactments
7 making appropriations from the general fund of the
8 state to the department for that fiscal year."

MIKE CONNOLLY

S-3143

- 1 Amend the amendment, S-3129, to Senate File 267, as
2 follows:
3 1. Page 2, by inserting after line 46 the
4 following:
5 "____. To the department of corrections for
6 allocation to judicial district departments of
7 correctional services in 2000 Iowa Acts, chapter 1229,
8 section 7, and other enactments making appropriations
9 from the general fund of the state for the judicial

10 district departments of corrections for that fiscal
11 year."

ROBERT E. DVORSKY

S-3144

- 1 Amend the amendment, S-3129, to Senate File 267, as
2 follows:
3 1. Page 4, line 6, by striking the figure
4 "6,435,526" and inserting the following: "6,785,526".
5 2. Page 4, line 18, by striking the figure
6 "350,000" and inserting the following: "650,000".
7 3. Page 4, line 32, by striking the figure
8 "550,000" and inserting the following: "200,000".

DENNIS H. BLACK

S-3145

- 1 Amend the amendment, S-3129, to Senate File 267, as
2 follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 "____. To the Iowa department of public health for
6 addressing substance abuse and other addictive
7 disorders in 2000 Iowa Acts, chapter 1222, section 5."
8 2. Page 2, by inserting before line 30 the
9 following:
10 "____. To the Iowa department of public health for
11 home health aides in 2000 Iowa Acts, chapter 1222,
12 section 5."
13 3. Page 2, by inserting after line 37 the
14 following:
15 "____. To the Iowa department of public health for
16 elderly wellness in 2000 Iowa Acts, chapter 1222,
17 section 5."
18 4. Page 2, by inserting before line 38 the
19 following:
20 "____. To the department of elder affairs for area
21 agencies on aging in 2000 Iowa Acts, chapter 1222,
22 section 3."

JOE BOLKCOM

S-3146

- 1 Amend the amendment, S-3129, to Senate File 267, as
2 follows:
3 1. Page 2, by inserting after line 29 the
4 following:

5 " _____. To the department of natural resources for
6 state parks in 2000 Iowa Acts, chapter 1224, section
7 3, and other enactments making appropriations from the
8 general fund of the state for state parks for that
9 fiscal year."

DENNIS H. BLACK

S-3147

1 Amend the amendment, S-3129, to Senate File 267, as
2 follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 " _____. To the department of education for purposes
6 of making technology available to students of
7 accredited nonpublic schools in 2000 Iowa Acts,
8 chapter 1226, section 5, subsection 2, paragraph a,
9 and section 27."

TOM FLYNN

S-3148

1 Amend the amendment, S-3129, to Senate File 267 as
2 follows:
3 1. Page 8, by striking lines 4 and 5 and
4 inserting the following:
5 "Sec. _____. EFFECTIVE DATE. Except for division
6 III of this Act, providing for general reductions of
7 appropriations, this Act, being deemed of immediate
8 importance, takes effect upon enactment. Division III
9 of this Act shall only take effect upon enactment of a
10 statute enumerating those specific services, local
11 government transfer payments, public protection
12 employee positions, college student funding streams,
13 federally matched funding sources, and other
14 expenditure items that are to be reduced, modified, or
15 eliminated to accomplish the reductions in
16 appropriations made in division III by this Act."

MICHAEL E. GRONSTAL

S-3149

1 Amend the amendment, S-3129, to Senate File 267, as
2 follows:
3 1. Page 2, by inserting after line 46 the
4 following:
5 " _____. To the department of commerce for the
6 divisions of banking, credit union, insurance,

7 professional licensing and regulation, and utilities
 8 in 2000 Iowa Acts, chapter 1231, section 3, and to the
 9 department of justice for the office of the consumer
 10 advocate within the department of justice in 2000 Iowa
 11 Acts, chapter 1229, section 3, and other enactments
 12 making appropriations from the general fund of the
 13 state for that fiscal year for regulation of
 14 businesses that pay for the costs of the regulation."
 15 2. By renumbering as necessary.

JACK HOLVECK

S-3150

1 Amend the amendment, S-3129, to Senate File 267, as
 2 follows:
 3 1. Page 2, line 19, by inserting after the word
 4 "authorized." the following: "The reductions in
 5 appropriations made in subsection 1 shall not be
 6 applied in a manner which results in employee
 7 layoffs."

TOM FLYNN

S-3151

1 Amend the amendment, S-3129, to Senate File 267 as
 2 follows:
 3 1. By striking page 1, line 1, through page 8,
 4 line 6, and inserting the following:
 5 "Amend Senate File 267 as follows:
 6 _____. By striking everything after the enacting
 7 clause and inserting the following:

"DIVISION I

SUPPLEMENTAL APPROPRIATIONS

Section 1. DEPARTMENT OF REVENUE AND FINANCE.

11 There is appropriated from the general fund of the
 12 state to the department of revenue and finance for the
 13 fiscal year beginning July 1, 2000, and ending June
 14 30, 2001, the following amount, or so much thereof as
 15 is necessary, to be used for the purposes designated,
 16 in addition to the appropriations made for those
 17 purposes in 2000 Iowa Acts, chapter 1231, section 28:

18 For compliance, including salaries, support,
 19 maintenance, and miscellaneous purposes:

20\$ 142,236

DIVISION II

ADMINISTRATION AND REGULATION

AUDITOR OF STATE

24 Sec. _____. 2000 Iowa Acts, chapter 1231, section 1,
 25 unnumbered paragraph 2, is amended to read as follows:

| | | |
|----|---|------------------|
| 26 | For salaries, support, maintenance, miscellaneous | |
| 27 | purposes, and for not more than the following full- | |
| 28 | time equivalent positions: | |
| 29 | ..... | \$ 1,397,432 |
| 30 | ..... | <u>1,272,529</u> |
| 31 | FTEs | 114.26 |
| 32 | DEPARTMENT OF GENERAL SERVICES | |
| 33 | Sec. ____ 2000 Iowa Acts, chapter 1231, section 8, | |
| 34 | subsection 3 is amended to read as follows: | |
| 35 | 3. CAPITOL PLANNING COMMISSION | |
| 36 | For expenses of the members in carrying out their | |
| 37 | duties under chapter 18A: | |
| 38 | ..... | \$ <u>2,000</u> |
| 39 | ..... | <u>1,284</u> |
| 40 | DIVISION III | |
| 41 | AGRICULTURE AND NATURAL RESOURCES | |
| 42 | SOIL CONSERVATION DIVISION | |
| 43 | Sec. ____ 2000 Iowa Acts, chapter 1224, section 1, | |
| 44 | subsection 4, paragraph a, is amended to read as | |
| 45 | follows: | |
| 46 | a. For salaries, support, maintenance, assistance | |
| 47 | to soil conservation districts, and miscellaneous | |
| 48 | purposes, and for not more than the following full- | |
| 49 | time equivalent positions: | |
| 50 | ..... | \$ 6,985,526 |

Page 2

| | | |
|----|--|------------------|
| 1 | ..... | <u>6,785,526</u> |
| 2 | FTEs | 195.11 |
| 3 | ENVIRONMENT FIRST FUND -- AGRICULTURE | |
| 4 | Sec. ____ 2000 Iowa Acts, chapter 1225, section | |
| 5 | 25, subsections 3 and 4, are amended to read as | |
| 6 | follows: | |
| 7 | 3. To initiate a statewide voluntary farm | |
| 8 | management demonstration program to demonstrate the | |
| 9 | effectiveness and adaptability of emerging practices | |
| 10 | in agronomy that protect water resources and provide | |
| 11 | other environmental benefits: | |
| 12 | ..... | \$ 850,000 |
| 13 | ..... | <u>650,000</u> |
| 14 | 4. For assisting farm operators in applying for | |
| 15 | project grants associated with the statewide voluntary | |
| 16 | farm management demonstration program: | |
| 17 | ..... | \$ 50,000 |
| 18 | ..... | 0 |
| 19 | Sec. ____ ENVIRONMENT FIRST FUND -- SOIL | |
| 20 | CONSERVATION DIVISION. There is appropriated from the | |
| 21 | environment first fund to the department of | |
| 22 | agriculture and land stewardship for the fiscal year | |
| 23 | beginning July 1, 2000, and ending June 30, 2001, the | |
| 24 | following amount, or so much thereof as is necessary, | |

| | | |
|----|--|------------------|
| 25 | to be used for the purpose designated: | |
| 26 | For the soil conservation division: | |
| 27 | ..... | \$ 200,000 |
| 28 | DIVISION IV | |
| 29 | ECONOMIC DEVELOPMENT | |
| 30 | Sec. ____ 2000 Iowa Acts, chapter 1230, section 1, | |
| 31 | subsection 2, paragraph a, unnumbered paragraphs 1 and | |
| 32 | 2, are amended to read as follows: | |
| 33 | Business development operations | |
| 34 | For salaries, support, maintenance, miscellaneous | |
| 35 | purposes, and for not more than the following full- | |
| 36 | time equivalent positions: | |
| 37 | ..... | \$ 4,810,534 |
| 38 | ..... | <u>4,760,534</u> |
| 39 | FTEs | 27.75 |
| 40 | Sec. ____ 2000 Iowa Acts, chapter 1230, section 1, | |
| 41 | subsection 3, paragraph a, is amended to read as | |
| 42 | follows: | |
| 43 | a. Community assistance | |
| 44 | For salaries, support, maintenance, miscellaneous | |
| 45 | purposes, and for not more than the following full- | |
| 46 | time equivalent positions for administration of the | |
| 47 | community economic preparedness program, the Iowa | |
| 48 | community betterment program, and the city development | |
| 49 | board: | |
| 50 | ..... | \$ 855,031 |

Page 3

| | | |
|----|--|----------------|
| 1 | ..... | <u>805,031</u> |
| 2 | FTEs | 10.50 |
| 3 | Sec. ____ 2000 Iowa Acts, chapter 1230, section 1, | |
| 4 | subsection 3, paragraph c, unnumbered paragraphs 1 and | |
| 5 | 2, are amended to read as follows: | |
| 6 | Community development program | |
| 7 | For salaries, support, maintenance, miscellaneous | |
| 8 | purposes, and for not more than the following full- | |
| 9 | time equivalent positions, for rural resource | |
| 10 | coordination, rural community leadership, rural | |
| 11 | innovations grant program, and the rural enterprise | |
| 12 | fund: | |
| 13 | ..... | \$ 958,440 |
| 14 | ..... | <u>908,440</u> |
| 15 | FTEs | 7.50 |
| 16 | Sec. ____ 2000 Iowa Acts, chapter 1230, section 1, | |
| 17 | subsection 5, unnumbered paragraphs 1 and 2, are | |
| 18 | amended to read as follows: | |
| 19 | Tourism operations and advertising | |
| 20 | For salaries, support, maintenance, miscellaneous | |
| 21 | purposes, and for not more than the following full- | |
| 22 | time equivalent positions: | |
| 23 | ..... | \$ 4,940,413 |

| | | |
|----|---|-----------|
| 24 | ..... | 4,890,413 |
| 25 | FTEs | 18.52 |
| 26 | DEPARTMENT OF WORKFORCE DEVELOPMENT | |
| 27 | Sec. ____ 2000 Iowa Acts, chapter 1230, section | |
| 28 | 10, subsection 1 is amended to read as follows: | |
| 29 | 1. DIVISION OF LABOR SERVICES | |
| 30 | For the division of labor services, including | |
| 31 | salaries, support, maintenance, miscellaneous | |
| 32 | purposes, and for not more than the following full- | |
| 33 | time equivalent positions: | |
| 34 | \$ | 3,429,686 |
| 35 | ..... | 3,425,686 |
| 36 | FTEs | 92.00 |

37 From the contractor registration fees, the division
38 of labor services shall reimburse the department of
39 inspections and appeals for all costs associated with
40 hearings under chapter 91C, relating to contractor
41 registration.

42 SCHOOL-TO-CAREER PROGRAM
43 Sec. ____ 2000 Iowa Acts, chapter 1230, section
44 34, is amended to read as follows:
45 SEC. 34. In lieu of the appropriation made in
46 section 15.365, subsection 3, there is appropriated
47 for the fiscal year beginning July 1, 2000, and ending
48 June 30, 2001, ~~\$100,000, or so much thereof as is~~
49 ~~necessary,~~ \$0 from the general fund of the state to
50 the department of economic development to pay refunds

Page 4

1 as provided under section 15.365.
2 DIVISION V
3 HUMAN SERVICES
4 HAWK-I PROGRAM
5 Sec. ____ 2000 Iowa Acts, chapter 1228, section
6 11, unnumbered paragraph 2, is amended to read as
7 follows:
8 For maintenance of the healthy and well kids in
9 Iowa (HAWK-I) program pursuant to chapter 514I for
10 receipt of federal financial participation under Title
11 XXI of the federal Social Security Act, which creates
12 the state children's health insurance program:
13 \$ 4,984,508
14 3,684,508
15 STATE CASES
16 Sec. ____ 2000 Iowa Acts, chapter 1228, section
17 24, subsection 1, unnumbered paragraph 1, is amended
18 to read as follows:
19 For purchase of local services for persons with
20 mental illness, mental retardation, and developmental
21 disabilities where the client has no established
22 county of legal settlement:

| | | | |
|----|--|----|-------------------|
| 23 | ..... | \$ | 13,308,845 |
| 24 | ..... |  | <u>12,608,845</u> |
| 25 | MH/MR/DD ALLOWED GROWTH | | |
| 26 | RISK POOL | | |
| 27 | Sec. ____ 1999 Iowa Acts, chapter 208, section 1, | | |
| 28 | unnumbered paragraphs 2 and 3, and subsection 4, as | | |
| 29 | amended by 2000 Iowa Acts, chapter 1228, section 38, | | |
| 30 | are amended to read as follows: | | |
| 31 | For distribution to counties of the county mental | | |
| 32 | health, mental retardation, and developmental | | |
| 33 | disabilities allowed growth factor adjustment, in | | |
| 34 | accordance with section 331.438, subsection 2, and | | |
| 35 | section 331.439, subsection 3, and chapter 426B: | | |
| 36 | ..... | \$ | 20,982,446 |
| 37 | ..... |  | <u>19,868,987</u> |
| 38 | The funding appropriated in this section is the | | |
| 39 | allowed growth factor adjustment for fiscal year 2000- | | |
| 40 | 2001, and is allocated as follows: | | |
| 41 | 4. For deposit in the risk pool created in the | | |
| 42 | property tax relief fund pursuant to section 426B.5, | | |
| 43 | subsection 3: | | |
| 44 | ..... | \$ | 1,208,844 |
| 45 | ..... |  | <u>95,385</u> |
| 46 | DIVISION VI | | |
| 47 | TRANSPORTATION | | |
| 48 | Sec. ____ 2000 Iowa Acts, chapter 1216, section 1, | | |
| 49 | subsections 1 and 2, are amended to read as follows: | | |
| 50 | 1. For airport engineering studies and improvement | | |

Page 5

| | | | |
|----|--|----|------------------|
| 1 | projects as provided in chapter 328: | | |
| 2 | ..... | \$ | 2,475,000 |
| 3 | ..... |  | <u>2,435,000</u> |
| 4 | Of the amount appropriated in this subsection, | | |
| 5 | \$25,000 shall be allocated to the Iowa civil air | | |
| 6 | patrol. | | |
| 7 | 2. For the rail assistance program and to provide | | |
| 8 | economic development project funding: | | |
| 9 | ..... | \$ | 662,000 |
| 10 | ..... |  | <u>602,000</u> |
| 11 | DIVISION VII | | |
| 12 | EFFECTIVE DATE | | |
| 13 | Sec. ____ EFFECTIVE DATE. This Act, being deemed | | |
| 14 | of immediate importance, takes effect upon enactment." | | |
| 15 | ____. By renumbering as necessary." | | |

MICHAEL E. GRONSTAL

S-3152

- 1 Amend the amendment, S-3129, to Senate File 267, as
2 follows:
3 1. Page 3, by inserting after line 34 the
4 following:
5 "___ For any purpose which draws federal
6 funding."
7 2. By renumbering as necessary.

TOM FLYNN

S-3153

- 1 Amend Senate File 184 as follows:
2 1. Page 1, line 24, by striking the word "~~two~~"
3 and inserting the following: "~~one~~".
4 2. Page 2, line 11, by striking the word "~~county~~"
5 and inserting the following: "county."
6 3. Page 2, by striking line 12.

RICHARD F. DRAKE

S-3154

- 1 Amend Senate File 165 as follows:
2 1. By striking page 1, line 3, through page 3,
3 line 9, and inserting the following:
4 "The general assembly of the state of Iowa finds
5 and declares the following:
6 1. English is the unifying language of the United
7 States, and all members of society recognize the
8 importance of the English language to national
9 prosperity and individual accomplishment.
10 2. The people of Iowa promote the spirit of
11 diversity with harmony represented by the various
12 cultures that make up the fabric of the state of Iowa
13 and American society.
14 3. The people of Iowa acknowledge that "English
15 Plus" best serves the national interest since it
16 promotes the concept that all members of society have
17 full access to opportunities to effectively learn
18 English plus develop proficiency in a second or
19 multiple languages.
20 4. According to the 1990 United States census,
21 ninety-four percent of United States citizens speak
22 English.
23 5. Multilingualism has historically been an
24 essential element of national security, including the
25 use of Navajo in the development of coded
26 communications during World War II, the Korean

27 Conflict, and the Vietnam Conflict.
 28 6. Multilingualism promotes greater cross-cultural
 29 understanding and benefit between racial and ethnic
 30 groups.
 31 7. Iowa will experience more than three hundred
 32 thousand Iowans retiring from a variety of occupations
 33 in the first decade of the twenty-first century.
 34 8. Iowa is engaged in an effort to encourage
 35 newcomers to the state to assist in maintaining a
 36 strong economy.
 37 9. The state of Iowa hereby affirms its advocacy
 38 of the teaching of other languages in the United
 39 States and its belief that the position of English is
 40 not threatened. Proficiency on the part of Iowa
 41 citizens in more than one language is to the economic
 42 and cultural benefit of the state and the nation,
 43 whether that proficiency derives from second language
 44 maintenance plus English acquisition by speakers of
 45 other languages. Proficiency in English plus other
 46 languages should be encouraged throughout the state."

JOE BOLKCOM

S-3155

1 Amend Senate File 349 as follows:
 2 1. Page 3, by inserting after line 24, the
 3 following:
 4 "Sec. ____ Section 68B.35, Code 2001, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 6. The board, the chief clerk of
 7 the house, and the secretary of the senate shall each
 8 respectively provide public access to the personal
 9 financial disclosure statements on file in its
 10 respective office, and shall allow for the making of
 11 copies and the payment of a reasonable fee, according
 12 to the provisions of chapter 22.
 13 Sec. ____ Section 68B.35A, Code 2001, is amended
 14 by striking the section and inserting in lieu thereof
 15 the following:
 16 68B.35A PERSONAL FINANCIAL DISCLOSURE STATEMENTS
 17 OF STATE OFFICIALS AND EMPLOYEES -- PUBLIC ACCESS.
 18 A paper or electronic copy of each personal
 19 financial disclosure statement filed with the board,
 20 the chief clerk of the house, or the secretary of the
 21 senate, respectively, pursuant to the provisions of
 22 section 68B.35, shall be forwarded to the secretary of
 23 state for the publishing of the information by
 24 electronic means."
 25 2. Title page, lines 1 and 2, by striking the
 26 words "information concerning contested case
 27 proceedings of the ethics and campaign disclosure

28 board" and inserting the following: "certain filings
29 relating to executive and legislative ethics".
30 3. By renumbering as necessary.

STEVE KING
JOHN P. KIBBIE
ANDY McKEAN

S-3156

1 Amend Senate File 165 as follows:
2 1. Page 2, by inserting after line 20 the
3 following:
4 "___ Communications in braille, communications
5 utilizing American sign language, or any other form or
6 method of communication intended for persons who are
7 deaf, hard-of-hearing, blind, or visually impaired."

MICHAEL E. GRONSTAL

S-3157

1 Amend Senate File 165 as follows:
2 1. By striking page 1, line 1, through page 3,
3 line 9, and inserting the following:
4 "Section 1. NEW SECTION. 1.18 ENGLISH PLUS
5 REAFFIRMATION.
6 1. The general assembly of the state of Iowa finds
7 and declares the following:
8 a. English is and will remain the primary language
9 of the state of Iowa, and all members of the state
10 recognize the importance of English to state life,
11 individual accomplishment, and personal enrichment.
12 b. Many United States citizens have native
13 languages other than English, including many languages
14 indigenous to the North American continent, and many
15 members of society have not had an equal opportunity
16 to learn English.
17 c. The ability to communicate in English and other
18 languages has promoted and can further enhance Iowa's
19 economic, political, and cultural vitality, and
20 contributes to the state's productivity and nationwide
21 competitiveness.
22 d. Fundamental values and state and national
23 documents ensure tolerance and respect for diversity
24 and guarantee all persons equal protection under the
25 law.
26 e. A need exists for a vastly expanded network of
27 facilities for comprehensive English language
28 instruction and services to ensure that all persons in
29 the state have the ability to exercise the rights and

30 responsibilities of full participation in society. A
31 need exists to offer English as a primary language in
32 classes at Iowa community colleges, state
33 universities, and public schools.
34 f. A need exists to foster multiple language
35 skills among all people in the state in order to
36 promote Iowa's position in the world marketplace and
37 to strengthen Iowa's conduct of relations with other
38 countries.
39 g. A need exists to endorse the concept of English
40 Plus in order to promote public civility and the
41 fundamental values and objectives of society.
42 2. Laws containing restrictionist language shall
43 not be enacted in Iowa that will impede a citizen's
44 right to vote, infringe on a citizen's civil rights,
45 foster governmental interference in private activity
46 and free commerce, or cause social disunity."
47 2. Title page, line 1, by inserting after the
48 word "English" the word "plus".

MIKE CONNOLLY

S-3158

1 Amend Senate File 165 as follows:
2 1. Page 3, by inserting after line 9 the
3 following:
4 "Sec. ____ . COMMITTEE APPOINTED TO TRANSLATE CODE
5 OF IOWA.
6 1. The governor shall appoint a committee
7 consisting of fifty-four citizens of this state who
8 meet the criteria of "learned persons" to translate
9 the Code of Iowa into American English. The committee
10 shall complete its duties no later than June 30, 2003.
11 2. One-fifth of the members of the committee, as
12 nearly as possible, shall be residents of each
13 congressional district of this state and each one-
14 fifth portion of the committee shall serve as a
15 subcommittee. The committee shall meet to determine
16 the duties assigned to each of the five subcommittees.
17 3. The guidelines that the committee shall use in
18 its translation of the Code of Iowa are:
19 a. Follow the Code of Iowa so far as the fidelity
20 to the original sources will allow.
21 b. Maintain the current chapters, only reordering
22 chapters where strictly necessary.
23 c. Where especially difficult passages occur,
24 preference shall be given to the most commonly
25 accepted translation by the average learned Iowan.
26 d. Any words that need to be inserted for
27 colloquial reasons shall be printed in italics.
28 e. Inclusive language efforts shall be made to

- 29 reach gender neutrality.
30 f. Final recommendations of the committee shall
31 include the recognition of the definitive "English
32 language" reference books to be used for future
33 volumes and state documents.
34 4. The committee shall issue its final report in
35 writing to the governor and to the general assembly."
36 2. By numbering as necessary.

STEVEN D. HANSEN

S-3159

- 1 Amend Senate File 165 as follows:
2 1. Page 1, by striking lines 1 through 30 and
3 inserting the following:
4 "Section 1. NEW SECTION. 1E.1 STANDARD LANGUAGE.
5 1. The standard language in this state is American
6 English. All official documents, regulations, orders,
7 transactions, proceedings, programs, meetings,
8 publications, or actions taken or issued, which are
9 conducted or regulated by, or on behalf of, or
10 representing the state shall be in the English
11 language.
12 2. For the purposes of this section, "official
13 action" means".
14 2. Page 3, by inserting after line 9 the
15 following:
16 "Sec. _____. The Code editor is directed to codify
17 section 1E.1 as enacted by this Act as a new section
18 in a new chapter 1E entitled "State Symbols."
19 3. By renumbering as necessary.

STEVEN D. HANSEN

S-3160

- 1 Amend Senate File 165 as follows:
2 1. Page 1, by inserting after line 22 the
3 following:
4 "Under the minimum educational program for grades
5 nine through twelve specified in section 256.11,
6 subsection 5, paragraph "c", all students shall
7 complete a minimum of two units of the English
8 language, including one-half unit of the history and
9 evolution of the English language from old English to
10 American English."

STEVEN D. HANSEN

S-3161

- 1 Amend Senate File 165 as follows:
- 2 1. Page 2, line 4, by inserting after the word
- 3 "languages" the following: ", including but not
- 4 limited to the teaching of American sign language
- 5 (ASL)".

STEVEN D. HANSEN

S-3162

- 1 Amend Senate File 165 as follows:
- 2 1. Page 1, by striking lines 12 through 16.

STEVEN D. HANSEN

S-3163

- 1 Amend Senate File 165 as follows:
- 2 1. Page 1, line 9, by striking the word "Iowa"
- 3 and inserting the following: "Iowa's statehood".
- 4 2. Page 1, line 10, by striking the words
- 5 "States, the" and inserting the following: "States of
- 6 America, a".

STEVEN D. HANSEN

S-3164

- 1 Amend Senate File 165 as follows:
- 2 1. Page 1, line 6, by striking the word "The".
- 3 2. Page 1, by striking lines 7 and 8.
- 4 3. Page 1, lines 28 and 29, by striking the words
- 5 "and all of its political subdivisions".
- 6 4. Page 3, by striking lines 8 and 9.

STEVEN D. HANSEN

S-3165

- 1 Amend Senate File 165 as follows:
- 2 1. Page 1, line 29, by inserting after the word
- 3 "language." the following: "In addition, the names of
- 4 all counties in this state shall be in the English
- 5 language or translated into the English language
- 6 equivalent."

JOHNIE HAMMOND

S-3166

- 1 Amend Senate File 165 as follows:
2 1. Page 2, line 33, by inserting after the word
3 "English" the following: "other than the
4 disparagement and discouragement caused by this
5 section".

JOHNIE HAMMOND

S-3167

- 1 Amend Senate File 165 as follows:
2 1. Page 3, by inserting after line 9, the
3 following:
4 "Sec. ____ . CONTINGENT EFFECTIVE DATE. This Act
5 shall only take effect upon a decision by the United
6 States supreme court in Alexander v. Sandoval, No. 99-
7 1908, upholding the constitutionality of the provision
8 of the Constitution of the State of Alabama that
9 establishes English as the official language of the
10 state of Alabama."
11 2. Title page, line 2, by inserting after the
12 figure "2001" the following: "and providing a
13 contingent effective date".
14 3. By renumbering as necessary.

THOMAS FIEGEN

S-3168

- 1 Amend Senate File 165 as follows:
2 1. Page 3, by inserting after line 9, the
3 following:
4 "Sec. ____ . Section 618.1, Code 2001, is repealed."
5 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3169

- 1 Amend Senate File 165 as follows:
2 1. Page 2, line 24, by striking the words "or
3 officer of state government" and inserting the
4 following: ", officer of state government, or officer
5 of a governmental subdivision, including but not
6 limited to county, city, township, school district, or
7 any other special purpose district".
8 2. Page 2, by striking lines 26 and 27, and

9 inserting the following: "person in a language other
10 than English."

MARK SHEARER

S-3170

1 Amend Senate File 165 as follows:
2 1. Page 2, by inserting after line 27 the
3 following:
4 "This paragraph "a" also applies to employees of
5 the department of corrections and employees of
6 judicial district departments of correctional
7 services."

ROBERT E. DVORSKY

S-3171

1 Amend Senate File 165 as follows:
2 1. Page 1, by striking lines 3 through 16 and
3 inserting the following:
4 "___ . The general assembly of the state of Iowa
5 finds and declares the following:
6 a. The state of Iowa is comprised of individuals
7 from different ethnic, cultural, and linguistic
8 backgrounds. The state of Iowa celebrates their
9 contributions to Iowa's rich culture.
10 b. Throughout the history of Iowa and of the
11 United States, a common thread binding individuals of
12 differing backgrounds together has been the English
13 language.
14 ___ . The citizenry of Iowa welcomes new Iowans and
15 seeks to encourage and help every person in this state
16 to become more proficient in the English language,
17 thereby facilitating participation in the economic,
18 political, and cultural activities of this state and
19 of the United States."
20 2. Page 3, by inserting after line 9 the
21 following:
22 "Sec. ___ . Section 280.4, subsection 3, Code 2001,
23 is amended to read as follows:
24 3. In order to provide funds for the excess costs
25 of instruction of limited English proficient students
26 above the costs of instruction of pupils in a regular
27 curriculum, students identified as limited English
28 proficient shall be assigned an additional weighting
29 that shall be included in the weighted enrollment of
30 the school district of residence for a period not
31 exceeding ~~three~~ five years. However, the school
32 budget review committee may grant supplemental aid or

33 modified allowable growth to a school district to
 34 continue funding a program for students after the
 35 expiration of the ~~three-year~~ five-year period. The
 36 school budget review committee shall calculate the
 37 additional amount for the weighting to the nearest
 38 one-hundredth of one percent so that to the extent
 39 possible the moneys generated by the weighting will be
 40 equivalent to the moneys generated by the two-tenths
 41 weighting provided prior to July 2, 1991."

42 3. Page 3, by inserting after line 9 the
 43 following:

44 "Sec. _____. In addition to any moneys appropriated
 45 by the general assembly to the department of education
 46 for community colleges for the fiscal year beginning
 47 July 1, 2001, and ending June 30, 2002, there is
 48 appropriated from the general fund of the state to the
 49 department of education for the fiscal year beginning
 50 July 1, 2001, and ending June 30, 2002, the amount of

Page 2

1 seven hundred fifty thousand dollars to be allocated
 2 by the department in an amount of fifty thousand
 3 dollars to each community college for the development
 4 of English language instruction programs to be offered
 5 in the workplaces of employees."

6 4. Title page, line 2, by inserting after the
 7 figure "2001" the following: "and making an
 8 appropriation".

MICHAEL E. GRONSTAL
 BETTY A. SOUKUP
 TOM FLYNN
 DENNIS H. BLACK
 MARK SHEARER
 STEVEN D. HANSEN
 EUGENE S. FRAISE
 PATRICK J. DELUHERY
 THOMAS FIEGEN

S-3172

1 Amend Senate File 165 as follows:

2 1. Page 1, line 7, by striking the word
 3 "assimilation" and inserting the following:
 4 "inclusion".

5 2. Page 1, line 10, by striking the words "the
 6 common" and inserting the following: "a common".

MIKE CONNOLLY

S-3173

1 Amend Senate File 209 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 165A.1 DEFINITIONS.
5 1. "Concentration point" means a location or
6 facility where cattle are assembled for purposes of
7 sale or resale for feeding, breeding, or slaughtering,
8 and where contact may occur between groups of cattle
9 from various sources. "Concentration point" includes
10 a public stockyard, auction market, street market,
11 state or federal market, untested consignment sales
12 location, buying station, or a livestock dealer's
13 yard, truck, or facility.
14 2. "Department" means the department of
15 agriculture and land stewardship.
16 3. "Paratuberculosis" means a disease caused by
17 the bacterium mycobacterium paratuberculosis, and
18 which is also referred to as Johne's disease.
19 4. "Separate and apart" means to hold cattle so
20 that neither the cattle nor organic material
21 originating from the cattle has physical contact with
22 other animals.
23 5. "Slaughtering establishment" means a
24 slaughtering establishment operated under the
25 provision of the federal Meat Inspection Act, 21
26 U.S.C. } 601 et seq., or a slaughtering establishment
27 that has been inspected by the state.
28 Sec. 2. NEW SECTION. 165A.2 ADMINISTRATION AND
29 ENFORCEMENT.
30 The provisions of this chapter, including
31 departmental rules adopted pursuant to this chapter,
32 shall be administered and enforced by the department.
33 The department may assess and collect civil penalties
34 against persons in violation of this chapter as
35 provided in section 165A.4. The attorney general may
36 assist the department in the enforcement of this
37 chapter.
38 Sec. 3. NEW SECTION. 165A.3 INFECTED CATTLE.
39 The owner of cattle infected with paratuberculosis
40 shall comply with this chapter and chapter 163 as that
41 chapter applies to cattle with a contagious disease.
42 Infected cattle shall be immediately kept separate and
43 apart and moved for slaughter to a concentration point
44 or slaughtering establishment. Infected cattle that
45 are kept at the concentration point shall also be kept
46 separate and apart. The owner of infected cattle
47 shall mark the cattle by punching the letter "J"
48 through the right ears of the cattle as required by
49 the department.
50 Sec. 4. NEW SECTION. 165A.4 ENFORCEMENT --

Page 2

1 PENALTY.

2 1. Except as provided in this subsection, a person
3 violating a provision of this chapter or any rule
4 adopted pursuant to this chapter shall be subject to a
5 civil penalty of at least one hundred dollars but not
6 more than one thousand dollars. The proceeding to
7 assess a civil penalty shall be conducted as a
8 contested case proceeding under chapter 17A.

9 2. In addition to any other remedies provided, the
10 department may file a petition in the district court
11 seeking an injunction restraining any person from
12 violating provisions of this chapter including a rule
13 adopted pursuant to this chapter.

14 Sec. 5. NEW SECTION. 172E.1 DEFINITIONS.

15 As used in this chapter, unless the context
16 otherwise requires:

17 1. "Livestock" means the same as defined in
18 section 717.1.

19 2. "Livestock market" means any place where
20 livestock are assembled from two or more sources for
21 public auction, private sale, or on a commission
22 basis, which is under state or federal supervision,
23 including a livestock sale barn or auction market, if
24 such livestock are kept in the place for ten days or
25 less.

26 3. "Packer" means a person who is engaged in the
27 business of slaughtering livestock or receiving,
28 purchasing, or soliciting livestock for slaughter. As
29 used in this chapter, "packer" includes an agent of
30 the packer engaged in buying or soliciting livestock
31 for slaughter on behalf of a packer.

32 Sec. 6. NEW SECTION. 172E.2 MARKETING PRACTICES
33 -- LIVESTOCK SOLD FOR SLAUGHTER.

34 1. If a livestock market accepts livestock upon
35 condition that the livestock are to be moved directly
36 to slaughter, the livestock shall be segregated with
37 other livestock to be moved directly to slaughter
38 until sold to a packer. A person other than a packer
39 shall not purchase the livestock.

40 2. This section shall not supersede requirements
41 relating to the movement or marketing of livestock
42 infected with an infectious or contagious disease,
43 including but not limited to those diseases enumerated
44 in section 163.2.

45 Sec. 7. NEW SECTION. 172E.3 PENALTIES.

46 A person who purchases livestock at a livestock
47 market in violation of this chapter is guilty of a
48 simple misdemeanor.

49 Sec. 8. PARATUBERCULOSIS TASK FORCE.

50 1. A paratuberculosis task force is established

Page 3

1 for purposes of determining the prevalence of
 2 paratuberculosis in this state and methods required to
 3 control it, including the effectiveness and
 4 practicability of requiring that cattle or only dairy
 5 cattle be tested using a test currently or expected to
 6 be licensed by the United States department of
 7 agriculture to detect the presence of
 8 paratuberculosis.

9 2. The task force shall be composed of the state
 10 veterinarian who shall serve as chairperson, a member
 11 of the faculty of Iowa state university appointed by
 12 the dean of the college of agriculture, who is engaged
 13 in the teaching of veterinary medicine and who is
 14 knowledgeable regarding dairying, and the practicing
 15 veterinarian who serves as a member of the livestock
 16 health advisory council.

17 3. The task force shall submit a report to the
 18 governor and general assembly by January 10, 2002.
 19 The report shall contain its findings and any
 20 recommendations."

21 2. Title page, line 1, by inserting after the
 22 word "for" the following: "livestock, including".

JOHN P. KIBBIE
 JOHN W. JENSEN

S-3174

1 Amend Senate File 278 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 481A.48, unnumbered paragraph
 5 1, Code 2001, is amended to read as follows:
 6 ~~No~~ A person, except as otherwise provided by law,
 7 shall ~~not~~ willfully disturb, pursue, shoot, kill, take
 8 or attempt to take or have in possession any of the
 9 following game birds or animals except within the open
 10 season established by the commission: ~~Gray~~ gray or
 11 fox squirrel, bobwhite quail, cottontail or jack
 12 rabbit, duck, snipe, pheasant, goose, woodcock,
 13 partridge, mourning dove, coot, rail, ruffed grouse,
 14 wild turkey, pigeons, or deer. The seasons, bag
 15 limits, possession limits and locality shall be
 16 established by the department or commission under the
 17 authority of sections 456A.24, 481A.38, and 481A.39."

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

20 "g. Mourning dove fee.....\$ 10.00"

21 3. Page 4, by inserting after line 9 the
 22 following:

23 "Sec. ____ NEW SECTION. 483A.8A MOURNING DOVE
 24 FEE.
 25 A person sixteen years of age or older shall not
 26 hunt or take any mourning dove within this state
 27 without first paying a mourning dove fee. The
 28 director shall determine the means and method of
 29 collecting the mourning dove fees."
 30 4. By renumbering as necessary.

DAVID MILLER
 DICK L. DEARDEN

S-3175

- 1 Amend Senate File 289 as follows:
 2 1. Page 1, line 5, by striking the words "at
 3 least one day".
 4 2. Page 1, by striking lines 8 through 16.
 5 3. Page 1, line 17, by striking the figure "3."

COMMITTEE ON LOCAL GOVERNMENT
 DAVID MILLER, Chair

S-3176

- 1 Amend Senate File 278 as follows:
 2 1. Page 5, line 3, by striking the word
 3 "paragraph" and inserting the following:
 4 "paragraphs".
 5 2. Page 5, by inserting after line 20, the
 6 following:
 7 "NEW PARAGRAPH. f. (1) Notwithstanding section
 8 481C.2, a landowner who incurs crop or nursery damage
 9 caused by deer population may apply to the department
 10 for not more than ten deer depredation permits for
 11 each farm unit of eighty acres where the damage has
 12 occurred. The department shall specify, by rule, a
 13 proportional number of permits which may be issued for
 14 farm units based on the size of the farm unit, damage
 15 done, and deer population. The application shall
 16 specify the crops or nursery stock damaged, the
 17 estimated amount of damage, and the area of the farm
 18 unit where the damage occurred. Each application
 19 shall also be accompanied by a fee of ten dollars for
 20 each deer depredation permit requested. The permit is
 21 valid only from September 1 through the succeeding
 22 March 1 for taking a deer of either sex on the farm
 23 unit specified on the application. If additional deer
 24 depredation damage occurs after ten deer have been
 25 taken on a farm unit, not more than ten additional
 26 depredation permits may be issued with the approval of

27 a representative of the department for the same fee
 28 for each permit. A postcard shall be issued with each
 29 depredation permit. A person taking a deer with the
 30 depredation permit shall complete and return the
 31 postcard to the department within ten days after
 32 taking the deer. An unused depredation permit and
 33 postcard shall be returned to the department by March
 34 10 following the expiration of the depredation permit.
 35 (2) A landowner who has been issued a deer
 36 depredation permit pursuant to subparagraph (1) may
 37 sell or give the deer depredation permit to hunt on
 38 the specified farm unit to any person who is otherwise
 39 licensed, except for a deer license, to hunt in this
 40 state. If a deer depredation permit is used by any
 41 person other than the landowner, the name and address
 42 of the user shall be legibly written on the permit and
 43 on the return postcard."

THOMAS FIEGEN

S-3177

1 Amend Senate File 224 as follows:
 2 1. Page 1, by inserting after line 25, the
 3 following:
 4 "Sec. ___. Section 598.19A, Code 2001, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 3A. If participation in the
 7 court-approved course is waived or delayed for good
 8 cause or is otherwise not required under this section,
 9 the court may order that the parties receive the
 10 information described in subsection 4 through an
 11 alternative format."
 12 2. By renumbering as necessary.

JEFF LAMBERTI

S-3178

1 Amend Senate File 418 as follows:
 2 1. Page 2, by inserting after line 32 the
 3 following:
 4 "Sec. 6. EFFECTIVE DATE. This Act, being deemed
 5 of immediate importance, takes effect upon enactment."
 6 2. Title page, line 4, by inserting after the
 7 word "tribe" the following: "and providing an
 8 effective date".

PATRICIA HARPER

S-3179

1 Amend Senate Concurrent Resolution 13 as follows:
2 1. By striking page 1, line 8, through page 2,
3 line 11, and inserting the following:
4 "A Concurrent Resolution requesting the congressional
5 delegation of the state of Iowa to support a
6 bipartisan effort to provide tax relief.
7 WHEREAS, the prosperity of the past decade as the
8 result of fiscal policies by President Bush and
9 President Clinton has provided us with the opportunity
10 to reduce taxes; and
11 WHEREAS, a portion of government surpluses should
12 be returned to the taxpayers; and
13 WHEREAS, all families deserve a reduction in their
14 tax rates; and
15 WHEREAS, Iowa's Senator Charles E. Grassley, Chair
16 of the Senate Finance Committee, has wisely held up
17 consideration of tax changes until May 2001, thereby
18 refusing to rush to judgment and to provide time for
19 additional discussion; and
20 WHEREAS, the opportunity exists for the United
21 States Congress to provide tax relief this year and
22 address other pressing national problems; NOW
23 THEREFORE,
24 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
25 REPRESENTATIVES CONCURRING, That the General Assembly
26 urges Iowa's elected Senators and Representatives in
27 the United States Congress to support and work to pass
28 a fiscally responsible, commonsense package of tax
29 relief and budget measures that not only provides
30 substantial tax savings but also addresses pressing
31 national priorities such as the establishment of a
32 prescription drug benefit plan for America's seniors,
33 the strengthening of the social security and Medicare
34 systems, and a substantial reduction in the national
35 debt.
36 BE IT FURTHER RESOLVED, That, upon passage, copies
37 of this Resolution shall be sent by the Secretary of
38 the Senate to Senator Charles E. Grassley, Senator Tom
39 Harkin, Representative Jim Leach, Representative Jim
40 Nussle, Representative Leonard Boswell, Representative
41 Greg Ganske, and Representative Tom Latham."

THOMAS FIEGEN
TOM FLYNN
MICHAEL E. GRONSTAL
DENNIS H. BLACK
BETTY A. SOUKUP
PATRICIA HARPER
MARK SHEARER
JOHN P. KIBBIE

EUGENE S. FRAISE
WALLY E. HORN
PATRICK J. DELUHERY
MIKE CONNOLLY
JACK HOLVECK
DICK L. DEARDEN
JOE BOLKCOM
ROBERT E. DVORSKY
JOHNIE HAMMOND
MATT McCOY
STEVEN D. HANSEN
BILL FINK

S-3180

- 1 Amend Senate File 184 as follows:
- 2 1. Page 1, line 24, by striking the word "two"
- 3 and inserting the following: "one".
- 4 2. Page 2, line 11, by striking the word "county"
- 5 and inserting the following: "county."
- 6 3. Page 2, by striking line 12.

COMMITTEE ON WAYS AND MEANS
LARRY McKIBBEN, Chair

S-3181

- 1 Amend Senate File 348 as follows:
- 2 1. Page 3, by striking lines 6 and 7 and
- 3 inserting the following: "school. The sponsor shall
- 4 provide for an election for".
- 5 2. Page 3, by inserting after line 27 the
- 6 following:
- 7 "___ Notwithstanding subsection 1, a sponsor that
- 8 wishes to operate a charter school within the
- 9 boundaries of a school district shall apply to that
- 10 district's school board for approval. If the school
- 11 board denies the application, the decision of the
- 12 school board is final and not subject to review by any
- 13 court or agency. A school board seeking to sponsor a
- 14 charter school within its own boundaries is exempt
- 15 from this subsection."
- 16 3. By striking page 3, line 32 through page 4,
- 17 line 1 and inserting the following: "not to sponsor a
- 18 charter school, the decision of the school board is
- 19 final and not subject to review by any court or
- 20 agency."
- 21 4. Page 7, by striking lines 26 through 33 and
- 22 inserting the following: "decision in a timely
- 23 manner, the failure to notify shall be deemed a
- 24 denial, and the decision of the school board to deny

25 approval is final and not subject to review by any
 26 court or agency."
 27 5. Page 13, by striking lines 19 through 24 and
 28 inserting the following: "management, approves the
 29 lease."
 30 6. Page 15, by striking lines 2 through 5 and
 31 inserting the following: "taxation. Except as
 32 provided in section 256F.5, subsection 1, paragraph
 33 "f", a pilot charter school shall not levy taxes or
 34 issue bonds for any purpose. The operation".

JEFF ANGELO

S-3182

1 Amend Senate File 241 as follows:
 2 1. Page 1, line 14, by inserting after the word
 3 "person." the following: "The clerk shall open the
 4 file upon application to and order of the court for
 5 good cause shown."

ROBERT E. DVORSKY
 JOE BOLKCOM

S-3183

1 Amend Senate File 259 as follows:
 2 1. Page 1, by striking lines 7 through 19 and
 3 inserting the following: "~~used for the purposes of~~
 4 ~~section 915.41 and this subchapter as cash~~
 5 ~~contributions to crime victims. In addition, the~~
 6 ~~department may use moneys from the fund for the~~
 7 ~~purposes of section 236.15 and for the award of funds~~
 8 ~~to programs that provide services and support to~~
 9 ~~victims of domestic abuse or sexual assault as~~
 10 ~~provided in chapter 236. Notwithstanding section~~
 11 ~~8.33, any balance in the fund on June 30 of any fiscal~~
 12 ~~year shall not revert to the general fund of the~~
 13 ~~state.~~"

STEVE KING

S-3184

1 Amend Senate File 259 as follows:
 2 1. Page 1, by striking lines 7 through 16 and
 3 inserting the following: "~~used for the purposes of~~
 4 ~~section 915.41 and this subchapter exclusively for~~
 5 ~~cash contributions to crime victims. In addition, the~~
 6 ~~department may use moneys from the fund for the~~
 7 ~~purposes of section 236.15 and for the award of funds~~

8 ~~to programs that provide services and support to~~
 9 ~~victims of domestic abuse or sexual assault as~~
 10 ~~provided in chapter 236."~~

STEVE KING

S-3185

1 Amend Senate File 242 as follows:
 2 1. Page 1, by striking lines 1 through 6, and
 3 inserting the following:
 4 "Section 1. Section 135B.7, Code 2001, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. The department shall
 7 adopt rules that require hospitals to establish
 8 procedures for authentication of medication and
 9 standing orders by a practitioner within a period not
 10 to exceed thirty days following a patient's
 11 discharge."
 12 2. Title page, line 2, by striking the word
 13 "verbal" and inserting the following: "medication and
 14 standing".

JOHN REDWINE
 MERLIN E. BARTZ

S-3186

1 Amend Senate File 240 as follows:
 2 1. Page 3, by striking lines 7 through 13 and
 3 inserting the following: "total of six public
 4 schools, four located in school districts with an
 5 actual enrollment of one thousand pupils or less, and
 6 two located in school districts with an actual
 7 enrollment of over one thousand pupils. The
 8 department shall notify all applicant".

MARY E. KRAMER
 NANCY BOETTGER
 JOHN REDWINE
 BETTY A. SOUKUP

S-3187

1 Amend Senate File 170 as follows:
 2 1. Page 1, by inserting after line 13 the
 3 following:
 4 "Sec. . NEW SECTION. 92.7A SIXTEEN AND
 5 SEVENTEEN -- HOURS PERMITTED.
 6 Unless a person sixteen or seventeen years of age
 7 agrees voluntarily to the employment hours, the person

8 shall not be employed with or without compensation,
 9 except as provided in sections 92.2 and 92.3, before
 10 the hour of seven a.m. or after nine p.m., except
 11 during the period from June 1 through Labor Day when
 12 the hours may be extended to eleven p.m. If the
 13 person is employed for a period of five hours or more
 14 each day, an intermission of not less than thirty
 15 minutes shall be given. The person shall not be
 16 employed for more than eight hours in one day
 17 exclusive of intermission, and shall not be employed
 18 for more than forty hours in one week, unless the
 19 person voluntarily agrees to the employment hours.
 20 Unless the person voluntarily agrees to the employment
 21 hours, the hours of work of a person sixteen or
 22 seventeen years of age employed outside school hours
 23 shall not exceed four in one day or twenty-eight in
 24 one week while school is in session. The employment
 25 of a person who is sixteen or seventeen years of age
 26 shall not be terminated because the person refused to
 27 work beyond the hours specified in this section."
 28 2. Title page, line 1, by striking the word
 29 "training".
 30 3. By renumbering as necessary.

JOHNIE HAMMOND

S-3188

1 Amend the amendment, S-3173, to Senate File 209, as
 2 follows:
 3 1. Page 1, by striking lines 39 through 46, and
 4 inserting the following: "The owner of infected
 5 cattle".
 6 2. Page 3, line 14, by striking the words "and
 7 the" and inserting the following: "the".
 8 3. Page 3, line 16, by inserting after the word
 9 "council" the following: ", a person actively engaged
 10 in beef cattle production who is appointed by the Iowa
 11 cattlemen's association, and a person actively engaged
 12 in dairying who is appointed by the Iowa dairy
 13 products association".

JOHN P. KIBBIE
 JOHN W. JENSEN

S-3189

1 Amend Senate File 393 as follows:
 2 1. Page 1, by striking lines 17 through 25, and
 3 inserting the following:
 4 "3. If a petition related to a plan of restitution

5 has been filed, the offender, the county attorney, the
 6 department of corrections if the offender is currently
 7 confined in a correctional institution, the office or
 8 individual who prepared the offender's restitution
 9 plan, and the victim, shall receive notice prior to
 10 any hearing under this section."

JEFF ANGELO

S-3190

1 Amend Senate File 353 as follows:
 2 1. Page 5, lines 27 and 28, by striking the words
 3 "AND SEPARATE MAINTENANCE IN" and inserting the
 4 following: "OF".
 5 2. Page 5, by striking lines 31 and 32, and
 6 inserting the following: "party to a covenant
 7 marriage may obtain a dissolution of marriage, only".
 8 3. Page 6, by inserting after line 8, the
 9 following:
 10 "1A. In all proceedings for dissolution of
 11 marriage pursuant to subsection 1, the court may issue
 12 an order of temporary support and maintenance during
 13 the pendency of the proceedings. Notwithstanding the
 14 time period requirements of the grounds specified
 15 pursuant to subsection 1, paragraph "c" or "e", a
 16 party to a covenant marriage may petition the court
 17 for separate support and maintenance prior to the
 18 elapsing of the specified time period."
 19 4. Page 6, lines 9 and 10, by striking the words
 20 "separate support and maintenance or".
 21 5. Page 6, lines 23 and 24, by striking the words
 22 "separate support and maintenance or".
 23 6. Page 6, lines 29 and 30, by striking the words
 24 "or order of separate support and maintenance relating
 25 to".
 26 7. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
 JOHN REDWINE, Chair

S-3191

1 Amend Senate File 342 as follows:
 2 1. Page 1, by inserting after line 7, the
 3 following:
 4 "Sec. 100. Section 50.9, Code 2001, is amended to
 5 read as follows:
 6 50.9 RETURN OF BALLOTS NOT VOTED.
 7 Ballots not voted, or spoiled by voters while
 8 attempting to vote, shall be returned by the precinct

9 election officials to the commissioner, and a receipt
10 taken for the ballots. The ballots for a federal
11 office shall be preserved for twenty-two months
12 following elections for federal offices and for six
13 months following elections for all other offices the
14 election. The ballots for elections for all other
15 offices shall not be destroyed until the day following
16 the final day to contest the election, or the day
17 after final determination of any pending contest of
18 the election, whichever is later.

19 Sec. ___. APPLICABILITY. Section 100 of this Act
20 applies to elections occurring on or after the
21 effective date of this Act."

22 2. Title page, line 1 by inserting after the word
23 "Act" the following: "relating to the conduct of
24 elections by providing for the destruction of ballots
25 not voted and including an applicability provision,
26 and".

27 3. By renumbering as necessary.

STEVEN D. HANSEN

S-3192

1 Amend Senate File 342 as follows:
2 1. Page 1, by inserting after line 7, the
3 following:
4 "Sec. ___. Section 53.2, unnumbered paragraph 1,
5 Code 2001, is amended to read as follows:
6 Any registered voter, under the circumstances
7 specified in section 53.1, may on any day, except
8 election day, and not more than seventy days prior to
9 the date of the election, apply in person for an
10 absentee ballot at the commissioner's office or at any
11 location designated by the commissioner, or make
12 written application to the commissioner for an
13 absentee ballot. However, for those elections in
14 which the commissioner directs the polls be opened at
15 noon pursuant to section 49.73, a voter may apply in
16 person for an absentee ballot at the commissioner's
17 office from eight a.m. until eleven a.m. on election
18 day. The state commissioner shall prescribe a form
19 for absentee ballot applications. However, if a
20 registered voter submits an application that includes
21 all of the information required in this section, the
22 prescribed form is not required. Absentee ballot
23 applications may include instructions to send the
24 application directly to the county commissioner of
25 elections. However, no absentee ballot application
26 shall be preaddressed or printed with instructions to
27 send the applications to anyone other than the
28 appropriate commissioner."

- 29 2. Title page, line 1, by inserting after the
 30 word "Act" the following: "relating to the conduct of
 31 elections by allowing absentee voting at the
 32 commissioner's office on election day in certain
 33 elections and by".
 34 3. By renumbering as necessary.

STEVEN D. HANSEN

S-3193

- 1 Amend Senate File 342 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. Section 49.64, Code 2001, is amended
 5 to read as follows:
 6 49.64 NUMBER OF BALLOTS DELIVERED.
 7 The commissioner shall ~~cause ballots of the kind to~~
 8 ~~be voted in each precinct, to be delivered~~ deliver to
 9 the precinct election officials as follows: ~~in~~
 10 ~~general elections which are presidential elections~~
 11 ~~seventy-five ballots for every fifty votes, or~~
 12 ~~fraction thereof, cast in said precinct at the last~~
 13 ~~preceding general election which was also a~~
 14 ~~presidential election; and in general elections which~~
 15 ~~are not presidential elections, seventy-five ballots~~
 16 ~~for every fifty votes, or fraction thereof, cast~~
 17 ~~therein at the last preceding general election which~~
 18 ~~was not a presidential election~~ a sufficient number of
 19 ballots of each kind to be voted in the precinct. In
 20 determining the number of ballots, the commissioner
 21 shall take into consideration the number of active and
 22 inactive registered voters in the precinct, the number
 23 of people who voted in the precinct in previous
 24 similar elections, the number of contested and
 25 uncontested races on the ballot, public measures
 26 appearing on the ballot, and the local political
 27 conditions that may affect participation in the
 28 election."
 29 2. Title page, line 1, by inserting before the
 30 word "requiring" the following: "relating to the
 31 conduct of elections by determining the number of
 32 ballots to be delivered to polling places for primary
 33 and general elections and by".
 34 3. By renumbering as necessary.

STEVEN D. HANSEN

S-3194

1 Amend Senate File 342 as follows:

2 1. Page 1, by inserting before line 1 the

3 following:

4 "Section 1. NEW SECTION. 49B.1 MAIL BALLOT
5 ELECTIONS.

6 A mail ballot election may be conducted in cities
7 with a population of two hundred or less as provided
8 in this chapter.

9 Sec. ____ NEW SECTION. 49B.2 DEFINITIONS.

10 As used in this chapter, unless the context
11 otherwise requires:

12 1. "Election day" is the date established by law
13 on which a particular election would be held if that
14 election were being conducted by means other than a
15 mail ballot election.

16 2. "Return verification envelope" means an
17 envelope that contains a secrecy envelope and which is
18 designed to allow election officials, upon examination
19 of the outside of the envelope, to determine that the
20 ballot is being submitted by someone who is in fact a
21 registered voter and who has not already voted.

22 3. "Secrecy envelope" means an envelope used to
23 contain the elector's ballot and that is designed to
24 conceal the voter's vote and to prevent the voter's
25 ballot from being distinguished from the ballots of
26 other voters.

27 Sec. ____ NEW SECTION. 49B.3 MAIL BALLOT
28 ELECTION PROCEDURE.

29 The state commissioner of elections shall prescribe
30 uniform procedures and forms to be used in the conduct
31 of mail ballot elections.

32 Sec. ____ NEW SECTION. 49B.4 INITIATION BY
33 GOVERNING BODY.

34 1. The city council of a city may, by resolution,
35 request that the county commissioner of elections
36 conduct the regular city election or a special city
37 election under this chapter. Only a city with two
38 hundred or fewer registered voters at the time the
39 resolution is adopted may make such a request. The
40 council must file the resolution with the county
41 commissioner not later than ninety days before the
42 date of the election. The commissioner shall approve
43 the request if the commissioner determines that it is
44 economically and administratively feasible to conduct
45 the regular city election or a special city election
46 by mail.

47 2. After the resolution is approved, the county
48 commissioner shall prepare a written plan for conduct
49 of the election as provided in section 49B.5. At
50 least seventy-one days before the date set for the

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1 election, the county commissioner shall forward a copy
2 of the written plan to the city council concerned.

3 Sec. ____ NEW SECTION. 49B.5 WRITTEN PLAN FOR
4 CONDUCT OF ELECTION -- AMENDMENTS -- APPROVAL
5 PROCEDURE.

6 1. The county commissioner shall prepare a written
7 plan, including a timetable, for the conduct of a mail
8 ballot election and shall submit it to the state
9 commissioner of elections at least seventy-one days
10 before the date of the election.

11 2. The plan may be amended by the county
12 commissioner any time before the sixty-fourth day
13 before the date of the election by notifying the state
14 commissioner of elections in writing of any changes.

15 3. Within five days after receiving the plan, and
16 as soon as possible after receiving any amendments,
17 the state commissioner of elections shall approve,
18 disapprove, or recommend changes to the plan or
19 amendments. The final plan shall be approved and
20 available to the public at least two days before the
21 deadline for candidates to file nomination papers in
22 the office of the city clerk.

23 4. When the written plan has been approved, the
24 county commissioner shall proceed to conduct the
25 election according to the approved plan.

26 Sec. ____ NEW SECTION. 49B.6 PUBLICATION OF
27 NOTICE.

28 The county commissioner shall, not more than ten
29 days and not less than four days before the date that
30 ballots are to be mailed, publish notice that a mail
31 ballot election will be conducted. The notice shall
32 be published in a newspaper of general circulation in
33 each city for which the mail ballot election will be
34 conducted. The notice shall include all of the
35 following information:

36 1. The date ballots will be mailed.

37 2. The last day that a voter can request an
38 absentee ballot.

39 3. Voter registration deadlines.

40 4. Location or locations where mail ballots can be
41 deposited pursuant to section 49B.13.

42 5. Instructions for obtaining a replacement ballot
43 if a voter's ballot is destroyed, spoiled, lost, or
44 not received pursuant to section 49B.9.

45 The county commissioner is not required to publish
46 a sample ballot.

47 Sec. ____ NEW SECTION. 49B.7 MAILING BALLOTS.

48 1. Official ballots for a mail ballot election
49 shall be prepared and all other initial procedures for
50 elections shall be followed as otherwise provided by

Page 3

1 law.

2 2. The county commissioner of elections shall mail
3 an official ballot to every registered voter of the
4 city conducting the election on a date not sooner than
5 the twentieth day before the date of the election and
6 not later than the tenth day before the date of the
7 election. An exception shall be made for those
8 ballots delivered as prescribed in section 49B.12.

9 3. All ballots shall be mailed by first class
10 mail.

11 4. Ballots mailed by the county commissioner shall
12 be addressed to the address of each voter appearing in
13 the registration records of the city, and placed in an
14 envelope which is prominently marked "Do Not Forward".

15 5. The ballot shall contain the following warning:

16 "Any person who, by use of violence, threats of
17 violence, or any means of duress, procures the vote of
18 a voter for or against any measure or candidate is
19 subject, upon conviction, to imprisonment or to a
20 fine, or both."

21 Sec. ____ NEW SECTION. 49B.8 REGISTRATION.

22 The county commissioner shall not mail a ballot
23 under this chapter to any voter not registered thirty
24 days before the date of the election. Voters
25 registered less than thirty days before the date of
26 the election, but before the close of registration,
27 may apply for a ballot under section 49B.9.

28 Sec. ____ NEW SECTION. 49B.9 REPLACEMENT
29 BALLOTS.

30 If the mail ballot is destroyed, spoiled, lost, or
31 not received by the voter, the voter may obtain a
32 replacement ballot from the county commissioner as
33 provided in this section. A voter seeking a
34 replacement ballot shall sign a statement, on a form
35 prescribed by the state commissioner, that the ballot
36 was destroyed, spoiled, lost, or not received. The
37 voter or the voter's designee shall deliver the
38 statement to the county commissioner before noon on
39 the date of the election. The voter may mail the
40 statement to the county commissioner. However, a
41 county commissioner shall not transmit a ballot by
42 mail under this section unless the statement is
43 received before five p.m. on the fourth day before the
44 date of the election. When a statement is timely
45 received under this section, the county commissioner
46 shall give the ballot to the voter if the voter is
47 present in the office of the county commissioner, or
48 promptly mail the ballot to the voter at the address
49 contained in the statement, except when prohibited by
50 this section. If the voter is present in the county

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1 commissioner's office, the ballot shall be voted at
2 that time. The county commissioner shall keep a
3 record of each replacement ballot provided under a
4 section. If a voter, having received and voted a
5 replacement ballot as provided under this section,
6 later finds the lost ballot, the voter shall return
7 the lost ballot to the county commissioner.

8 Sec. ____ NEW SECTION. 49B.10 VOTING AND RETURN
9 OF BALLOT.

10 1. A registered voter, upon receipt of a mail
11 ballot, shall mark the ballot in such a manner that no
12 other person will know how the ballot is marked and
13 shall place it in the secrecy envelope provided with
14 the ballot.

15 A voter who is blind, cannot read, or because of a
16 physical disability is unable to mark the ballot, may
17 be assisted by any person selected by the voter.

18 2. The voter shall place the secrecy envelope
19 containing the ballot in the return verification
20 envelope and sign and securely seal the return
21 verification envelope. The sealed return verification
22 envelope shall be returned to the county commissioner
23 by one of the following methods:

24 a. The sealed return verification envelope may be
25 delivered by the registered voter or the voter's
26 designee to the county commissioner's office or a
27 place designated by the commissioner no later than the
28 time the polls close on election day.

29 b. The sealed return verification envelope may be
30 mailed, postage paid, to the county commissioner. In
31 order for the ballot to be counted, the return
32 verification envelope must be clearly postmarked by an
33 officially authorized postal service not later than
34 the day before the election and received by the county
35 commissioner not later than the time established for
36 the canvass by the board of supervisors for that
37 election. The county commissioner shall contact the
38 post office serving the county commissioner's office
39 at the latest practical hour before the canvass by the
40 board of supervisors for that election, and shall
41 arrange for return verification envelopes received in
42 that post office but not yet delivered to the
43 commissioner's office to be brought to the
44 commissioner's office before the canvass for that
45 election by the board of supervisors.

46 Sec. ____ NEW SECTION. 49B.11 ABSENTEE BALLOTS.

47 1. A registered voter who will be absent from the
48 city during the time when the ballots are mailed may
49 do either of the following:

50 a. Vote in person in the county commissioner's

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1 office as soon as ballots are available and until noon
2 the day before the ballots are scheduled to be mailed.

3 b. Make a written request, signed by the voter and
4 addressed to the county commissioner, that the ballot
5 be mailed to an address other than that which appears
6 on the voter's registration record. Written requests
7 shall be accepted until noon the day before the
8 ballots are scheduled to be mailed.

9 2. Ballots mailed to voters pursuant to this
10 section shall be mailed the same day that all other
11 ballots are mailed.

12 Sec. ____ NEW SECTION. 49B.12 BALLOTING BY
13 CONFINED PERSONS.

14 A person who is a resident or patient in a health
15 care facility or hospital located in the county in
16 which the election is to be held shall not be mailed a
17 ballot but shall have a ballot delivered in the manner
18 prescribed by section 53.22, subsection 1.

19 Sec. ____ NEW SECTION. 49B.13 PERSONAL DELIVERY
20 OF MAIL BALLOT -- BALLOT DROPOFF STATIONS.

21 A ballot dropoff station for the deposit of mail
22 ballots may be established in the city conducting the
23 mail ballot election at the direction of the county
24 commissioner. A ballot dropoff station established at
25 the direction of the commissioner shall be open from
26 eight a.m. until five p.m. on the day of the election.

27 Sec. ____ NEW SECTION. 49B.14 RECEIPT OF BALLOT
28 -- SIGNATURE VERIFICATION.

29 When a mail ballot is returned, the county
30 commissioner, or the county commissioner's designees,
31 shall first examine the return verification envelope
32 to determine whether it was submitted by a registered
33 voter who has not previously voted. A ballot shall be
34 counted only if it is returned in the return
35 verification envelope, the envelope is signed by the
36 voter to whom the ballot is issued, and the signature
37 has been verified as provided in this section.

38 The county commissioner or the county
39 commissioner's designees shall verify the signature of
40 each voter on the return verification envelope with
41 the signature in the voter's registration records and
42 may commence verification at any time before election
43 day. If a voter to whom a replacement ballot has been
44 issued under section 49B.9 returns more than one
45 ballot, only the replacement ballot shall be counted.

46 If the voter's signature is verified and the ballot
47 is otherwise valid, the county commissioner or the
48 county commissioner's designees shall deposit the
49 ballot unopened in an official ballot box.

50 Sec. ____ NEW SECTION. 49B.15 PROCEDURE FOR

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1 INVALID BALLOTS.

2 If the county commissioner is not convinced that
3 the individual who signed the return verification
4 envelope is the voter whose name appears on the
5 registration card, the county commissioner shall not
6 deposit the ballot in a ballot box but shall do all of
7 the following:

8 1. Give notice to the voter as follows:

9 a. As soon as possible after receipt of a voter's
10 ballot, give notice to the voter, either by telephone
11 or by first class mail, if the county commissioner is
12 unable to verify the voter's signature.

13 b. Inform the voter that the voter may appear in
14 person at the county commissioner's office before the
15 close of the polls on election day and verify the
16 signature.

17 2. Permit any voter appearing pursuant to
18 subsection 1, paragraph "b", to:

19 a. Verify the voter's signature, after proof of
20 identification, by affirming that the signature is in
21 fact the voter's or by completing a new registration
22 card containing the voter's current signature.

23 b. If necessary, request and receive a replacement
24 ballot and vote at that time.

25 3. If the discrepancy is not rectified to the
26 county commissioner's satisfaction, present the
27 unopened envelope and the registration card to the
28 special precinct election board for a determination.
29 If the election board is unable to resolve the issue
30 to its satisfaction, the ballot shall not be counted.

31 Sec. __. NEW SECTION. 49B.16 COUNTING BALLOTS.

32 Mail ballots shall be counted in the manner
33 prescribed by section 53.23 for absentee ballots. The
34 county commissioner shall supervise the procedures for
35 the handling, counting, and canvassing of ballots to
36 ensure the safety and confidentiality of all ballots.

37 Sec. __. NEW SECTION. 49B.17 CHALLENGES.

38 Votes cast pursuant to this chapter may be
39 challenged in the manner prescribed by section 53.31
40 for absentee ballots.

41 Sec. __. NEW SECTION. 49B.18 CANVASS OF VOTES.

42 The provisions of chapter 50 relating to canvass of
43 votes apply to this chapter only to the extent they do
44 not conflict with this chapter.

45 Sec. __. NEW SECTION. 49B.19 OTHER LAWS.

46 All laws which apply to elections apply to mail
47 ballot elections held under this chapter to the extent
48 applicable.

49 Sec. __. NEW SECTION. 49B.20 RULES.

50 The state commissioner of elections shall adopt

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1 rules pursuant to chapter 17A to govern the procedures
2 and forms necessary to implement this chapter. The
3 authority of the state commissioner to adopt rules
4 under this chapter shall be liberally construed.
5 Sec. ____ NEW SECTION. 49B.21 MISCONDUCT --
6 VIOLATIONS -- PENALTIES.
7 1. A person who, by use of violence, threats of
8 violence, or any means of duress, procures or
9 endeavors to procure the vote of a voter for or
10 against any measure or candidate commits an aggravated
11 misdemeanor.
12 2. A person who violates or attempts to violate
13 any provision or requirement of this chapter for which
14 a penalty is not otherwise provided commits a simple
15 misdemeanor.
16 Sec. ____ Section 39.3, Code 2001, is amended by
17 adding the following new subsection:
18 NEW SUBSECTION. 8A. "Mail ballot election" means
19 an election conducted pursuant to chapter 49B."
20 2. Title page, line 1, by inserting before the
21 word "requiring" the following: "relating to the
22 conducting of elections by allowing elections in
23 certain cities to be conducted by mail ballots,
24 providing penalties, and".
25 3. By renumbering as necessary.

STEVEN D. HANSEN

S-3195

1 Amend Senate File 225 as follows:
2 1. Page 1, by inserting after line 8 the
3 following:
4 "Sec. ____ Section 822.2, Code 2001, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 4A. There exists fingerprint or
7 DNA evidence that was not tested at the time of trial
8 because testing was not available to the person."
9 2. Page 1, by inserting after line 34 the
10 following:
11 "Sec. ____ NEW SECTION. 822A.1 PRESERVATION OF
12 EVIDENCE.
13 1. After the completion of a criminal case or
14 appeal or the time for appeal has expired, the law
15 enforcement agency responsible for gathering
16 fingerprint or DNA evidence from the crime scene shall
17 be responsible for the storage, chain of custody, and
18 preservation of such evidence for a period of five
19 years.
20 2. Evidence preserved under subsection 1 may be

21 disposed of prior to the expiration of five years, if,
 22 after giving notice to the defendant in the underlying
 23 criminal case, the county attorney or the attorney
 24 general makes an application to the court, and the
 25 court determines by the preponderance of the evidence
 26 any of the following:

27 a. The evidence to be preserved has no significant
 28 value for fingerprint or DNA analysis and may be
 29 returned to the rightful owner of the property or
 30 destroyed if no rightful owner can be found.

31 b. There is a sufficient amount of fingerprint or
 32 DNA evidence already preserved if future testing is
 33 required.

34 c. The evidence to be preserved is too large or is
 35 made of an unusual material that makes it impractical
 36 for a law enforcement agency to preserve.

37 d. The defendant consents to the evidence being
 38 destroyed."

39 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3196

1 Amend Senate File 170 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Sec. ____ Section 91D.1, subsection 1, paragraphs
 5 a and d, Code 2001, are amended to read as follows:
 6 a. The hourly wage stated in the federal minimum
 7 wage law, pursuant to 29 U.S.C. } 206, shall be
 8 increased to ~~\$3.85~~ \$5.65 on January 1, ~~of 1990, 2002,~~
 9 ~~\$4.25 on January 1 of 1991,~~ and ~~\$4.65 to \$6.15 on~~
 10 ~~January 1, of 1992 2003.~~
 11 d. An employer is not required to pay an employee
 12 the applicable minimum wage provided in paragraph "a"
 13 until the employee has completed ninety calendar days
 14 of employment with the employer. An employee who has
 15 completed ninety calendar days of employment with the
 16 employer prior to January 1, ~~of 1990 2002, 1991, or~~
 17 ~~1992 January 1, 2003,~~ shall earn the applicable hourly
 18 minimum wage. An employer shall pay an employee who
 19 has not completed ninety calendar days of employment
 20 with the employer an hourly wage of at least ~~\$3.35~~
 21 \$5.15 as of January 1, ~~of 1990 2002, \$3.85 as of~~
 22 ~~January 1 of 1991,~~ and ~~\$4.25~~ \$5.65 as of January 1, ~~of~~
 23 ~~1992 2003.~~
 24 Sec. ____ Section 91D.1, subsection 2, Code 2001,
 25 is amended by striking the subsection."
 26 2. Title page, line 1, by inserting after the
 27 word "to" the following: "labor laws administered by
 28 the labor commissioner, including the minimum wage

29 and".

30 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3197

1 Amend Senate File 342 to read as follows:

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

4 "Section 1. Section 48A.6, subsection 1, Code
5 2001, is amended to read as follows:

6 1. A person who has been convicted of a felony as
7 defined in section 701.7, or convicted of an offense
8 classified as a felony under federal law. ~~If~~ When the
9 person's rights are later restored ~~by the governor, or~~
10 ~~by the president of the United States, pursuant to~~
11 section 914.8, the person may register to vote."

12 2. Page 1, by inserting after line 7, the
13 following:

14 "Sec. ____ Section 914.2, Code 2001, is amended to
15 read as follows:

16 914.2 RIGHT OF APPLICATION.

17 Except as otherwise provided in section 902.2 or
18 914.8, a person convicted of a criminal offense has
19 the right to make application to the board of parole
20 for recommendation or to the governor for a reprieve,
21 pardon, commutation of sentence, remission of fines or
22 forfeitures, or restoration of rights of citizenship
23 at any time following the conviction.

24 Sec. ____ Section 914.6, subsection 3, Code 2001,
25 is amended to read as follows:

26 3. In the case of a remission of fines and
27 forfeitures, restoration of rights of citizenship
28 other than the right to register to vote and to vote,
29 or a pardon, commutation of sentence, or reprieve, if
30 the person is not in custody, one copy of the
31 executive instrument shall be delivered to the person
32 and one copy to the clerk of ~~the district~~ court where
33 the judgment is of record. ~~A list of the restorations~~
34 ~~of rights of citizenship issued by the governor shall~~
35 ~~be delivered to the state registrar of voters at least~~
36 ~~once each month.~~

37 Sec. ____ NEW SECTION. 914.8 RESTORATION OF
38 RIGHT TO REGISTER AND TO VOTE.

39 1. A person convicted of a felony criminal offense
40 who has been discharged from probation under section
41 907.9, discharged from parole or work release under
42 section 906.15, or who is released from confinement
43 under section 902.6 because the person has completed
44 the person's term of confinement shall have the right
45 to register to vote and to vote restored in the manner

46 provided in this section.

47 2. Upon discharge from confinement or supervision,
48 the department of corrections or judicial district
49 department of correctional services, whichever is
50 applicable, shall provide written notice to the

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1 inmate, parolee, or probationer of the person's
2 discharge which shall include a statement that the
3 person's right to register to vote and to vote has
4 been restored.

5 3. The department of corrections shall monthly
6 provide a list of all persons discharged from
7 confinement or supervision to the state registrar of
8 voters who shall provide the information to the county
9 registrars of voters as deemed necessary."

10 3. Title page, line 2, by inserting after the
11 word "voting" the following: "and restoring for
12 certain persons the right to register to vote and to
13 vote".

14 4. By renumbering as necessary.

ROBERT E. DVORSKY

S-3198

1 Amend Senate File 170 as follows:

2 1. Page 2, by inserting after line 18 the
3 following:

4 "Sec. . Section 92.20, Code 2001, is amended to
5 read as follows:

6 92.20 PENALTY VIOLATIONS AND PENALTIES.

7 1. VIOLATIONS. ~~The parent, guardian, or person in~~
8 ~~charge of any migratory worker or of any child who~~
9 ~~shall engage in any street occupation in violation of~~
10 ~~any of the provisions of this chapter shall be guilty~~
11 ~~of a simple misdemeanor.~~

12 ~~Any person who furnishes or sells to any minor~~
13 ~~child any article of any description when the person~~
14 ~~knows or should have known that said minor intends to~~
15 ~~sell in violation of the provisions of this chapter,~~
16 ~~shall be guilty of a simple misdemeanor.~~

17 ~~Any other violation of this chapter for which a~~
18 ~~penalty is not specifically provided, shall be guilty~~
19 ~~of a simple misdemeanor. Every day during which~~
20 ~~any violation of this chapter continues shall~~
21 ~~constitute a separate and distinct offense, and the~~
22 ~~employment of any person in violation of this chapter~~
23 ~~shall, with respect to each person so employed,~~
24 ~~constitute a separate and distinct offense.~~

25 2. CIVIL PENALTY. ~~The labor commissioner may~~

26 assess a civil penalty of up to ten thousand dollars
 27 for any willful or serious violation of this chapter.
 28 For other violations of this chapter, the commissioner
 29 may also assess a civil penalty of up to ten thousand
 30 dollars, but only after the commissioner issues a
 31 written warning notifying a person of a violation of
 32 this chapter and the violator commits a subsequent
 33 similar violation.
 34 The commissioner shall notify a violator of the
 35 proposed assessment of a civil penalty or issue a
 36 written warning by certified mail or in the same
 37 manner as service of original notice. If the violator
 38 does not contest the assessment of the civil penalty
 39 in a timely manner pursuant to chapter 17A, the
 40 proposed assessment of the civil penalty shall become
 41 a final order not subject to review by any court or
 42 agency. The commissioner shall notify the department
 43 of revenue and finance of the assessment of a civil
 44 penalty upon issuance of a final order.
 45 The commissioner may file a petition for
 46 enforcement with the district court. In such a case,
 47 the clerk of court, unless otherwise ordered by the
 48 court, shall immediately enter a decree enforcing the
 49 penalty and shall transmit a copy of the decree to the
 50 commissioner and to the violator. All civil penalties

Page 2

- 1 collected pursuant to this section shall be deposited
- 2 in the general fund of the state."
- 3 2. Title page, line 1, by striking the word
- 4 "training".
- 5 3. By renumbering as necessary.

DICK L. DEARDEN

S-3199

- 1 Amend Senate File 259 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 910.7A, Code 2001, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 3. The court shall not discharge
- 7 a defendant's obligation to pay pecuniary damages to a
- 8 victim under an order for restitution, unless one of
- 9 the following occurs:
- 10 (a) The victim or the victim's estate has
- 11 consented in writing to the discharge.
- 12 (b) The court determines, after a hearing, that
- 13 the defendant's obligation should be discharged.
- 14 Notice of the hearing shall be given to the victim or

15 the victim's estate, the defendant, and the county
 16 attorney. The victim shall be given an opportunity to
 17 be heard at the hearing."

18 2. Title page, line 1, by striking the words "the
 19 victim rights" and inserting the following: "crime
 20 victim".

21 3. Title page, line 1, by striking the word
 22 "fund".

23 4. By renumbering as necessary.

STEVE KING

S-3200

1 Amend Senate File 84 as follows:

2 1. Page 1, by striking lines 17 through 23 and
 3 inserting the following: "~~commissioner pursuant to~~
 4 ~~chapter 17A. This section also does not prohibit a~~
 5 person engaged in the business of selling purple
 6 loosestrife at wholesale as of January 1, 2001, from
 7 selling, offering for sale, or distributing purple
 8 loosestrife (*lythrum virgatum*) to retailers located
 9 outside of this state. A person engaged in the
 10 business of selling purple loosestrife to out-of-state
 11 retailers shall keep accurate records, as specified by
 12 the department of agriculture and land stewardship, of
 13 each variety of purple loosestrife sold, offered for
 14 sale, or distributed. The person shall allow the
 15 department of agriculture and land stewardship to
 16 inspect the records during regular business hours.
 17 Any person violating".

18 2. Title page, line 2, by inserting after the
 19 word "loosestrife" the following: "except to out-of-
 20 state retailers".

SANDRA GREINER

S-3201

1 Amend Senate File 341 as follows:

2 1. By striking page 1, line 1, through page 2,
 3 line 10.

4 2. Title page, line 2, by striking the words
 5 "salvage theft examination fees and".

6 3. By renumbering, redesignating, and correcting
 7 internal references as necessary.

MATT McCOY
 JOANN JOHNSON
 STEVEN D. HANSEN
 MAGGIE TINSMAN
 MIKE SEXTON

S-3202

- 1 Amend Senate File 432 as follows:
2 1. Page 1, by striking lines 11 and 12 and
3 inserting the following:
4 "Sec. ____ Section 321.446, subsections 1 and 2,
5 Code 2001, are amended to read as follows:
6 1. A child under ~~three~~ six years of age who is
7 being transported in a motor vehicle subject to
8 registration, except a school bus or motorcycle, shall
9 be secured during transit by a child restraint system
10 which meets federal motor vehicle safety standards,
11 and the system shall be used in accordance with the
12 manufacturer's instructions."
13 2. Page 1, line 13, by striking the word "three"
14 and inserting the following: "~~three~~ six".
15 3. By renumbering as necessary.

EUGENE S. FRAISE
ROBERT E. DVORSKY

S-3203

- 1 Amend Senate File 342 as follows:
2 1. Page 1, by inserting after line 7, the
3 following:
4 "Sec. ____ Section 321.190, subsection 1,
5 paragraph a, Code 2001, is amended to read as follows:
6 a. The department shall, upon application and
7 payment of ~~the required a fee if required~~, issue to an
8 applicant a nonoperator's identification card. To be
9 valid the card shall bear a distinguishing number
10 assigned to the card holder, the full name, date of
11 birth, sex, residence address, a physical description
12 and a colored photograph of the card holder, the usual
13 signature of the card holder, and such other
14 information as the department may require by rule.
15 The card shall be issued to the applicant at the time
16 of application pursuant to procedures established by
17 rule.
18 Sec. ____ Section 321.190, subsection 1, paragraph
19 d, unnumbered paragraph 1, Code 2001, is amended to
20 read as follows:
21 The fee for a nonoperator's identification card
22 shall be five dollars and the card shall be valid for
23 a period of four years from the date of issuance. No
24 issuance fee shall be charged for a person whose
25 driver's license or driving privilege has been
26 suspended under section 321.210, subsection 1,
27 paragraph "c". The fee shall only be charged to those
28 applicants under eighteen years of age. The general

29 assembly shall annually appropriate an amount
 30 necessary to reimburse the department for every
 31 nonoperator's identification card issued free of
 32 charge."
 33 2. Title page, line 2, by inserting after the
 34 word "voting" the following: "and repealing the fee
 35 for nonoperator's identification cards".
 36 3. By renumbering as necessary.

BILL FINK

S-3204

1 Amend Senate File 499 as follows:
 2 1. Page 7, by striking lines 17 through 20 and
 3 inserting the following: "For violations under
 4 sections 321.445 and 321.446, the scheduled fine is
 5 twenty-five dollars."

EUGENE S. FRAISE
 ROBERT E. DVORSKY

S-3205

1 Amend Senate File 337 as follows:
 2 1. Page 5, line 4, by striking the word "A", and
 3 inserting the following: "1. A".
 4 2. Page 5, line 13, by striking the figure "1.",
 5 and inserting the following: "a."
 6 3. Page 5, line 16, by striking the figure "2.",
 7 and inserting the following: "b."
 8 4. Page 5, line 20, by striking the figure "3.",
 9 and inserting the following: "c."
 10 5. Page 5, by inserting after line 21 the
 11 following:
 12 "2. If the structured settlement agreement or
 13 transfer agreement includes a provision requiring the
 14 terms of the structured settlement agreement or
 15 transfer agreement to remain confidential, the court
 16 or responsible administrative authority shall conduct
 17 in camera proceedings relating to the approval of the
 18 transfer agreement and shall not include any financial
 19 terms from the structured settlement agreement or the
 20 transfer agreement in the order required under
 21 subsection 1."
 22 6. Page 7, by inserting after line 11 the
 23 following:
 24 "3. If a structured settlement agreement or
 25 transfer agreement includes a provision requiring the
 26 terms of the structured settlement agreement or
 27 transfer agreement to remain confidential, the

28 financial terms of the structured settlement agreement
29 and the transfer agreement shall be made available to
30 the court or responsible administrative authority for
31 purposes of any in camera proceedings, but shall not
32 be disclosed in the copies of the transfer agreement
33 and disclosure statement filed as a part of the public
34 record."

DONALD B. REDFERN

S-3206

1 Amend Senate File 468 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 257.31, subsection 5, Code
5 2001, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. m. Unusual costs associated with
8 increased utility expenses over the level of utility
9 expenses incurred during the school year beginning
10 July 1, 1999.
11 Sec. 2. Section 257.31, subsection 5, paragraph m,
12 is amended by striking the paragraph.
13 Sec. 3. RETROACTIVE APPLICABILITY. Section 1 of
14 this Act is retroactively applicable to July 1, 2000,
15 for the purpose of establishing a modified allowable
16 growth for the school year beginning July 1, 2000, and
17 is applicable for the school years beginning July 1,
18 2001, and July 1, 2002.
19 Sec. 4. EFFECTIVE DATES. Section 1 of this Act,
20 being deemed of immediate importance, takes effect
21 upon enactment. Section 2 of this Act takes effect
22 June 30, 2003."
23 2. Title page, by striking lines 1 and 2 and
24 inserting the following: "An Act providing for a
25 modified allowable growth for school districts facing
26 increased utility costs, and providing retroactive
27 applicability and effective".

MIKE CONNOLLY

S-3207

1 Amend Senate File 447 as follows:
2 1. Page 1, by inserting after line 23, the
3 following:
4 "A person who has been issued an intermediate
5 license and whose intermediate license is suspended,
6 revoked, or barred under this chapter or chapter 321J
7 may be issued a temporary restricted license for

8 travel to and from work upon application to the
 9 department, under conditions provided by the
 10 department. However, notwithstanding any provision of
 11 this section or this chapter to the contrary, a person
 12 issued such a temporary restricted license who is
 13 convicted of a moving traffic violation or is involved
 14 in a contributive accident that occurred while the
 15 person was operating a motor vehicle pursuant to the
 16 temporary restricted license shall not be issued a
 17 full driver's license until the person reaches
 18 nineteen years of age."

JOANN JOHNSON

S-3208

1 Amend Senate File 170 as follows:
 2 1. Page 2, by inserting after line 18 the
 3 following:
 4 "Sec. . NEW SECTION. 92.24 MINIMUM WAGE
 5 REQUIREMENTS -- CHILD LABOR.
 6 The hourly wage stated in the federal minimum wage
 7 law, pursuant to 29 U.S.C. } 206, shall be increased
 8 to six dollars and fifteen cents on January 1, 2002,
 9 for any person under eighteen years of age who is
 10 employed or permitted to work."
 11 2. Title page, line 1, by inserting after the
 12 word "training" the following: "and minimum wage".
 13 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3209

1 Amend Senate File 387 as follows:
 2 1. Page 2, line 13, by striking the word "Four"
 3 and inserting the following: "Three".
 4 2. Page 2, line 17, by striking the words "One
 5 member" and inserting the following: "Two members".

PATRICK J. DELUHERY
 MIKE SEXTON

S-3210

1 Amend Senate File 353 as follows:
 2 1. By striking everything after the enacting
 3 clause, and inserting the following:
 4 "Section 1. Section 331.605, subsection 6, Code
 5 2001, is amended to read as follows:
 6 6. a. (1) ~~For~~ Except as provided in subparagraph

7 ~~(2), for~~ filing an application for the license to
 8 marry, ~~thirty-five~~ seventy dollars, which includes
 9 payment for one certified copy of the original
 10 certificate of marriage, to be issued following filing
 11 of the original certificate of marriage, four dollars
 12 of which shall be retained by the county pursuant to
 13 subsection 5.

14 (2) For filing an application for the license to
 15 marry, five dollars, if the applicants submit and the
 16 county registrar approves the certificate of
 17 completion of premarital education pursuant to section
 18 595.3B. The fee includes payment for one certified
 19 copy of the original certificate of marriage, to be
 20 issued following filing of the original certificate of
 21 marriage, which fee shall be retained by the county
 22 pursuant to subsection 5.

23 b. For issuing an application for an order of the
 24 district court authorizing the validation of a license
 25 to marry before the expiration of ~~three~~ thirty days
 26 from the date of issuance of the license, five
 27 dollars. The district court shall authorize the early
 28 validation of a marriage license without the payment
 29 of any fees imposed in this subsection upon showing
 30 that the applicant is unable to pay the fees.

31 Sec. 2. NEW SECTION. 595.3B APPLICATION --
 32 PREMARITAL EDUCATION.

33 1. An application form for a marriage license
 34 shall have attached a certificate form to be used by
 35 the parties to document completion of premarital
 36 education by the parties. The certificate shall be
 37 completed by the parties and signed by the person who
 38 provided the premarital education. The certificate
 39 shall require provision of all of the following
 40 information:

41 a. The name of the person providing the premarital
 42 education and the person's signature verifying
 43 completion of the premarital education by the parties.

44 b. The number of hours of premarital education
 45 completed.

46 c. Whether the premarital education was provided
 47 by personal instruction, videotaped instruction,
 48 instruction via other electronic media, or a
 49 combination of these methods.

50 2. Only premarital education provided by the

Page 2

1 following persons meet the requirements of provision
 2 of premarital education under this section:

3 a. A person ordained or designated as a leader of
 4 a party's religious faith.

5 b. A person licensed to practice psychology

6 pursuant to chapter 154B.

7 c. A person licensed to practice social work
8 pursuant to chapter 154C.

9 d. A person licensed to practice marital and
10 family therapy pursuant to chapter 154D.

11 3. If the parties applying for a license to marry
12 complete the premarital education certificate and the
13 certificate is approved, the parties shall pay a fee
14 of only five dollars pursuant to section 331.605,
15 subsection 6.

16 Sec. 3. Section 595.4, Code 2001, is amended to
17 read as follows:

18 595.4 AGE AND QUALIFICATION -- VERIFIED
19 APPLICATION -- WAITING PERIOD -- EXCEPTION.

20 1. Previous to the issuance of any license to
21 marry, the parties desiring the license shall sign and
22 file a verified application with the county registrar
23 which application either may be mailed to the parties
24 at their request or may be signed by them at the
25 office of the county registrar in the county in which
26 the license is to be issued. The application shall
27 include the social security number of each applicant
28 and shall set forth at least one affidavit of some
29 competent and disinterested person stating the facts
30 as to age and qualification of the parties. Upon the
31 filing of the application for a license to marry, the
32 county registrar shall file the application in a
33 record kept for that purpose and shall take all
34 necessary steps to ensure the confidentiality of the
35 social security number of each applicant. All
36 information included on an application may be provided
37 as mutually agreed upon by the division of records and
38 statistics and the child support recovery unit,
39 including by automated exchange.

40 2. Upon receipt of a verified application, the
41 county registrar may issue the license ~~which shall not~~
42 ~~become valid until the expiration of three days after~~
43 ~~the date of issuance of the license.~~ If the license
44 has not been issued within six months from the date of
45 the application, the application is void.

46 3. A license that is issued under subsection 2,
47 shall become valid as follows:

48 a. If the parties desiring the license have
49 participated in premarital education and have
50 documented completion of premarital education in

Page 3

1 accordance with section 595.3B, the license shall
2 become valid upon the date of issuance of the license.

3 b. If the parties desiring the license have not
4 participated in premarital education and have not

5 documented completion of premarital education in
6 accordance with section 595.3B, the license shall not
7 become valid until the expiration of thirty days after
8 the date of issuance of the license.

9 4. A license to marry may be validated prior to
10 the expiration of ~~three~~ thirty days from the date of
11 issuance of the license in cases of emergency or
12 extraordinary circumstances. An order authorizing the
13 validation of a license may be granted by a judge of
14 the district court under conditions of emergency or
15 extraordinary circumstances upon application of the
16 parties filed with the county registrar. No order may
17 be granted unless the parties have filed an
18 application for a marriage license in a county within
19 the judicial district. An application for an order
20 shall be made on forms furnished by the county
21 registrar at the same time the application for the
22 license to marry is made. After examining the
23 application for the marriage license and issuing the
24 license, the county registrar shall refer the parties
25 to a judge of the district court for action on the
26 application for an order authorizing the validation of
27 a marriage license prior to expiration of ~~three~~ thirty
28 days from the date of issuance of the license. The
29 judge shall, if satisfied as to the existence of an
30 emergency or extraordinary circumstances, grant an
31 order authorizing the validation of a license to marry
32 prior to the expiration of ~~three~~ thirty days from the
33 date of issuance of the license to marry. The county
34 registrar shall validate a license to marry upon
35 presentation by the parties of the order authorizing a
36 license to be validated. A fee of five dollars shall
37 be paid to the county registrar at the time the
38 application for the order is made, which fee is in
39 addition to the fee prescribed by law for the issuance
40 of a marriage license."

41 2. Title page, line 1, by striking the words
42 "establishing covenant" and inserting the following:
43 "relating to".

44 3. Title page, lines 1 and 2, by striking the
45 words "and providing an effective date".

STEVEN D. HANSEN

S-3211

1 Amend Senate File 374 as follows:

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

4 "Section 1. Section 154.1, unnumbered paragraph 3,
5 Code 2001, is amended to read as follows:

6 Therapeutically certified optometrists may employ

7 the following pharmaceuticals: topical pharmaceutical
8 agents, oral antimicrobial agents, oral
9 antihistamines, oral antiglaucoma agents, and oral
10 analgesic agents, ~~and notwithstanding,~~
11 Therapeutically certified optometrists may administer
12 benedryl, epinephrine, or other medication through
13 injection as appropriate to counteract anaphylaxis or
14 anaphylactic reactions upon demonstration by the
15 therapeutically certified optometrist to the board of
16 optometry examiners of satisfactory didactic and
17 clinical training for such administration consistent
18 with rules established by the board. Therapeutically
19 certified optometrists may employ diagnostic and
20 therapeutic pharmaceutical agents not specified in
21 this paragraph when authorized by rule of the board of
22 optometry examiners adopted following consultation
23 with and agreement of the board of medical examiners
24 and the board of pharmacy examiners, which rules shall
25 also specify additional didactic and clinical
26 training, if any, which the therapeutically certified
27 optometrist must demonstrate to the board prior to use
28 of the newly specified pharmaceutical agent or agents.
29 Notwithstanding section 147.107, a therapeutically
30 certified optometrist may without charge supply any of
31 the above listed pharmaceuticals to commence a course
32 of therapy. Superficial foreign bodies may be removed
33 from the human eye and adnexa. ~~These therapeutic~~
34 ~~efforts~~ The pharmaceutical agents authorized for use
35 under this paragraph are intended for the purpose of
36 examination, diagnosis, and treatment of visual
37 defects, abnormal conditions and diseases of the human
38 eye and adnexa, for proper optometric practice or
39 referral for consultation or treatment to persons
40 licensed under chapter 148 or 150A. A therapeutically
41 certified optometrist is an optometrist who is
42 licensed to practice optometry in this state and who
43 is certified by the board of optometry examiners to
44 use the agents and procedures ~~listed in~~ authorized
45 pursuant to this paragraph. A therapeutically
46 certified optometrist shall be provided with a
47 distinctive certificate by the board which shall be
48 displayed for viewing by the patients of the
49 optometrist."

JOHN REDWINE
ROBERT E. DVORSKY

S-3212

- 1 Amend Senate File 375 as follows:
- 2 1. Page 3, line 23, by inserting after the word
- 3 "facility," the following: "yard sign, campaign

- 4 sign".
- 5 2. Page 3, lines 25 and 26, by striking the words
6 "; however, the identification need not be conspicuous
7 on posters".
- 8 3. Page 3, line 27, by striking the words "yard
9 signs".
- 10 4. Page 5, by striking lines 22 through 26 and
11 inserting the following:
- 12 "2. All yard or other campaign signs shall bear
13 the attribution statement required by section 56.14,
14 regardless of the size or location of the sign."
- 15 5. Page 5, by inserting after line 31 the
16 following:
- 17 "Sec. ____ Section 56.15, subsection 4, unnumbered
18 paragraph 2, Code 2001, is amended by striking the
19 paragraph."
- 20 6. By renumbering or correcting internal
21 references as necessary.

MIKE SEXTON
JOHN P. KIBBIE
JOE BOLKCOM
ANDY McKEAN

S-3213

- 1 Amend Senate File 375 as follows:
- 2 1. Page 5, by striking lines 10 and 11 and
3 inserting the following:
- 4 "____. Yard signs shall only be placed upon
5 residential property with the permission of the
6 occupant of the property.
- 7 _____. Notwithstanding the previous subsection, this
8 subsection does not prohibit placement of yard signs
9 on any of the following property:"
- 10 2. Page 5, line 14, by inserting after the word
11 and figure "and 10" the following: ", if the prior
12 permission of the occupant of the property is
13 obtained".
- 14 3. By renumbering as necessary.

SHELDON RITTMER
JOHN P. KIBBIE
ANDY McKEAN
JOE BOLKCOM
MIKE SEXTON

S-3214

- 1 Amend Senate File 351 as follows:
- 2 1. Page 3, by striking lines 12 through 16, and

3 inserting the following: "misdemeanor for a first
 4 offense and a class "D" felony for a second or
 5 subsequent offense. For purposes of this subsection,
 6 an offense is considered a second or subsequent
 7 offense if, prior to the person's having been
 8 convicted under this subsection, any of the following
 9 apply:
 10 a. The person has a prior conviction or deferred
 11 judgment under this subsection.
 12 b. The person has a prior conviction, deferred
 13 judgment, or the equivalent of a deferred judgment in
 14 another jurisdiction for an offense substantially
 15 similar to the offense defined in this subsection.
 16 The court shall judicially notice the statutes of
 17 other states that define offenses substantially
 18 similar to the offense defined in this subsection and
 19 that therefore can be considered corresponding
 20 statutes."

O. GENE MADDOX

S-3215

1 Amend Senate File 323 as follows:
 2 1. Page 1, by striking lines 27 through 29 and
 3 inserting the following: "section 412.2. Funds shall
 4 be invested in accordance with the investment policy
 5 for the retirement fund, as established by the
 6 governing body of the public utility. In establishing
 7 the investment policy, the governing body shall be
 8 governed by the standards stated in section 97B.7,
 9 subsection 2, paragraph "b", except that the public
 10 utility shall only invest in diversified commingled
 11 investment funds holding publicly traded securities.
 12 Funds".

RICHARD F. DRAKE

S-3216

1 Amend Senate File 499 as follows:
 2 1. Page 4, line 31, by inserting after the figure
 3 "321.327," the following: "321.329,".
 4 2. Page 4, by striking lines 33 and 34.
 5 3. By renumbering as necessary.

O. GENE MADDOX

S-3217

1 Amend the amendment S-3155 to Senate File 349 as
2 follows:
3 1. Page 1, line 7, by striking the words "and the
4 secretary of the senate" and inserting the following:
5 "the secretary of the senate, and any other person or
6 body".
7 2. Page 1, lines 20 and 21, by striking the words
8 "or the secretary of the senate" and inserting the
9 following: "the secretary of the senate, or any other
10 person or body".

STEVE KING

S-3218

1 Amend Senate File 452 as follows:
2 1. Page 2, line 7, by inserting after the word
3 "number" the following: "or the international
4 identification number".

JOANN JOHNSON

S-3219

1 Amend Senate File 452 as follows:
2 1. Page 2, by striking lines 5 and 6, and
3 inserting the following: "information provided on the
4 front side of the information card or other
5 technology, if applicable to the type of technology,
6 shall include, at a minimum, all of the following:"
7 2. Page 2, by inserting after line 14, the
8 following:
9 "b. The information card or other technology shall
10 specifically identify and display the name and address
11 of the pharmacy benefits manager, if different than
12 the provider, on the back side of the information card
13 or other technology, if applicable to the type of
14 technology."
15 3. By renumbering as necessary.

JOANN JOHNSON

S-3220

1 Amend Senate File 452 as follows:
2 1. Page 2, line 7, by striking the word
3 "business" and inserting the following:
4 "international".

JOANN JOHNSON

S-3221

1 Amend House File 324, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, by striking lines 10 through 24.
 4 2. Page 7, line 12, by striking the figure "2002"
 5 and inserting the following: "2001".
 6 3. Page 7, by inserting before line 23 the
 7 following:
 8 "Sec. 101. DISPLACEMENT OF EMPLOYEES -- OTHER
 9 EMPLOYMENT -- RECALL. If a city or county employee is
 10 displaced from employment as a result of a city's or
 11 county's compliance with the provisions of this
 12 division of this Act, which enact section 314.1,
 13 subsection 2, and amend section 314.1, unnumbered
 14 paragraph 2, and redesignate that unnumbered paragraph
 15 as section 314.1, subsection 3, the city or county
 16 shall offer the displaced employee other available
 17 employment with the city or county, as applicable. A
 18 city or county employee who is placed in such other
 19 employment or who elected to be laid off shall be
 20 eligible for recall to the position held by the
 21 employee at the time of displacement. This provision
 22 shall not supercede the provisions of any applicable
 23 collective bargaining agreement."
 24 4. Page 7, by inserting after line 30 the
 25 following:
 26 "____. Section 101 of this Act relating to the
 27 displacement of employees."
 28 5. By renumbering, redesignating, and correcting
 29 internal references as necessary.

COMMITTEE ON TRANSPORTATION
 SHELDON RITTMER, Chair

S-3222

1 Amend Senate File 425 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 16.1, subsection 39, Code
 5 2001, is amended to read as follows:
 6 39. "Title guaranty policy" means a guaranty
 7 policy against loss or damage caused by defective
 8 title to real property.
 9 Sec. ____ Section 16.2, subsection 1, unnumbered
 10 paragraph 2, Code 2001, is amended to read as follows:
 11 A title guaranty division is created within the
 12 authority. The powers of the division relating to the
 13 issuance of title ~~guaranties~~ guaranty policies are
 14 vested in and shall be exercised by a division board

15 of five members appointed by the governor subject to
 16 confirmation by the senate. The membership of the
 17 board shall include an attorney, an abstractor, a real
 18 estate broker, a representative of a mortgage-lender,
 19 and a representative of the housing development
 20 industry. The executive director of the authority
 21 shall appoint an attorney as director of the title
 22 guaranty division who shall serve as an ex officio
 23 member of the board. The appointment of and
 24 compensation for the division director are exempt from
 25 the merit system provisions of chapter 19A.

26 Sec. ____ Section 16.3, subsection 15, Code 2001,
 27 is amended to read as follows:

28 15. The abstract-attorney's title opinion system
 29 promotes land title stability for determining the
 30 marketability of land titles and is a public purpose.
 31 A public purpose will be served by providing, as an
 32 adjunct to the abstract-attorney's title opinion
 33 system, a low cost mechanism to provide for additional
 34 guaranties of real property titles in Iowa. The title
 35 ~~guaranties~~ guaranty policies will facilitate mortgage
 36 lenders' participation in the secondary market and add
 37 to the integrity of the land-title transfer system in
 38 the state.

39 Sec. ____ Section 16.5, subsection 15, Code 2001,
 40 is amended as follows:

41 15. Through the title guaranty division, make and
 42 issue title ~~guaranties~~ guaranty policies on Iowa real
 43 property in a form acceptable to the secondary market,
 44 to fix and collect the charges for the ~~guaranties~~
 45 guaranty policies and to procure reinsurance against
 46 any loss in connection with the ~~guaranties~~ guaranty
 47 policies."

48 2. Page 1, line 1, by inserting after the word
 49 "subsections" the following: "1, 2, 3,".

50 3. Page 1, by inserting after line 2 the

Page 2

1 following:
 2 "1. The authority through the title guaranty
 3 division shall initiate and operate a program in which
 4 the division shall offer ~~guaranties~~ title guaranty
 5 policies of real property titles in this state. The
 6 terms, and conditions ~~and form~~ of the title guaranty
 7 ~~contract policy~~ shall be forms approved by the
 8 division board. The division, as it may determine,
 9 may use the policy, endorsement, and other forms
 10 adopted for the title insurance industry by the
 11 American land title association and may obtain ratings
 12 of the division similar to ratings given to title
 13 insurance companies. The division shall fix a charge

14 for the guaranty in an amount sufficient to permit the
 15 program to operate on a self-sustaining basis,
 16 including payment of administrative costs and the
 17 maintenance of an adequate reserve against claims
 18 under the title guaranty program. A title guaranty
 19 policy fund is created in the office of the treasurer
 20 of state. Funds collected under this program shall be
 21 placed in the title guaranty policy fund and are
 22 available to pay all claims, necessary reserves, and
 23 all administrative costs of the title guaranty
 24 program. Moneys in the fund shall not revert to the
 25 general fund and interest on the moneys in the fund
 26 shall be transferred to the department of economic
 27 development for deposit in the local housing
 28 assistance program fund established in section 15.354
 29 and shall not accrue to the general fund. If the
 30 authority board in consultation with the division
 31 board determines that there are surplus funds in the
 32 title guaranty policy fund after providing for
 33 adequate reserves and operating expenses of the
 34 division, the surplus funds shall be transferred to
 35 the housing program fund created pursuant to section
 36 16.40.

37 2. A title guaranty policy, closing protection
 38 letter, or gap coverage issued under this program is
 39 an obligation of the division only and claims are
 40 payable solely and only out of the moneys, assets, and
 41 revenues of the title guaranty policy fund and are not
 42 an indebtedness or liability of the state. The state
 43 is not liable on any title guaranty policy, closing
 44 protection letter, or gap coverage.

45 3. With the approval of the authority board the
 46 division and its board shall consult with the
 47 insurance division of the department of commerce in
 48 developing a title guaranty ~~contract~~ policy acceptable
 49 to the secondary market and developing any other
 50 feature of the program with which the insurance

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1 division may have special expertise. The insurance
 2 division shall establish the amount for a loss reserve
 3 fund. Except as provided in this subsection, the
 4 title guaranty program is not subject to the
 5 jurisdiction of or regulation by the insurance
 6 division or the commissioner of insurance."

7 4. Page 1, line 9, by inserting after the word
 8 "authority," the following: "A participating attorney
 9 shall be licensed to practice in this state."

10 5. Page 2, line 2, by striking the word
 11 "guaranties" and inserting the following: "guaranties
 12 guaranty policies".

- 13 6. Page 2, by striking lines 9 and 10 and
14 inserting the following: "rules issued by the
15 authority."
- 16 7. Page 2, line 11, by inserting after the word
17 "guaranty" the following: "policy".
- 18 8. Page 2, by striking lines 20 through 23 and
19 inserting the following: "board. If an owner is
20 refinancing a loan secured by a mortgage, the division
21 may establish standards for title searches and
22 underwriting procedures and requirements for the
23 issuance of a title guaranty policy if a title
24 guaranty policy was previously issued on the property
25 for the same owner within a period of five years."
- 26 9. Page 2, line 25, by striking the word "shall"
27 and inserting the following: "shall may".
- 28 10. Page 2, line 26, by striking the word
29 "certificate" and inserting the following:
30 "certificate policy".
- 31 11. Page 3, by inserting after line 11 the
32 following:
33 "Sec. ____ Section 16.93, subsections 1, 2, and 3,
34 Code 2001, are amended to read as follows:
35 1. The authority through the title guaranty
36 division may issue a closing protection letter to a
37 person to whom a proposed title guaranty policy is to
38 be issued, upon the request of the person, if the
39 division issues a commitment for a title guaranty or
40 title guaranty certificate policy. The closing
41 protection letter shall conform to the terms of
42 coverage and form of the instrument as approved by the
43 division board and may indemnify a person to whom a
44 proposed title guaranty policy is to be issued against
45 loss of settlement funds due to only the following
46 acts of the division's named participating attorney or
47 participating abstractor:
48 a. Theft of settlement funds.
49 b. Failure by the participating attorney or
50 participating abstractor to comply with written

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- 1 closing instructions of the person to whom a proposed
2 title guaranty policy is to be issued relating to
3 title certificate coverage when agreed to by the
4 participating attorney or participating abstractor.
5 2. A closing protection letter shall only be
6 issued to a person to whom a proposed title guaranty
7 policy is to be issued for real property transactions
8 in which the division has committed to issue an owner
9 or lender certificate and for which the division
10 receives a premium and other payments or fees for a
11 title guaranty certificate policy or other coverage.

12 3. The division board shall establish the amount
 13 of coverage to be provided and may distinguish between
 14 classes of property including, but not limited to,
 15 residential, agricultural, or commercial, provided
 16 that the total amount of coverage provided by the
 17 closing protection letter shall not exceed the amount
 18 of the commitment or title guaranty policy to be
 19 issued. Liability under the closing protection letter
 20 shall be coextensive with liability under the
 21 certificate to be issued in connection with a
 22 transaction such that payments under the terms of the
 23 closing protection letter shall reduce by the same
 24 amount the liability under the title guaranty
 25 ~~certificate~~ policy and payment under the title
 26 guaranty ~~certificate~~ policy shall reduce the liability
 27 under the terms of the closing protection letter.
 28 Sec. ____ Section 535.8, subsection 2, paragraph
 29 b, subparagraph (10), Code 2001, is amended to read as
 30 follows:
 31 (10) The cost of a title guaranty policy issued by
 32 the Iowa finance authority pursuant to chapter 16."
 33 12. By renumbering as necessary.

JOHN W. JENSEN

S-3223

1 Amend Senate File 336 as follows:
 2 1. Page 1, line 15, by inserting after the word
 3 "the" the following: "second or subsequent".

MIKE CONNOLLY

S-3224

1 Amend the amendment, S-3222, to Senate File 425 as
 2 follows:
 3 1. Page 3, by striking lines 13 through 15 and
 4 inserting the following:
 5 "____. Page 2, by striking lines 3 through 10."

JOHN W. JENSEN

S-3225

1 Amend the amendment, S-3175, to Senate File 289 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 "____. Page 1, line 1, by striking the figure
 6 "101B.1", and inserting the following: "100.46"."

- 7 2. Page 1, by inserting after line 3 the
8 following:
9 "____. Page 1, by striking line 7."
10 3. By striking page 1, line 5, and inserting the
11 following:
12 "____. Page 1, line 17, by striking the word and
13 figure "3. This chapter" and inserting "2. This
14 section"."
15 4. Page 1, by inserting after line 5 the
16 following:
17 "____. Page 1, by striking lines 20 and 21 and
18 inserting the following:
19 "3. A person violating a provision of this section
20 commits a"."

MERLIN E. BARTZ

S-3226

- 1 Amend Senate File 375 as follows:
2 1. Page 1, by inserting after line 2 the
3 following:
4 "Sec. _____. Section 56.6, subsection 1, paragraph
5 c, Code 2001, is amended by striking the paragraph and
6 inserting in lieu thereof the following:
7 c. A candidate's committee for a candidate in a
8 special election shall file a report as follows:
9 (1) A candidate's committee for a candidate for
10 the general assembly shall file a report by the
11 fourteenth day prior to the special election that is
12 current through the nineteenth day prior to the
13 special election. The committee shall also file a
14 supplemental report if the committee meets the
15 criteria under paragraph "b".
16 (2) A candidate's committee for a candidate for
17 county elective office shall file a report by the
18 Friday immediately preceding the special election that
19 is current through the Tuesday prior to the special
20 election."
21 2. By renumbering as necessary.

PATRICK J. DELUHERY

S-3227

- 1 Amend Senate File 463 as follows:
2 1. By striking page 1, line 28, through page 2,
3 line 6.

- 4 2. Page 3, by striking lines 11 through 25.
5 3. Page 4, by striking lines 14 through 26.

PATRICK J. DELUHERY
MIKE SEXTON

S-3228

1 Amend Senate File 410 as follows:

- 2 1. Page 1, line 5, by inserting after the word
3 "atmosphere" the following: "and is not located
4 within an animal feeding operation as defined in
5 section 455B.161, subsection 4".
6 2. Page 2, by inserting after line 7 the
7 following:
8 "e. (1) Notwithstanding paragraph "a" and section
9 455B.135, the department may do both of the following:
10 (a) Establish a permit by rule procedure that
11 allows a facility to establish emission limits for
12 indoor sources.
13 (b) Issue construction permits for indoor sources
14 if requested by a facility.
15 (2) This paragraph "e" shall not be construed to
16 grant the department any authority to require a
17 construction permit for indoor sources."

MIKE SEXTON

S-3229

1 Amend Senate File 323 as follows:

- 2 1. Page 1, by striking lines 27 through 29 and
3 inserting the following: "section 412.2. Funds shall
4 be invested in accordance with the investment policy
5 for the retirement fund, as established by the
6 governing body of the public utility. In establishing
7 the investment policy, the council, board or
8 commission shall be governed by the standards set
9 forth in section 97B.7, subsection 2, paragraph "b".
10 However, permissible investments shall be limited to
11 those investments authorized in section 12B.10,
12 subsection 5, and investments in diversified
13 commingled investment funds holding only publicly
14 traded securities and under the management of an
15 investment advisor registered with the federal
16 securities and exchange commission under the
17 Investment Advisor Act of 1940. Funds".

RICHARD F. DRAKE

S-3230

1 Amend Senate File 478 as follows:
 2 1. Page 15, line 9, by inserting after the word
 3 "fee." the following: "In the event that a counter-
 4 claim is filed by a defendant, the action for money
 5 damages shall be scheduled for hearing separate from
 6 the forcible entry and detention action. In the event
 7 that a defendant defaults or fails to appear in a
 8 merged action pursuant to this section, the court
 9 shall not enter a judgment on the action for money
 10 damages until twenty days after service of process."

ANDY McKEAN
 THOMAS FIEGEN

S-3231

1 Amend Senate File 446 as follows:
 2 1. Page 1, lines 4 and 5, by striking the words
 3 "lighting equipment" and inserting the following:
 4 "head lamps, rear lamps, signal lamps, signal devices,
 5 or directional signal devices".

MARK ZIEMAN

S-3232

1 Amend Senate File 84 as follows:
 2 1. Page 1, lines 7 and 8, by striking the words
 3 "purple loosestrife (lythrum virgatum)".
 4 2. Page 1, line 9, by inserting after the word
 5 "state." the following: "A person shall not sell or
 6 offer for sale purple loosestrife (lythrum virgatum)
 7 or seeds of the plant in any form in this state."
 8 3. Page 1, by striking lines line 12 through 23
 9 and inserting the following: "roses or ornamental
 10 shrubs in gardens. This section also does not
 11 prohibit the sale, ~~or~~ offer for sale, ~~or~~ distribution
 12 of varieties of the purple loosestrife (lythrum
 13 virgatum) when ~~used for ornamental gardens, and which~~
 14 ~~are sterile or nonaggressive according to a list~~
 15 ~~published by the state weed commissioner pursuant to~~
 16 ~~chapter 17A~~ sold or offered for sale to retailers
 17 outside of this state if the seller was engaged in
 18 that wholesale business as of January 1, 2001. A
 19 person engaged in the business of selling purple
 20 loosestrife to out-of-state retailers shall keep
 21 accurate records, as specified by the department of
 22 agriculture and land stewardship, of each variety of
 23 purple loosestrife sold, ~~or~~ offered for sale, ~~or~~

24 ~~distributed~~. The person shall allow the department of
 25 agriculture and land stewardship to inspect the
 26 records during regular business hours. Any person
 27 violating".

28 4. Title page, by striking lines 1 and 2 and
 29 inserting the following: "An Act prohibiting the sale
 30 or offer for sale of purple looestrife except to out-
 31 of-state retailers and subjecting violators to an
 32 existing penalty."

SANDRA GREINER

S-3233

1 Amend Senate File 456 as follows:

2 1. Page 3, line 23, by inserting after the word
 3 "crop" the following: "; or storing, planting, or
 4 nurturing the crop's seed".

5 2. Page 3, line 34, by inserting after the words
 6 "a crop" the following: ", including the crop's
 7 seed,".

8 3. Page 4, line 20, by inserting after the word
 9 "destroy" the following: "or damage".

10 4. Page 4, line 30, by inserting after the word
 11 "crops." the following: "A person is presumed to
 12 intend disruption, if the person moves, removes, or
 13 defaces any sign posted on the crop operation property
 14 or label used by the owner and the sign or label
 15 identifies a crop maintained on the crop operation
 16 property."

17 5. Page 4, line 31, by inserting after the word
 18 "Destroy" the following: "or damage".

19 6. Page 6, by striking lines 4 through 19 and
 20 inserting the following: "person is guilty of
 21 criminal mischief as provided in section 716.1, and
 22 commits the same class of offense as provided in
 23 sections 716.3 through 716.6 based on the amount of
 24 damage to the research crop or crop operation property
 25 where the research crop is maintained."

26 7. By striking page 6, line 28 through page 7,
 27 line 6, and inserting the following: "person is
 28 guilty of criminal mischief as provided in section
 29 716.1, and commits the same class of offense as
 30 provided in sections 716.3 through 716.6 based on the
 31 amount of damage to the crop or crop operation
 32 property where the crop is maintained."

SANDRA GREINER

S-3234

1 Amend Senate File 459 as follows:
2 1. Page 1, by striking lines 2 through 5 and
3 inserting the following:
4 "The commission may charge a negotiated fee, to
5 recover a share of the costs related to the research
6 and development, initial production, and derivative
7 products of its proprietary software and hardware,
8 telecommunications architecture design, and
9 proprietary technology applications developed to
10 support authorized users, to private vendors and to
11 other political".
12 2. Page 1, by striking lines 16 through 20 and
13 inserting the following:
14 "NEW PARAGRAPH. n. The performance of an activity
15 authorized pursuant to section 8D.11A."
16 3. Title page, line 2, by striking the words "and
17 revenue".

STEVE KING

S-3235

1 Amend Senate File 348 as follows:
2 1. Page 7, line 3, by inserting after the word
3 "students." the following: "If a pilot charter school
4 chooses not to comply with all of the provisions of
5 statute or administrative rule, in accordance with
6 section 256F.5, subsection 1, the pilot charter school
7 shall provide a statement indicating the provisions
8 with which the pilot charter school does not comply."
9 2. Page 8, line 7, by inserting after the word
10 "fulfilled." the following: "The pilot charter school
11 shall provide parents and guardians of students
12 enrolled in the pilot charter school with a copy of
13 the charter school application approved pursuant to
14 section 256F.6."

BILL FINK

S-3236

1 Amend the amendment, S-3008, to Senate File 84 as
2 follows:
3 1. Page 1, line 5, by inserting after the word
4 "commissioner" the following: "or, in the absence of
5 a county weed commissioner, the board of supervisors".
6 2. Page 1, line 8, by inserting after the word
7 "commissioner's" the following: "or the board's".

SANDRA GREINER

S-3237

- 1 Amend Senate File 348 as follows:
- 2 1. Page 2, line 7, by inserting after the word
3 "The" the following: "state board shall approve not
4 more than five pilot charter school applications.
5 The".
- 6 2. Page 3, by striking lines 6 and 7 and
7 inserting the following: "school. The sponsor shall
8 provide for an election for".
- 9 3. Page 3, by inserting after line 27 the
10 following:
11 "___ Notwithstanding subsection 1, a sponsor that
12 wishes to operate a charter school within the
13 boundaries of a school district shall apply to that
14 district's school board for approval. If the school
15 board denies the application, the decision of the
16 school board is final and not subject to review by any
17 court or agency. A school board seeking to sponsor a
18 charter school within its own boundaries is exempt
19 from this subsection."
- 20 4. By striking page 3, line 32 through page 4,
21 line 1 and inserting the following: "not to sponsor a
22 charter school, the decision of the school board is
23 final and not subject to review by any court or
24 agency."
- 25 5. Page 5, line 2, by inserting after the word
26 "chapters" the following: "256B,".
- 27 6. Page 5, by striking lines 6 through 9 and
28 inserting the following: "did not operate under a
29 charter. A pilot charter".
- 30 7. Page 7, lines 9 and 10, by striking the words
31 "and public transportation".
- 32 8. Page 7, by inserting after line 19 the
33 following: "o. The means, costs, and plan for
34 providing transportation for students attending the
35 pilot charter school."
- 36 9. Page 7, by striking lines 26 through 33 and
37 inserting the following: "decision in a timely
38 manner, the failure to notify shall be deemed a
39 denial, and the decision of the school board to deny
40 approval is final and not subject to review by any
41 court or agency."
- 42 10. Page 13, by striking lines 19 through 24 and
43 inserting the following: "management, approves the
44 lease."
- 45 11. Page 14, line 16, by inserting before the
46 word "for" the following: "and any moneys available
47 to the district for each child attending the pilot
48 charter school who requires special education, by
49 application of the special education weighting plan in
50 section 256B.9,".

Page 2

1 12. Page 15, by striking lines 2 through 5 and
2 inserting the following: "taxation. Except as
3 provided in section 256F.5, subsection 1, paragraph
4 "f", a pilot charter school shall not levy taxes or
5 issue bonds for any purpose. The operation".

JEFF ANGELO

S-3238

1 Amend Senate File 465 as follows:
2 1. Page 1, lines 7 through 9, by striking the
3 words "moneys received from the sale of EPAct credits
4 received by the department for the use of biodiesal
5 fuel".
6 2. Page 1, line 30, by striking the words and
7 figures "of 1992 (EPAct), 42 U.S.C. } 13401" and
8 inserting the following: "(EPAct), 42 U.S.C. }
9 13201".

MIKE SEXTON

S-3239

1 Amend Senate File 478 as follows:
2 1. Page 9, line 24, by inserting after the word
3 "community." the following: "However, this
4 restriction shall not prohibit the adoption or
5 enforcement of an ordinance that requires a minimum of
6 one shelter to be located in a manufactured home
7 community or mobile home park."

ANDY McKEAN

S-3240

1 Amend Senate File 375 as follows:
2 1. Page 1, by inserting after line 2 the
3 following:
4 "Sec. __. Section 56.5A, Code 2001, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 3. a. A candidate's committee
7 shall not accept contributions from sources other than
8 individuals who permanently reside within the district
9 represented by the office to which the candidate
10 presently seeks election, unless the candidate's
11 committee has received and deposited in the
12 candidate's campaign account an equal or greater total
13 of contributions from individuals who permanently

14 reside within the district.

15 b. Notwithstanding section 56.16, a candidate who
 16 accepts a contribution in violation of this subsection
 17 shall be fined civilly in an amount equal to ten times
 18 the amount by which the contribution exceeded the
 19 permitted limit. The fine proceeds shall be deposited
 20 in the Iowa election campaign fund created in section
 21 56.19."

22 2. By renumbering as necessary.

ANDY McKEAN
 JOHN P. KIBBIE

S-3241

1 Amend House File 630, as amended, passed, and
 2 reprinted by the House, as follows:

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

5 "Sec. ____ Section 56.5A, Code 2001, is amended by
 6 adding the following new subsection:

7 NEW SUBSECTION. 3. a. A candidate's committee
 8 shall not accept contributions from sources other than
 9 individuals who permanently reside within the district
 10 represented by the office to which the candidate
 11 presently seeks election, unless the candidate's
 12 committee has received and deposited in the
 13 candidate's campaign account an equal or greater total
 14 of contributions from individuals who permanently
 15 reside within the district.

16 b. Notwithstanding section 56.16, a candidate who
 17 accepts a contribution in violation of this subsection
 18 shall be fined civilly in an amount equal to ten times
 19 the amount by which the contribution exceeded the
 20 permitted limit. The fine proceeds shall be deposited
 21 in the Iowa election campaign fund created in section
 22 56.19."

23 2. By renumbering as necessary.

ANDY McKEAN
 JOHN P. KIBBIE

S-3242

1 Amend Senate File 84 as follows:

2 1. Page 1, line 5, by inserting after the word
 3 "not" the following: "import".

JOANN JOHNSON
 MERLIN E. BARTZ
 DENNIS H. BLACK
 MARY LOU FREEMAN

S-3243

1 Amend Senate File 84 as follows:
 2 1. Page 1, by striking line 23 and inserting the
 3 following: "~~records during regular business hours.~~
 4 However, this section shall not be construed to
 5 prohibit the distribution of purple loosestrife
 6 (*lythrum virgatum*) or the seed of the plant as a gift
 7 between individuals. Any person violating".

SANDRA GREINER

S-3244

1 Amend the amendment S-3221 to House File 324, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting before line 3 the
 5 following:
 6 "___ . Page 2, line 19, by striking the words
 7 "improvement, or repair or maintenance" and inserting
 8 the following: "or improvement".
 9 ___ . Page 3, line 3, by striking the words
 10 "improvement, or repair or maintenance" and inserting
 11 the following: "or improvement".
 12 ___ . By striking page 4, line 35, through page 5,
 13 line 15, and inserting the following: "reject any or
 14 all bids, ~~or, The agency may readvertise and relet~~
 15 the project without conducting an additional public
 16 hearing if no substantial changes are made to the
 17 project's plans or specifications. The agency may let
 18 by private contract or build by day labor, at a cost
 19 not in excess of the lowest bid received."
 20 2. Page 1, by inserting after line 3 the
 21 following:
 22 "___ . Page 7, line 6, by inserting after the word
 23 "USE" the following: "-RULES".
 24 ___ . Page 7, line 10, by striking the words
 25 "projects and may" and inserting the following:
 26 "projects, review alternative protocols for agencies
 27 when bids on such projects are rejected due to cost,
 28 and".
 29 3. Page 1, by inserting after line 5 the
 30 following:
 31 "___ . Page 7, by inserting after line 12 the
 32 following:
 33 "___ . The rules promulgated by the department
 34 pursuant to section 314.1A shall be in draft form
 35 prior to December 31, 2001, and shall specifically
 36 define the terms "construction", "reconstruction",
 37 "improvement", and "repair or maintenance" as such

38 terms relate to highway, bridge, and culvert
39 projects."
40 _____. Page 7, line 14, by striking the word
41 "purchase" and inserting the following:
42 "procurement".
43 _____. Page 7, line 18, by striking the word
44 "purchase" and inserting the following:
45 "procurement".
46 _____. Page 7, line 21, by striking the word
47 "purchasing" and inserting the following:
48 "procurement".
49 4. By renumbering, redesignating, and correcting
50 internal references as necessary.

RICHARD F. DRAKE
JOHN P. KIBBIE

S-3245

1 Amend Senate File 375 as follows:
2 1. Page 3, line 23, by striking the words
3 "outdoor advertising facility, poster".
4 2. Page 3, lines 25 and 26, by striking the words
5 "; however, the identification need not be conspicuous
6 on posters".
7 3. Page 3, line 27, by inserting after the words
8 "yard signs," the following: "any sign or poster with
9 a dimension of sixteen square feet or less affixed to
10 a building or vehicle".
11 4. Page 5, by striking lines 10 through 26 and
12 inserting the following:
13 "1. a. Except as otherwise provided in this
14 section, yard signs shall only be placed upon
15 residential property with the permission of the
16 property owner or occupant.
17 b. This subsection does not prohibit placement of
18 yard signs on any of the following property:
19 (1) Agricultural land owned by individuals or by a
20 family farm operation as defined in section 9H.1,
21 subsections 8, 8A, 9, and 10, if the prior permission
22 of the occupant of the property is obtained. For the
23 purposes of this subsection, "agricultural land" means
24 agricultural land as defined in section 9H.1.
25 (2) Property owned by private individuals who have
26 rented or leased the property to a corporation, if the
27 prior permission of the owner is obtained.
28 (3) Residential property owned by a corporation
29 but rented or leased to a private individual, if the
30 prior permission of the private individual is
31 obtained.
32 (4) Property owned by a private individual that
33 has been zoned for commercial purposes, provided that

34 the prior permission of the private individual is
35 obtained.
36 (5) Any other property, including vacant lots,
37 owned by a private individual, provided that the
38 permission of the private individual is obtained.
39 2. Yard signs with dimensions of sixteen square
40 feet or less are exempt from the attribution statement
41 requirements in section 56.14."

SHELDON RITTMER
PATRICK J. DELUHERY

S-3246

1 Amend House File 630, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "Sec. ____ Section 56.6, subsection 1, paragraph
6 c, Code 2001, is amended by striking the paragraph and
7 inserting in lieu thereof the following:
8 c. A candidate's committee for a candidate in a
9 special election shall file a report as follows:
10 (1) A candidate's committee for a candidate in a
11 special election shall file a report by the fourteenth
12 day prior to the special election that is current
13 through the nineteenth day prior to the special
14 election. The committee shall also file a
15 supplemental report if the committee meets the
16 criteria under paragraph "b".
17 (2) A candidate's committee for a candidate for
18 county elective office shall file a report by the
19 Friday immediately preceding the special election that
20 is current through the Tuesday prior to the special
21 election."
22 2. Page 3, line 26, by striking the word
23 "sixteen" and inserting the following: "thirty-two".
24 3. Page 5, line 23, by striking the word
25 "corporation" and inserting the following: "owner".
26 4. Page 5, by striking line 26 and inserting the
27 following: "the private individual is obtained."
28 (4) Property owned by a private individual that
29 has been zoned for commercial purposes, provided that
30 the prior permission of the owner is obtained.
31 (5) Any other property, including vacant lots,
32 owned by a private individual, provided that the
33 permission of the owner is obtained."
34 5. Page 5, line 33, by striking the word

35 "sixteen" and inserting the following: "thirty-two".
 36 6. By renumbering as necessary.

SHELDON RITTMER
 PATRICK J. DELUHERY

S-3247

1 Amend Senate File 348 as follows:
 2 1. Page 2, line 7, by inserting after the word
 3 "The" the following: "state board shall approve not
 4 more than five pilot charter school applications.
 5 The".
 6 2. Page 3, by striking lines 6 and 7 and
 7 inserting the following: "school. The sponsor shall
 8 provide for an election for".
 9 3. Page 3, by inserting after line 27 the
 10 following:
 11 "___ Notwithstanding subsection 1, a sponsor that
 12 wishes to operate a charter school within the
 13 boundaries of a school district shall apply to that
 14 district's school board for approval. If the school
 15 board denies the application, the decision of the
 16 school board is final and not subject to review by any
 17 court or agency. A school board seeking to sponsor a
 18 charter school within its own boundaries is exempt
 19 from this subsection."
 20 4. By striking page 3, line 32 through page 4,
 21 line 1 and inserting the following: "not to sponsor a
 22 charter school, the decision of the school board is
 23 final and not subject to review by any court or
 24 agency."
 25 5. Page 5, line 2, by inserting after the word
 26 "chapters" the following: "256B".
 27 6. Page 5, by striking lines 6 through 9 and
 28 inserting the following: "did not operate under a
 29 charter. A pilot charter".
 30 7. Page 7, lines 9 and 10, by striking the words
 31 "and public transportation".
 32 8. Page 7, by inserting after line 19 the
 33 following: "o. The means, costs, and plan for
 34 providing transportation for students attending the
 35 pilot charter school."
 36 9. Page 7, by striking lines 26 through 33 and
 37 inserting the following: "decision in a timely
 38 manner, the failure to notify shall be deemed a
 39 denial, and the decision of the school board to deny
 40 approval is final and not subject to review by any
 41 court or agency."
 42 10. Page 14, line 16, by inserting before the
 43 word "for" the following: "and any moneys available
 44 to the district for each child attending the pilot

45 charter school who requires special education, by
 46 application of the special education weighting plan in
 47 section 256B.9,".
 48 11. Page 15, by striking lines 2 through 5 and
 49 inserting the following: "taxation. Except as
 50 provided in section 256F.5, subsection 1, paragraph

Page 2

1 "f", a pilot charter school shall not levy taxes or
 2 issue bonds for any purpose. The operation".

JEFF ANGELO

S-3248

1 Amend Senate File 491 as follows:
 2 1. By striking page 1, line 1, through page 3,
 3 line 21, and inserting the following:
 4 "Section 1. Section 96.7, subsection 12, paragraph
 5 d, Code 2001, is amended to read as follows:
 6 d. This subsection is repealed July 1, ~~2001~~ 2003,
 7 and the repeal is applicable to contribution rates for
 8 calendar year ~~2002~~ 2004 and subsequent calendar
 9 years."

BETTY A. SOUKUP
 MARK SHEARER
 EUGENE S. FRAISE
 JOHN P. KIBBIE
 THOMAS FIEGEN

S-3249

1 Amend Senate File 499 as follows:
 2 1. Page 1, line 16, by inserting after the word
 3 "Code" the following: ", except that the scheduled
 4 fines in section 805.8A shall remain at the respective
 5 scheduled fine amounts in the 2001 Code until such
 6 time as the speed limit for all vehicular traffic on
 7 fully controlled-access, divided, multilaned highways,
 8 including the national system of interstate highways
 9 is seventy miles per hour".

MERLIN E. BARTZ
 KEN VEENSTRA
 JEFF LAMBERTI
 JOHN REDWINE
 DERRYL McLAREN
 STEVE KING
 MIKE SEXTON

JERRY BEHN
 JOHN P. KIBBIE
 WALLY E. HORN
 E. THURMAN GASKILL
 NEAL SCHUERER
 STEVEN D. HANSEN
 MARY LOU FREEMAN

S-3250

- 1 Amend Senate File 375 as follows:
- 2 1. Page 3, line 23, by striking the words
 3 "outdoor advertising facility, poster,".
- 4 2. Page 3, lines 25 and 26, by striking the words
 5 "; however, the identification need not be conspicuous
 6 on posters".
- 7 3. Page 3, line 27, by inserting after the words
 8 "yard signs," the following: "any sign or poster with
 9 a dimension of sixteen square feet or less affixed to
 10 a building or vehicle,".
- 11 4. Page 5, by striking lines 10 through 26 and
 12 inserting the following:
- 13 "1. a. Except as otherwise provided in this
 14 section, yard signs shall only be placed upon
 15 residential property with the permission of the
 16 property owner or occupant.
- 17 b. This subsection does not prohibit placement of
 18 yard signs on any of the following property:
- 19 (1) Agricultural land owned by individuals or by a
 20 family farm operation as defined in section 9H.1,
 21 subsections 8, 8A, 9, and 10, if the prior permission
 22 of the occupant of the property is obtained. For the
 23 purposes of this subsection, "agricultural land" means
 24 agricultural land as defined in section 9H.1.
- 25 (2) Property owned by private individuals who have
 26 rented or leased the property to a corporation, if the
 27 prior permission of the owner is obtained.
- 28 (3) Residential property owned by a corporation
 29 but rented or leased to a private individual, if the
 30 prior permission of the private individual is
 31 obtained.
- 32 (4) Property owned by a private individual that
 33 has been zoned for commercial purposes, provided that
 34 the prior permission of the private individual is
 35 obtained.
- 36 (5) Any other property, including vacant lots,
 37 owned by a private individual, provided that the
 38 permission of the private individual is obtained.
- 39 2. Yard signs with dimensions of sixteen square
 40 feet or less are exempt from the attribution statement
 41 requirements in section 56.14."
- 42 5. Page 5, by inserting after line 31 the

43 following:

44 "Sec. ____ Section 56.15, subsection 4, unnumbered
45 paragraph 2, Code 2001, is amended by striking the
46 unnumbered paragraph."

47 6. By renumbering as necessary.

SHELDON RITTMER
PATRICK J. DELUHERY

S-3251

1 Amend Senate File 355 as follows:

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

4 "Section 1. NEW SECTION. 232B.1 NEWBORN SAFE
5 HAVEN ACT -- DEFINITIONS.

6 1. This chapter may be cited as the "Newborn Safe
7 Haven Act".

8 2. For the purposes of this chapter, unless the
9 context otherwise requires:

10 a. "Institutional health facility" means a
11 hospital as defined in section 135B.1, including a
12 facility providing medical or health services that is
13 open twenty-four hours per day, seven days per week
14 and is a hospital emergency room, or a health care
15 facility as defined in section 135C.1.

16 b. "Newborn infant" means a child who is, or who
17 appears to be, fourteen days of age or younger.

18 Sec. 2. NEW SECTION. 232B.2 NEWBORN INFANT
19 CUSTODY RELEASE PROCEDURES.

20 1. A parent of a newborn infant may voluntarily
21 release custody of the newborn infant by relinquishing
22 physical custody of the newborn infant, without
23 expressing an intent to again assume physical custody,
24 at an institutional health facility or by authorizing
25 another person to relinquish physical custody on the
26 parent's behalf. If physical custody of the newborn
27 infant is not relinquished directly to an individual
28 on duty at the institutional health facility, the
29 parent may take other actions to be reasonably sure
30 that an individual on duty is aware that the newborn
31 infant has been left at the institutional health
32 facility. The actions may include but are not limited
33 to making telephone contact with the institutional
34 health facility or a 911 service. For the purposes of
35 this chapter and for any judicial proceedings
36 associated with the newborn infant, a rebuttable
37 presumption arises that the person who relinquishes
38 physical custody at an institutional health facility
39 in accordance with this section is the newborn
40 infant's parent or has relinquished physical custody
41 with the parent's authorization.

42 2. a. Unless the parent or other person
43 relinquishing physical custody of a newborn infant
44 clearly expresses an intent to return to again assume
45 physical custody of the newborn infant, an individual
46 on duty at the facility at which physical custody of
47 the newborn infant was relinquished pursuant to
48 subsection 1 shall take physical custody of the
49 newborn infant. The individual on duty may request
50 the parent or other person to provide the name of the

Page 2

1 parent or parents and information on the medical
2 history of the newborn infant and the newborn infant's
3 parent or parents. However, the parent or other
4 person is not required to provide the names or medical
5 history information to comply with this section. The
6 individual on duty may perform reasonable acts
7 necessary to protect the physical health or safety of
8 the newborn infant. The individual on duty and the
9 institutional health facility in which the individual
10 was on duty are immune from criminal or civil
11 liability for any acts or omissions made in good faith
12 to comply with this section.

13 b. If the physical custody of the newborn infant
14 is relinquished at an institutional health facility,
15 the state shall reimburse the institutional health
16 facility for the institutional health facility's
17 actual expenses in providing care to the newborn
18 infant and in performing acts necessary to protect the
19 physical health or safety of the newborn infant. The
20 reimbursement shall be paid from moneys appropriated
21 for this purpose to the department of human services.

22 c. The individual on duty or other person
23 designated by the institutional health facility at
24 which physical custody of the newborn infant was
25 relinquished shall submit the certificate of birth
26 report as required pursuant to section 144.14.

27 3. As soon as possible after the individual on
28 duty assumes physical custody of a newborn infant
29 released under subsection 1, the individual shall
30 notify the department of human services and the
31 department shall take the actions necessary to assume
32 the care, control, and custody of the newborn infant.
33 The department shall immediately notify the juvenile
34 court and the county attorney of the department's
35 action and the circumstances surrounding the action
36 and request an ex parte order from the juvenile court
37 ordering, in accordance with the requirements of
38 section 232.78, the department to take custody of the
39 newborn infant. Upon receiving the order, the
40 department shall take custody of the newborn infant.

41 Within twenty-four hours of taking custody of the
42 newborn infant, the department shall notify the
43 juvenile court and the county attorney in writing of
44 the department's action and the circumstances
45 surrounding the action.
46 4. a. Upon being notified in writing by the
47 department under subsection 3, the county attorney
48 shall file a petition alleging the newborn infant to
49 be a child in need of assistance in accordance with
50 section 232.87 and a petition for termination of

Page 3

1 parental rights with respect to the newborn infant in
2 accordance with section 232.111, subsection 2,
3 paragraph "a". A hearing on a child in need of
4 assistance petition filed pursuant to this subsection
5 shall be held at the earliest practicable time. A
6 hearing on a termination of parental rights petition
7 filed pursuant to this subsection shall be held no
8 later than thirty days after the day the physical
9 custody of the newborn child was relinquished in
10 accordance with subsection 1 unless the juvenile court
11 continues the hearing beyond the thirty days for good
12 cause shown.

13 b. Notice of a petition filed pursuant to this
14 subsection shall be provided in accordance with the
15 provisions of chapter 232 and shall be served upon any
16 putative father registered with the state registrar of
17 vital statistics pursuant to section 144.12A. Prior
18 to holding a termination of parental rights hearing
19 with respect to the newborn infant, notice by
20 publication shall be provided as described in section
21 600A.6, subsection 5.

22 5. Reasonable efforts, as defined in section
23 232.102, that are made in regard to the newborn infant
24 shall be limited to the efforts made in a timely
25 manner to finalize a permanency plan for the newborn
26 infant.

27 6. An individual on duty at an institutional
28 health facility who assumes custody of a newborn
29 infant upon the release of the newborn infant under
30 subsection 1 shall be provided notice of any hearing
31 held concerning the newborn infant at the same time
32 notice is provided to other parties to the hearing and
33 the individual may provide testimony at the hearing.

34 Sec. 3. NEW SECTION. 232B.3 IMMUNITY.

35 The parent of a newborn infant who voluntarily
36 releases custody of the newborn infant in accordance
37 with subsection 1, is immune from criminal prosecution
38 and civil liability for any act or omission made in
39 connection with the newborn infant prior to the time

40 of the voluntary release. Any other person authorized
41 by the parent to assist with such release by
42 relinquishing physical custody of the newborn infant
43 or to otherwise act on the parent's behalf is immune
44 from criminal prosecution and civil liability for any
45 reasonable acts or omissions made in good faith in
46 assisting with the release.
47 Sec. 4. NEW SECTION. 232B.4 RIGHTS OF PARENTS.
48 Either parent of a newborn infant whose custody was
49 released in accordance with section 232B.2, may
50 intervene in the child in need of assistance or

Page 4

1 termination of parental rights proceedings held
2 regarding the newborn infant and request that the
3 juvenile court grant custody of the newborn infant to
4 the parent. The requester must show by clear and
5 convincing evidence that the requester is the parent
6 of the newborn infant. If the court determines that
7 the requester is the parent of the newborn infant and
8 that granting custody of the newborn infant to the
9 parent is in the newborn infant's best interest, the
10 court shall issue an order granting custody of the
11 newborn infant to the parent. In addition to such
12 order, the court may order services for the newborn
13 infant and the parent as are in the best interest of
14 the newborn infant.
15 Sec. 5. NEW SECTION. 232B.5 CONFIDENTIALITY
16 PROTECTIONS.
17 1. In addition to any other privacy protection
18 established in law, a record that is developed,
19 acquired, or held in connection with an individual's
20 good faith effort to voluntarily release a newborn
21 infant in accordance with this chapter and any
22 identifying information concerning the individual
23 shall be kept confidential. Such record shall not be
24 inspected or the contents disclosed except as provided
25 in this section.
26 2. A record described in subsection 1 may be
27 inspected and the contents disclosed without court
28 order to the following:
29 a. The court and professional court staff,
30 including juvenile court officers.
31 b. The newborn infant and the newborn infant's
32 counsel.
33 c. The newborn infant's parent, guardian,
34 custodian, court-appointed special advocate, and
35 guardian ad litem.
36 d. The county attorney and the county attorney's
37 assistants.
38 e. An agency, association, facility, or

39 institution which has custody of the newborn infant,
40 or is legally responsible for the care, treatment, or
41 supervision of the newborn infant.

42 f. The newborn infant's foster parent or an
43 individual providing preadoptive care to the newborn
44 infant.

45 3. Pursuant to court order a record described in
46 subsection 1 may be inspected by and the contents may
47 be disclosed to any of the following:

48 a. A person conducting bona fide research for
49 research purposes under whatever conditions the court
50 may deem proper, provided that no personal identifying

Page 5

1 data shall be disclosed to such a person.

2 b. Persons who have a direct interest in a
3 proceeding or in the work of the court.

4 4. Any person who knowingly discloses, receives,
5 or makes use or permits the use of information derived
6 directly or indirectly from such a record or discloses
7 identifying information concerning such individual,
8 except as provided by this section, commits a serious
9 misdemeanor.

10 Sec. 6. NEW SECTION. 232B.6 EDUCATIONAL AND
11 PUBLIC INFORMATION.

12 The department of human services, in consultation
13 with the Iowa department of public health and the
14 department of justice, shall develop and distribute
15 the following:

16 1. An information card or other publication for
17 distribution by an institutional health facility to a
18 parent who releases custody of a newborn infant in
19 accordance with this chapter. The publication shall
20 inform the parent of a parent's rights under section
21 232B.4, explain the request for medical history
22 information under section 232B.2, subsection 2, and
23 provide other information deemed pertinent by the
24 departments.

25 2. Educational materials, public information
26 announcements, and other resources to develop
27 awareness of the availability of the newborn safe
28 haven Act, among adolescents, young parents, and
29 others who might avail themselves of the Act.

30 3. Signage that may be used to identify the
31 institutional health facilities at which physical
32 custody of a newborn infant may be relinquished in
33 accordance with this chapter.

34 Sec. 7. Section 232.2, subsection 6, Code 2001, is
35 amended by adding the following new paragraph:
36 NEW PARAGRAPH. p. Who is a newborn infant whose
37 parent has voluntarily released custody of the child

38 in accordance with chapter 232B.
 39 Sec. 8. Section 232.102, Code 2001, is amended by
 40 adding the following new subsection:
 41 NEW SUBSECTION. 1B. If the court has adjudicated
 42 the child to be in need of assistance based upon the
 43 definition in section 232.2, subsection 6, paragraph
 44 "p", for a newborn infant whose parent voluntarily
 45 released custody of the child in accordance with
 46 chapter 232B, the child placing agency or the
 47 department to which the court transfers legal custody
 48 of the child under subsection 1 shall make every
 49 reasonable effort to place the child in preadoptive
 50 care or other appropriate placement that is likely to

Page 6

1 lead to the permanent placement of the child in an
 2 expedited manner.
 3 Sec. 9. Section 232.111, subsection 2, paragraph
 4 a, subparagraph (3), Code 2001, is amended to read as
 5 follows:
 6 (3) The child is less than twelve months of age
 7 and has been judicially determined to meet the
 8 definition of abandonment of a child or the child is a
 9 newborn infant whose parent has voluntarily released
 10 custody of the child in accordance with chapter 232B.
 11 Sec. 10. Section 232.116, subsection 1, Code 2001,
 12 is amended by adding the following new paragraph:
 13 NEW PARAGRAPH. bb. The court finds that there is
 14 clear and convincing evidence that the child is a
 15 newborn infant whose parent has voluntarily released
 16 custody of the child in accordance with chapter 232B.
 17 Sec. 11. Section 232.117, Code 2001, is amended by
 18 adding the following new subsection:
 19 NEW SUBSECTION. 9. If a termination of parental
 20 rights order is issued on the grounds that the child
 21 is a newborn infant whose parent has voluntarily
 22 released custody of the child under section 232.116,
 23 subsection 1, paragraph "bb", the court shall retain
 24 jurisdiction to change a guardian or custodian and to
 25 allow a parent whose rights have been terminated or
 26 any putative parent to request vacation or appeal of
 27 the termination order which request must be made
 28 within thirty days of issuance of the granting of the
 29 termination order. The period for request for
 30 vacation or appeal by a parent whose rights have been
 31 terminated or by a putative parent shall not be waived
 32 or extended and a vacation or appeal shall not be
 33 granted for a request made after the expiration of
 34 this period. The court shall grant the vacation
 35 request only if it is in the best interest of the
 36 child. The supreme court shall prescribe rules to

37 conclusively establish the period of thirty days,
 38 which shall not be waived or extended, in which a
 39 parent whose parental rights have been terminated or a
 40 putative parent may request a vacation or appeal of
 41 such a termination order.

42 Sec. 12. NEW SECTION. 802.10 NEWBORN SAFE HAVEN
 43 ACT -- IMMUNITY.

44 The parent of a newborn infant who voluntarily
 45 releases custody of the newborn infant in accordance
 46 with chapter 232B, the newborn safe haven Act, has
 47 immunity from criminal prosecution and civil liability
 48 as provided in section 232B.3. Any other person
 49 authorized by the parent to assist with such release
 50 on the parent's behalf has immunity from criminal

Page 7

1 prosecution and civil liability as provided in section
 2 232B.3.

3 Sec. 13. EFFECTIVE DATE. This Act, being deemed
 4 of immediate importance, takes effect upon enactment."

5 2. Title page, by striking lines 1 through 6 and
 6 inserting the following: "An Act providing for the
 7 release of custody and termination of parental rights
 8 for certain newborn infants whose parent or person
 9 authorized to act on the parent's behalf relinquishes
 10 physical custody at certain health facilities and
 11 providing for immunity from prosecution and civil
 12 liability for such parent or person, establishing
 13 confidentiality protections and a penalty, and
 14 providing an effective date."

NANCY BOETTGER

S-3252

1 Amend Senate File 289 as follows:

2 1. Page 1, line 6, by inserting after the word
 3 "burn." the following: "This notification requirement
 4 shall not apply if any local ordinance governing the
 5 same subject matter is adopted."

MAGGIE TINSMAN

S-3253

1 Amend Senate File 342 as follows:

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

4 "Sec. ___. NEW SECTION. 53.19A LISTS OF ABSENTEE

5 VOTERS.

- 6 1. Any person may request of the commissioner and
7 shall receive, upon payment of the cost of
8 preparation, a list of absentee voters in accordance
9 with the following requirements and limitations:
10 a. The commissioner shall prepare each list
11 requested within three days of receipt of the request,
12 except that the commissioner shall not be required to
13 prepare any list within five days of the election for
14 which the list is requested.
15 b. Each list shall be as current as possible, but
16 shall in all cases reflect absentee voter activity
17 recorded by the commissioner seven or more days before
18 preparation of the list.
19 c. Each list shall be in the order and form
20 specified by the list purchaser, and shall contain the
21 absentee voter data specified by the list purchaser,
22 provided that compliance with the request is within
23 the capability of the record maintenance system used
24 by the commissioner.
25 d. Absentee voter information shall be maintained
26 in an electronic medium. The commissioner shall
27 prepare updates to lists at least weekly. All updates
28 shall be made available to all requesters at the same
29 time, and shall be in the order and form specified by
30 each requester.
- 31 2. The commissioner shall maintain a log of the
32 name, address, and telephone number of every person
33 who receives a list under this section, and of every
34 person who reviews absentee voter records in the
35 office of the commissioner. Logs maintained under
36 this subsection are public records, and shall be
37 available for public inspection at reasonable times.
- 38 3. Information about absentee voters obtained from
39 absentee voter records shall be used only for a
40 genuine political purpose, or for a bona fide official
41 purpose by an elected official, or for bona fide
42 political research, but shall not be used for any
43 commercial purposes. A person who uses absentee voter
44 information in violation of this section commits a
45 serious misdemeanor.
- 46 4. Lists of absentee voters shall be preserved and
47 destroyed in the same manner as are ballots for
48 elections under section 50.19."
- 49 2. Title page, line 1 by inserting after the word
50 "Act" the following: "relating to the conduct of

Page 2

- 1 elections by providing for the availability of
- 2 absentee voter lists and by".
- 3 3. By renumbering as necessary.

JOE BOLKCOM

S-3254

- 1 Amend Senate File 342 as follows:
- 2 1. Page 1, by inserting after line 7, the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 53.3 ONGOING ABSENTEE
- 5 VOTER.
- 6 A registered voter applying for an absentee ballot
- 7 under section 53.2 using the state commissioner's
- 8 prescribed form for absentee ballot applications may
- 9 request to receive an absentee ballot for each
- 10 subsequent general election in which that person is
- 11 eligible to vote, and qualifies under section 53.1.
- 12 The state commissioner shall provide on the prescribed
- 13 form a check box for this purpose. For each
- 14 subsequent general election, the commissioner shall
- 15 automatically mail an absentee ballot to the
- 16 requesting voter, or automatically deliver an absentee
- 17 ballot to a confined person pursuant to section 53.22.
- 18 A voter's status as an ongoing absentee voter shall be
- 19 terminated upon the request of the voter, by the
- 20 commissioner if the voter fails to qualify under
- 21 section 53.1, or if the voter fails to vote in a
- 22 general election."
- 23 2. Title page, line 1, by inserting after the
- 24 word "Act" the following: "relating to the conduct of
- 25 elections by providing for ongoing absentee voter
- 26 status for general elections and by".
- 27 3. By renumbering as necessary.

JOE BOLKCOM

S-3255

- 1 Amend Senate File 342 as follows:
- 2 1. Page 1, by inserting after line 7, the
- 3 following:
- 4 "Sec. ____ Section 53.2, unnumbered paragraph 1,
- 5 Code 2001, is amended to read as follows:
- 6 Any registered voter, under the circumstances
- 7 specified in section 53.1, may on any day, except
- 8 election day, and not more than seventy days prior to
- 9 the date of the election, apply in person for an

10 absentee ballot at the commissioner's office or at any
11 location designated by the commissioner, or make
12 written or facsimile application to the commissioner
13 for an absentee ballot. The state commissioner shall
14 prescribe a form for absentee ballot applications.
15 However, if a registered voter submits an application
16 that includes all of the information required in this
17 section, the prescribed form is not required.
18 Absentee ballot applications may include instructions
19 to send the application directly to the county
20 commissioner of elections. However, no absentee
21 ballot application shall be preaddressed or printed
22 with instructions to send the applications to anyone
23 other than the appropriate commissioner.

24 Sec. ____ Section 53.21, unnumbered paragraph 1,
25 Code 2001, is amended to read as follows:

26 A voter who has requested an absentee ballot may
27 obtain a replacement ballot if the voter declares that
28 the original ballot was lost or did not arrive. The
29 commissioner upon receipt of a ~~written or~~ written,
30 oral, or facsimile request for a replacement ballot
31 shall provide a duplicate ballot. The same serial
32 number that was assigned to the records of the
33 original absentee ballot request shall be used on the
34 envelopes and records of the replacement ballot.

35 Sec. ____ Section 53.22, subsection 2, Code 2001,
36 is amended to read as follows:

37 2. Any registered voter who becomes a patient or
38 resident of a hospital or health care facility in the
39 county where the voter is registered to vote within
40 three days prior to the date of any election or on
41 election day may request an absentee ballot during
42 that period or on election day. As an alternative to
43 the application procedure prescribed by section 53.2,
44 the registered voter may make the request directly to
45 the officers who are delivering and returning absentee
46 ballots under this section. Alternatively, the
47 request may be made by telephone or facsimile to the
48 office of the commissioner not later than four hours
49 before the close of the polls. If the requester is
50 found to be a registered voter of that county, these

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1 officers shall deliver the appropriate absentee ballot
2 to the registered voter in the manner prescribed by
3 this section.

4 Sec. ____ Section 53.22, subsection 5, unnumbered
5 paragraph 1, Code 2001, is amended to read as follows:

6 If the registered voter becomes a patient or
7 resident of a hospital or health care facility outside
8 the county where the voter is registered to vote

- 9 within three days before the date of any election or
 10 on election day, the voter may designate a person to
 11 deliver and return the absentee ballot. The designee
 12 may be any person the voter chooses except that no
 13 candidate for any office to be voted upon for the
 14 election for which the ballot is requested may deliver
 15 a ballot under this subsection. The request for an
 16 absentee ballot may be made by telephone or facsimile
 17 to the office of the commissioner not later than four
 18 hours before the close of the polls. If the requester
 19 is found to be a registered voter of that county, the
 20 ballot shall be delivered by mail or by the person
 21 designated by the voter. An application form shall be
 22 included with the absentee ballot and shall be signed
 23 by the voter and returned with the ballot."
 24 2. Title page, line 1, by inserting after the
 25 word "Act" the following: "relating to the conduct of
 26 elections by authorizing absentee ballot requests by
 27 facsimile and by".
 28 3. By renumbering as necessary.

JOE BOLKCOM

S-3256

- 1 Amend Senate File 342 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. Section 49.14, subsection 1, Code
 5 2001, is amended to read as follows:
 6 1. The commissioner may appoint substitute
 7 precinct election officials as alternates for election
 8 board members. ~~A majority of the original election~~
 9 ~~board members shall be present at the precinct polling~~
 10 ~~place at all times; The commissioner may use~~
 11 ~~substitute precinct election officials to create~~
 12 ~~multiple work shifts for polling places on election~~
 13 ~~day. Shifts and work schedules shall be arranged at~~
 14 ~~the discretion of the commissioner provided that at~~
 15 ~~partisan elections such majority the composition of~~
 16 ~~the election board shall include at least one precinct~~
 17 ~~election official from each political party. If the~~
 18 ~~chairperson leaves the polling place, the chairperson~~
 19 ~~shall designate another member of the board to serve~~
 20 ~~as chairperson until the chairperson returns. The~~
 21 ~~responsibilities and duties of a precinct election~~
 22 ~~official present at the time the polling place was~~
 23 ~~opened on the day of an election may be assumed at any~~
 24 ~~later time that day by a substitute appointed as an~~
 25 ~~alternate. The substitute shall serve either for the~~
 26 ~~balance of that election day or for any shorter period~~
 27 ~~of time the commissioner may designate."~~

- 28 2. Title page, line 1, by inserting after the
 29 word "Act" the following: "relating to the conduct of
 30 elections by providing for work schedules at polling
 31 places and by".
 32 3. By renumbering as necessary.

JOE BOLKCOM

S-3257

- 1 Amend Senate File 342 as follows:
 2 1. Page 1, by inserting after line 7, the
 3 following:
 4 "Sec. ____ Section 53.8, subsection 1, Code 2001,
 5 is amended to read as follows:
 6 1. Upon receipt of an application for an absentee
 7 ballot and immediately after the absentee ballots are
 8 printed, the commissioner shall mail an absentee
 9 ballot to the applicant within twenty-four hours,
 10 except as otherwise provided in subsection 3. The
 11 absentee ballot shall be enclosed in an unsealed
 12 ballot envelope bearing a serial number and affidavit.
 13 ~~The absentee ballot and unsealed envelope shall be~~
 14 ~~enclosed in or with a carrier envelope which bears the~~
 15 ~~same serial number as the unsealed envelope. The~~
 16 ~~absentee ballot, and unsealed ballot envelope, and~~
 17 ~~carrier envelope shall be enclosed in a third second~~
 18 ~~envelope to be sent to the registered voter.~~
 19 Sec. ____ Section 53.12, Code 2001, is amended to
 20 read as follows:
 21 53.12 DUTY OF COMMISSIONER.
 22 The commissioner shall enclose the absentee ballot
 23 in ~~an unsealed a~~ ballot envelope, to be furnished by
 24 the commissioner, which envelope shall bear upon its
 25 face the words "county commissioner of elections", the
 26 address of the commissioner's office, and the same
 27 serial number appearing on the ~~unsealed~~ ballot
 28 envelope shall be affixed to the application.
 29 Sec. ____ Section 53.13, Code 2001, is amended to
 30 read as follows:
 31 53.13 VOTER'S AFFIDAVIT ON ENVELOPE.
 32 On the ~~unsealed~~ ballot envelope shall be printed an
 33 affidavit form prescribed by the state commissioner of
 34 elections.
 35 Sec. ____ Section 53.17, Code 2001, is amended to
 36 read as follows:
 37 53.17 MAILING OR DELIVERING BALLOT.
 38 The sealed ballot envelope containing the absentee
 39 ballot shall be ~~enclosed in a carrier envelope which~~
 40 ~~shall be securely sealed. The sealed carrier envelope~~
 41 ~~shall be returned to the commissioner by one of the~~
 42 following methods:

43 1. The sealed ~~carrier~~ ballot envelope may be
44 delivered by the registered voter or the voter's
45 designee to the commissioner's office no later than
46 the time the polls are closed on election day.
47 2. The sealed ~~carrier~~ ballot envelope may be
48 mailed to the commissioner. The ~~carrier~~ ballot
49 envelope shall indicate that greater postage than
50 ordinary first class mail may be required. The

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1 commissioner shall pay any insufficient postage due on
2 a ~~carrier~~ ballot envelope bearing ordinary first class
3 postage and accept the ballot.

4 In order for the ballot to be counted, the ~~carrier~~
5 ballot envelope must be received in the commissioner's
6 office before the polls close on election day or be
7 clearly postmarked by an officially authorized postal
8 service not later than the day before the election and
9 received by the commissioner not later than noon on
10 the Monday following the election.

11 If the law authorizing the election specifies that
12 the supervisors canvass the votes earlier than the
13 Monday following the election, absentee ballots
14 returned through the mail must be received not later
15 than the time established for the canvass by the board
16 of supervisors for that election. The commissioner
17 shall contact the post office serving the
18 commissioner's office at the latest practicable hour
19 before the canvass by the board of supervisors for
20 that election, and shall arrange for absentee ballots
21 received in that post office but not yet delivered to
22 the commissioner's office to be brought to the
23 commissioner's office before the canvass for that
24 election by the board of supervisors.

25 Sec. ____ Section 53.18, Code 2001, is amended to
26 read as follows:

27 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

28 Upon receipt of the absentee ballot, the
29 commissioner shall at once record the number appearing
30 on the application and ~~return carrier~~ ballot envelope
31 and time of receipt of such ballot and attach the
32 elector's application to the unopened envelope.
33 Absentee ballots shall be stored in a secure place
34 until they are delivered to the absentee and special
35 voters.

36 Sec. ____ Section 53.19, unnumbered paragraph 1,
37 Code 2001, is amended to read as follows:

38 The commissioner shall maintain a list of the
39 absentee ballots provided to registered voters, the
40 serial number appearing on the ~~unsealed~~ ballot
41 envelope, the date the application for the absentee

42 ballot was received, and the date the absentee ballot
 43 was sent to the registered voter requesting the
 44 absentee ballot.

45 Sec. ____ Section 53.21, Code 2001, is amended to
 46 read as follows:

47 53.21 REPLACEMENT OF LOST OR SPOILED ABSENTEE
 48 BALLOTS.

49 A voter who has requested an absentee ballot may
 50 obtain a replacement ballot if the voter declares that

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1 the original ballot was lost or did not arrive. The
 2 commissioner upon receipt of a written or oral request
 3 for a replacement ballot shall provide a duplicate
 4 ballot. The same serial number that was assigned to
 5 the records of the original absentee ballot request
 6 shall be used on the ~~envelopes~~ envelope and records of
 7 the replacement ballot.

8 The commissioner shall include with the replacement
 9 ballot two copies of a statement in substantially the
 10 following form:

11 The absentee ballot which I requested on
 12 _____(date) has been lost or was never received.
 13 If I find this absentee ballot I will return it,
 14 unvoted, to the commissioner.

15

16 _____
 17 (Signature of voter)

17

18 _____
 19 (Date)

20 The voter shall enclose one copy of the above
 21 statement in the ~~return carrier envelope~~ with the
 22 ballot envelope and retain a copy for the voter's
 23 records.

24 A voter who spoils an absentee ballot may return it
 25 to the commissioner. The outside of the ~~return ballot~~
 26 envelope shall be marked "SPOILED BALLOT". The
 27 commissioner shall replace the ballot in the manner
 28 provided in this section for lost ballots.

29 An absentee ballot returned to the commissioner
 30 without a designation that the ballot was spoiled
 31 shall not be replaced.

32 Sec. ____ Section 53.22, subsection 5, unnumbered
 33 paragraph 2, Code 2001, is amended to read as follows:

34 Absentee ballots voted under this subsection shall
 35 be delivered to the commissioner no later than the
 36 time the polls are closed on election day. If the
 37 ballot is returned by mail the ~~carrier ballot~~ envelope
 38 must be received by the time the polls close, or
 39 clearly postmarked by an officially authorized postal
 40 service not later than the day before the election and
 received by the commissioner no later than the time

41 established for the canvass by the board of
42 supervisors for that election.
43 Sec. ____ Section 53.23, subsection 3, Code 2001,
44 is amended to read as follows:
45 3. The commissioner shall set the convening time
46 for the board, allowing a reasonable amount of time to
47 complete counting all absentee ballots by ten p.m. on
48 election day. The commissioner may direct the board
49 to meet on the day before the election solely for the
50 purpose of reviewing the absentee voters' affidavits

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1 appearing on the sealed ballot envelopes. ~~If, if in~~
2 ~~the commissioner's judgment this procedure is~~
3 ~~necessary due to the number of absentee ballots~~
4 ~~received, the members of the board may open the sealed~~
5 ~~ballot envelopes and remove the secrecy envelope~~
6 ~~containing the ballot, but under. Under no~~
7 ~~circumstances shall a secrecy ballot envelope be~~
8 opened before the board convenes on election day. If
9 the affidavits on the ballot envelopes are opened
10 reviewed before election day, two observers, one
11 appointed by each of the two political parties
12 referred to in section 49.13, subsection 2, shall
13 witness the proceedings.

14 ~~If the board finds any ballot not enclosed in a~~
15 ~~secrecy envelope, the two special precinct election~~
16 ~~officials, one from each of the two political parties~~
17 ~~referred to in section 49.13, subsection 2, shall~~
18 ~~place the ballot in a secrecy envelope. No one shall~~
19 ~~examine the ballot. Each of the special precinct~~
20 ~~election officials shall sign the secrecy envelope.~~

21 Sec. ____ Section 53.23, subsection 5, Code 2001,
22 is amended to read as follows:

23 5. The special precinct election board shall
24 preserve the secrecy of all absentee and special
25 ballots. After the affidavits on the envelopes have
26 been reviewed and the qualifications of the persons
27 casting the ballots have been determined, those that
28 have been accepted for counting shall be opened. The
29 ballots shall be removed from the affidavit ballot
30 envelopes without being unfolded or examined, and then
31 shall be thoroughly intermingled, after which they
32 shall be unfolded and tabulated. If secrecy folders
33 or envelopes are used with special paper ballots, the
34 ballots shall be removed from the secrecy folders
35 after the ballots have been intermingled.

36 Sec. ____ Section 468.511, subsection 1, Code
37 2001, is amended to read as follows:

38 1. When a petition asking for the right to vote in
39 proportion to assessment of benefits at all elections

40 for any purpose thereafter to be held within said
 41 district, signed by a majority of the landowners
 42 owning land within said district assessed for
 43 benefits, is filed with the board of trustees, then,
 44 in all elections of trustees thereafter held within
 45 said district, any person whose land is assessed for
 46 benefits without regard to age, sex, or condition
 47 shall be entitled to one vote for each ten dollars or
 48 fraction thereof of the original assessment under the
 49 current classification against the land actually owned
 50 by the person in said district at the time of the

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1 election, but in order to have such ballot counted for
 2 more than one vote the voter shall write the voter's
 3 name upon the ballot. The vote of any landowner of
 4 the district may be cast by absent voters ballot as
 5 provided in chapter 53 except that the form of the
 6 applications for ballots, the voters' affidavits on
 7 the envelopes, and the endorsement of the ~~carrier~~
 8 outer envelope for preserving the ballot shall be
 9 substantially in the form provided in subsections 2, 3
 10 and 4, below. Application blanks, envelopes and
 11 ballots shall be provided by and submitted to the
 12 office of the county auditor in which the election is
 13 held. The cost of such blanks, envelopes, ballots and
 14 postage shall be paid by the district. For the
 15 purpose of this subchapter all landowners of the
 16 district shall be considered qualified voters,
 17 regardless of their place of residence.

18 Sec. ____ Section 468.511, subsection 4, Code
 19 2001, is amended to read as follows:

20 4. For the purposes of this subchapter, upon
 21 receipt of the ballot, the auditor shall at once
 22 enclose the same, unopened, together with the
 23 application made by the voter in a ~~large carrier an~~
 24 outer envelope, securely seal the same, and endorse
 25 thereon over the auditor's official signature, the
 26 following:

- 27 a. Name of the district in which the voter is a
 28 landowner.
- 29 b. Date of the election for which the ballot is
 30 cast.
- 31 c. Location of the polling place at which the
 32 ballot would be legally and properly cast if voted in
 33 person.
- 34 d. Names of the judges of the election of that
 35 polling place, and the statement that this envelope
 36 contains an absent voters ballot and must be opened
 37 only at the polls on election day while said polls are
 38 open."

- 39 2. Title page, line 1, by inserting after the
40 word "Act" the following: "relating to the conduct of
41 elections by reducing the number of envelopes used in
42 absentee voting from two to one and by".
43 3. By renumbering as necessary.

JOE BOLKCOM

S-3258

- 1 Amend Senate File 497 as follows:
2 1. Page 3, by striking line 15 and inserting the
3 following: "senate. A vacancy shall be filled for
4 the unexpired portion of the term in the same manner
5 as a full-term appointment is made. The governor may
6 remove the chief executive officer for malfeasance in
7 office, or for any cause that renders the chief
8 executive officer ineligible, incapable, or unfit to
9 discharge the duties of the office."
10 2. Page 3, line 17, by inserting after the words
11 "shall include" the following: "management-level
12 pension fund administration experience. The
13 qualifications for appointment as the chief executive
14 officer shall also include".
15 3. Page 3, line 18, by striking the words "and
16 executive-level experience in".
17 4. Page 4, by striking lines 25 through 28 and
18 inserting the following: "department. The budget
19 program for the division shall be established by the
20 chief executive officer in consultation with the board
21 and other staff of the division and shall be compiled
22 by the department of personnel in collaboration with
23 the division and submitted on behalf of the division
24 by the department pursuant to section 8.23."
25 5. Page 8, line 24, by inserting after the word
26 "division." the following: "The treasurer shall not
27 select any bank or other third party for the purposes
28 of investment asset safekeeping, other custody, or
29 settlement services without prior consultation with
30 the board."
31 6. Page 12, line 26, by striking the word "nine"
32 and inserting the following: "eleven".
33 7. Page 12, line 27, by striking the word "two"
34 and inserting the following: "four".
35 8. Page 12, line 34, by inserting after the word
36 "system." the following: "Prior to the appointment by
37 the governor of a member of the board under this
38 subparagraph, the benefits advisory committee shall
39 submit a slate of at least two nominees per position
40 to the governor for the governor's consideration. The
41 governor is not required to appoint a member from the
42 slate submitted."

43 9. Page 13, by striking lines 6 through 10 and
 44 inserting the following: "The nonvoting members of
 45 the board shall be two state representatives, one
 46 appointed by the speaker of the house of
 47 representatives and one by the minority leader of the
 48 house, and two state senators, one appointed by the
 49 majority leader of the senate and one by the minority
 50 leader of the senate."

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1 10. Page 14, line 14, by inserting after the word
 2 "benefits" the following: "and services".
 3 11. Page 15, line 13, by inserting after the word
 4 "concerning" the following: "the services provided to
 5 members and".
 6 12. Page 15, by inserting after line 16 the
 7 following:
 8 "c. Upon the expiration of the term of office of
 9 or a vacancy concerning one of the three members of
 10 the investment board described in section 97B.8A,
 11 subsection 4, paragraph "a", subparagraph (2), the
 12 voting members of the committee shall submit to the
 13 governor the names of at least two nominees who meet
 14 the requirements specified in that subparagraph. The
 15 governor may appoint the member from the list
 16 submitted by the committee."
 17 13. Page 16, line 1, by inserting after the word
 18 "injury." the following: "However, the benefits
 19 advisory committee shall not incur any additional
 20 expenses in fulfilling its duties as provided by this
 21 section without the express written authority of the
 22 chief executive officer."
 23 14. Page 19, line 1, by inserting after the word
 24 and figures "July 1, 2002." the following: "Two
 25 additional legislative members shall be appointed and
 26 commence membership on the new investment board on
 27 July 1, 2002, as provided in section 97B.8A as enacted
 28 in this Act."
 29 15. By renumbering as necessary.

JOHN P. KIBBIE
 RICHARD F. DRAKE
 MARY LOU FREEMAN
 SHELDON RITTMER

S-3259

1 Amend Senate File 503 as follows:
 2 1. Page 1, line 23, by striking the word
 3 "implemented" and inserting the following:
 4 "installed".

5 2. By striking page 1, line 27, through page 2,
6 line 24 and inserting the following:
7 "Sec. ____ NEW SECTION. 455B.205A OPEN FEEDLOT
8 COMPLIANCE PROGRAM.
9 1. The owner of an open feedlot may elect to
10 participate in an open feedlot compliance program as
11 established and administered by the department. Under
12 the program, the department must provide for the
13 registration of the open feedlot and approve a
14 compliance plan for the open feedlot to satisfy
15 requirements of this division based on an
16 environmental priority assessment conducted by the
17 department in conjunction with the owner. The
18 compliance plan shall to the extent necessary provide
19 for any of the following:
20 a. The construction of manure control facilities
21 that retain all manure and related runoff originating
22 from the open feedlot or related areas.
23 b. The installation of manure control practices.
24 2. a. The owner of an open feedlot participating
25 in the open feedlot compliance program who is required
26 under a compliance plan to construct a manure control
27 facility to retain all manure and related runoff may
28 extend completion of that part of the compliance plan
29 requiring construction of the manure control facility
30 until cost-share moneys equaling at least seventy-five
31 percent of the cost of construction are contributed by
32 the state or federal government.
33 b. The owner of an open feedlot participating in
34 the open feedlot compliance program who is required
35 under a compliance plan to install a manure control
36 practice may extend completion of that part of the
37 compliance plan requiring installation of the practice
38 until cost-share moneys equaling at least fifty
39 percent of the cost of installation are contributed by
40 the state or federal government."
41 3. Page 2, line 25, by striking the figure
42 "455B.205C" and inserting the following: "455B.205B".
43 4. Page 2, line 28, by striking the word
44 "implemented" and inserting the following:
45 "installed".
46 5. Page 2, line 31, by striking the word
47 "implementation" and inserting the following:
48 "installation".

MIKE SEXTON

S-3260

1 Amend Senate File 485 as follows:
2 1. By striking page 1, line 20, through page 2,
3 line 8.

4 2. Page 2, line 11, by striking the words
5 "magistrate or".

JEFF LAMBERTI

S-3261

1 Amend House File 324, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting after line 26 the
4 following:
5 "Sec. 101. RETROACTIVE APPLICABILITY. The
6 following provisions of this Act shall apply
7 retroactively to April 25, 1999:
8 1. Section 34 of this Act, adding section 322A.1,
9 subsection 9A.
10 2. Section 35 of this Act, amending section
11 322A.11, unnumbered paragraph 1.
12 3. The provision of section 36 of this Act,
13 amending section 322A.11, subsection 2.
14 Sec. 102. EFFECTIVE DATE. The following
15 provisions of this Act, being deemed of immediate
16 importance, take effect upon enactment:
17 1. Section 30 of this Act, amending section 322.3,
18 subsection 14.
19 2. Section 32 of this Act, amending section
20 322.28.
21 3. Section 34 of this Act, adding section 322A.1,
22 subsection 9A.
23 4. Section 35 of this Act, amending section
24 322A.11, unnumbered paragraph 1.
25 5. The provision of section 36 of this Act,
26 amending section 322A.11, subsection 2.
27 6. Section 101 of this Act, providing for
28 retroactive applicability for the provisions described
29 in subsections 3 through 5."
30 2. Page 24, by striking lines 1 through 4.
31 3. Title page, line 3, by inserting after the
32 word "penalty" the following: ", a retroactive
33 applicability date,".
34 4. By renumbering, redesignating, and correcting
35 internal references as necessary.

MICHAEL E. GRONSTAL
STEWART IVERSON, JR.

S-3262

1 Amend Senate File 348 as follows:
2 1. Page 5, by inserting after line 32 the
3 following:

4 "j. Be subject to and comply with chapter 284
5 relating to the student achievement and teacher
6 quality program. A pilot charter school that complies
7 with chapter 284 shall receive state moneys or be
8 eligible to receive state moneys as provided in
9 chapter 284 as if it did not operate under a charter."

10 2. Page 16, by inserting after line 21, the
11 following:

12 "Sec. ____ . CONDITIONAL EFFECTIVENESS. Section
13 256F.5, subsection 1, paragraph "j", as enacted in
14 this Act, takes effect only if 2001 Iowa Acts, Senate
15 File 476, is enacted."

16 3. Title page, line 1, by inserting after the
17 word "schools" the following: "and providing for a
18 conditional effective date".

19 4. By renumbering as necessary.

MIKE CONNOLLY

S-3263

1 Amend House File 324, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 23, by inserting after line 23 the
4 following:

5 "Sec. ____ . Section 314.2, Code 2001, is amended to
6 read as follows:

7 314.2 INTEREST IN CONTRACT PROHIBITED.

8 ~~No A~~ state or county official or employee, elective
9 or appointive, ~~shall be directly or indirectly~~
10 interested not have an interest in any a contract for
11 the construction, reconstruction, improvement or
12 maintenance of any highway, bridge, or culvert, or the
13 furnishing of materials ~~therefore~~ under such a
14 contract, at any level of the supply chain. The
15 letting of a contract in violation of ~~the foregoing~~
16 provisions this section shall invalidate the contract
17 and such violation shall be a complete defense to any
18 action to recover any consideration due or earned
19 under the contract at the time of its termination.
20 The contracting agency shall take action to recover
21 any moneys paid to a state or county official or
22 employee for services or materials provided in
23 violation of this section. For purposes of this
24 section, "an interest in a contract" includes a
25 direct, indirect, or any other type of interest in a
26 contract, including the provision of materials for a
27 project that is the subject of a contract, whether
28 such provision is pursuant to subcontract or

29 otherwise."

30 2. By renumbering, redesignating, and correcting
31 internal references as necessary.

STEVE KING

S-3264

1 Amend House File 324, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 23, by inserting after line 23 the
4 following:
5 "Sec. . NEW SECTION. 306.46 EFFECT ON ACCESS
6 TO POLITICAL SUBDIVISION.
7 In the construction, reconstruction, improvement,
8 or maintenance of any highway under its jurisdiction,
9 the department shall not close all paved highway
10 access to a municipality."
11 2. By renumbering, redesignating, and correcting
12 internal references as necessary.

MARK SHEARER

S-3265

1 Amend House File 458, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Title page, line 2, by inserting after the
4 word "incest" the following: "or sexual exploitation
5 by a counselor or therapist".

NANCY BOETTGER

S-3266

1 Amend House File 292, as passed by the House, as
2 follows:
3 1. Page 1, line 2, by striking the word
4 "paragraph" and inserting the following:
5 "paragraphs".
6 2. Page 1, by inserting the following after line
7 9:
8 "NEW PARAGRAPH. 1. Charging a negotiated fee to
9 recover a share of the costs related to the research
10 and development, initial production, and derivative
11 products of the department's proprietary software and
12 hardware, information technology architecture design,
13 and proprietary technology applications developed to
14 support authorized users, to private vendors and to
15 other political entities and subdivisions, including
16 but not limited to states, territories, protectorates,

17 and foreign countries. The department may enter into
18 nondisclosure agreements to protect the state of
19 Iowa's proprietary interests. The provisions of
20 chapter 23A relating to noncompetition by state
21 agencies and political subdivisions with private
22 enterprise shall not apply to department activities
23 authorized under this paragraph."

24 3. Page 1, by inserting after line 21 the
25 following:

26 "Sec. 4. Section 23A.2, subsection 10, Code 2001,
27 is amended by adding the following new paragraph:
28 NEW PARAGRAPH. n. The performance of an activity
29 authorized pursuant to section 14B.102, subsection 2,
30 paragraph "l"."

DERRYL McLAREN

S-3267

1 Amend Senate File 341 as follows:

2 1. Page 4, by striking lines 8 through 32.

3 2. Title page, line 2, by striking the words
4 "fines, penalties," and inserting the following:
5 "penalties".

6 3. By renumbering, redesignating, and correcting
7 internal references as necessary.

SHELDON RITTMER

S-3268

1 Amend Senate File 487 as follows:

2 1. Page 2, lines 13 and 14, by striking the words
3 "or to a person sentenced as an habitual offender" and
4 inserting the following: "a person sentenced as an
5 habitual offender, felonies listed in section 901A.1,
6 or a felony committed by a person on parole, work
7 release, or while in the custody of the director of
8 the department of corrections".

ANDY McKEAN
O. GENE MADDOX

S-3269

1 Amend Senate File 346 as follows:

2 1. Page 1, lines 13 and 14, by striking the words
3 "~~or should know~~" and inserting the following: "or
4 reasonably should know".

JACK HOLVECK
JOHNIE HAMMOND

S-3270

1 Amend Senate File 342 as follows:

2 1. Page 1, by inserting before line 1, the

3 following:

4 "Sec. 100. Section 48A.5, Code 2001, is amended by

5 adding the following new subsection:

6 NEW SUBSECTION. 3A. If a person is registering

7 under the provisions of section 48A.9A, the person

8 shall be a resident of the county in which the

9 election is held for ten days immediately preceding

10 the election, subject to the provisions of subsection

11 3 and section 48A.27, subsection 2, paragraph "a",

12 subparagraph (3).

13 Sec. ____ Section 48A.9, subsection 1, Code 2001,

14 is amended to read as follows:

15 1. Registration closes at five p.m. eleven days

16 before each election except primary and general

17 elections. For primary and general elections,

18 registration closes at five p.m. ten days before the

19 election. An eligible elector may register during the

20 time registration is closed in the elector's precinct

21 but the registration shall not become effective until

22 registration opens again in the elector's precinct

23 unless the elector obtains an affidavit of special

24 late registration as provided in section 48A.9A.

25 Sec. ____ NEW SECTION. 48A.9A SPECIAL LATE

26 REGISTRATION.

27 1. Notwithstanding the voter registration

28 deadlines in section 48A.9, an eligible elector may

29 register to vote on election day if the elector

30 presents to the precinct election official

31 identification upon which the voter's photograph and

32 signature or mark appears.

33 2. The commissioner shall record the information

34 required of an eligible elector on the election

35 register for the county precinct of the eligible

36 elector or shall provide a separate listing of the

37 information required of an eligible elector to the

38 county precinct of the eligible elector who registers

39 in person at the commissioner's office or at the

40 elector's precinct polling place on election day.

41 3. If the commissioner is unable to make available

42 to a county precinct the information required of an

43 eligible elector who registers through special late

44 registration procedures, on the election register of a

45 county precinct or through the provision of a separate

46 listing of the eligible electors who register through

47 special late registration procedures, an eligible

48 elector may obtain from the commissioner of

49 registration a form of affidavit prescribed by the

50 state commissioner of elections to serve as evidence

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1 of special late registration. If the affidavit is
2 completed by the elector and notarized by the
3 commissioner of registration or an employee of the
4 commissioner, the elector is deemed registered under
5 special late registration procedures and may present
6 the affidavit at the elector's polling place as proof
7 that the elector is registered to vote. The election
8 officials of the elector's precinct shall accept the
9 elector's affidavit of special late registration and
10 shall proceed as if the elector's name were listed in
11 the election register.

12 The election officials shall preserve all
13 affidavits submitted pursuant to this section and
14 forward them to the commissioner of registration at
15 the time the election register is returned. A
16 registration under this section is subject to

17 verification as provided in section 48A.26.
18 4. The commissioner may designate the precinct
19 polling places, in addition to the commissioner's
20 office, to provide access to special late registration
21 procedures. If the precinct polling place is
22 designated as a place to register to vote on election
23 day, the commissioner or an employee of the
24 commissioner shall process special late registrations
25 at a table separate from the precinct election
26 officials in order to reduce congestion at the polling
27 place and to avoid discouraging voters from casting a
28 ballot.

29 Sec. ____ Section 48A.11, subsection 1, paragraph
30 c, Code 2001, is amended to read as follows:

31 c. The address at which the registrant resides and
32 claims as the registrant's residence for voting
33 purposes. The commissioner may require proof of
34 residency if the registrant is registering pursuant to
35 section 48A.9A. The state commissioner of elections
36 shall designate which documents are acceptable to show
37 proof of residency.

38 Sec. ____ Section 48A.26, subsections 1 and 4,
39 Code 2001, are amended to read as follows:

40 1. Within seven working days of receipt of a voter
41 registration form or change of information in a voter
42 registration record the commissioner shall send an
43 acknowledgment to the registrant at the mailing
44 address shown on the registration form. However, in
45 the case of special late registrations, the
46 commissioner shall send the acknowledgment within ten
47 days of receipt of the special late registration. The
48 acknowledgment shall be sent by nonforwardable mail.

49 4. If the acknowledgment is returned as
50 undeliverable by the United States postal service, the

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1 commissioner shall follow the procedure described in
2 section 48A.29, subsection 1. However, if the
3 acknowledgment mailed for a special late registration
4 is returned as undeliverable by the postal service,
5 the commissioner shall cancel the registration and
6 shall immediately notify the state commissioner of
7 registration and the county attorney.

8 Sec. ____ Section 48A.26, Code 2001, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 1A. Within ten working days after
11 receiving a special late registration pursuant to
12 section 48A.9A, the commissioner shall send an
13 acknowledgment to the registrant at the mailing
14 address shown on the registration form. The
15 acknowledgment shall be sent by nonforwardable mail.

16 Sec. ____ Section 48A.30, subsection 1, Code 2001,
17 is amended by adding the following new paragraph:

18 NEW PARAGRAPH. g. The acknowledgment of a voter
19 who registered to vote under the special late
20 registration provisions is returned pursuant to
21 section 48A.29, subsection 1 or 2."

22 2. Page 1, line 5, by inserting after the word
23 "appears" the following: "if the voter is requesting
24 to register on election day".

25 3. Page 1, line 7, by inserting after the words
26 "allowed to" the following: "register to vote and
27 to".

28 4. Page 1, by inserting after line 7, the
29 following:

30 "Sec. ____ Section 49.77, Code 2001, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 6. A person whose name does not
33 appear on the election register of the precinct who
34 registers under section 48A.9A shall be allowed to
35 cast a ballot and the precinct election official is
36 not under a duty to require that the ballot be cast
37 under section 49.81.

38 Sec. ____ IMPLEMENTATION OF ACT. Section 25B.2,
39 subsection 3, shall not apply to this Act."

40 5. Title page, line 1, by inserting after the
41 word "Act" the following: "relating to the conduct of
42 elections by providing for special late voter
43 registration on election day, by providing a
44 durational residency requirement for voting, and by".

45 6. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3271

1 Amend Senate File 355 as follows:

2 1. By striking everything after the enacting

3 clause, and inserting the following:

4 "Section 1. NEW SECTION. 232B.1 NEWBORN SAFE

5 HAVEN ACT -- DEFINITIONS.

6 1. This chapter may be cited as the "Newborn Safe
7 Haven Act".

8 2. For the purposes of this chapter, unless the
9 context otherwise requires:

10 a. "Institutional health facility" means a
11 hospital as defined in section 135B.1, including a
12 facility providing medical or health services that is
13 open twenty-four hours per day, seven days per week
14 and is a hospital emergency room, or a health care
15 facility as defined in section 135C.1.

16 b. "Newborn infant" means a child who is, or who
17 appears to be, fourteen days of age or younger.

18 Sec. 2. NEW SECTION. 232B.2 NEWBORN INFANT

19 CUSTODY RELEASE PROCEDURES.

20 1. A parent of a newborn infant who has not
21 suffered bodily harm may voluntarily release custody
22 of the newborn infant by relinquishing physical
23 custody of the newborn infant, without expressing an
24 intent to again assume physical custody, at an
25 institutional health facility or by authorizing
26 another person to relinquish physical custody on the
27 parent's behalf. If physical custody of the newborn
28 infant is not relinquished directly to an individual
29 on duty at the institutional health facility, the
30 parent may take other actions to be reasonably sure
31 that an individual on duty is aware that the newborn
32 infant has been left at the institutional health
33 facility. The actions may include but are not limited
34 to making telephone contact with the institutional
35 health facility or a 911 service. For the purposes of
36 this chapter and for any judicial proceedings
37 associated with the newborn infant, a rebuttable
38 presumption arises that the person who relinquishes
39 physical custody at an institutional health facility
40 in accordance with this section is the newborn
41 infant's parent or has relinquished physical custody
42 with the parent's authorization.

43 2. a. Unless the parent or other person
44 relinquishing physical custody of a newborn infant
45 clearly expresses an intent to return to again assume
46 physical custody of the newborn infant, an individual
47 on duty at the facility at which physical custody of
48 the newborn infant was relinquished pursuant to
49 subsection 1 shall take physical custody of the
50 newborn infant. The individual on duty may request

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1 the parent or other person to provide the name of the
2 parent or parents and information on the medical
3 history of the newborn infant and the newborn infant's
4 parent or parents. However, the parent or other
5 person is not required to provide the names or medical
6 history information to comply with this section. The
7 individual on duty may perform reasonable acts
8 necessary to protect the physical health or safety of
9 the newborn infant. The individual on duty and the
10 institutional health facility in which the individual
11 was on duty are immune from criminal or civil
12 liability for any acts or omissions made in good faith
13 to comply with this section.

14 b. If the physical custody of the newborn infant
15 is relinquished at an institutional health facility,
16 the state shall reimburse the institutional health
17 facility for the institutional health facility's
18 actual expenses in providing care to the newborn
19 infant and in performing acts necessary to protect the
20 physical health or safety of the newborn infant. The
21 reimbursement shall be paid from moneys appropriated
22 for this purpose to the department of human services.

23 c. The individual on duty or other person
24 designated by the institutional health facility at
25 which physical custody of the newborn infant was
26 relinquished shall submit the certificate of birth
27 report as required pursuant to section 144.14.

28 3. As soon as possible after the individual on
29 duty assumes physical custody of a newborn infant
30 released under subsection 1, the individual shall
31 notify the department of human services and the
32 department shall take the actions necessary to assume
33 the care, control, and custody of the newborn infant.
34 The department shall immediately notify the juvenile
35 court and the county attorney of the department's
36 action and the circumstances surrounding the action
37 and request an ex parte order from the juvenile court
38 ordering, in accordance with the requirements of
39 section 232.78, the department to take custody of the
40 newborn infant. Upon receiving the order, the
41 department shall take custody of the newborn infant.
42 Within twenty-four hours of taking custody of the
43 newborn infant, the department shall notify the
44 juvenile court and the county attorney in writing of
45 the department's action and the circumstances
46 surrounding the action.

47 4. a. Upon being notified in writing by the
48 department under subsection 3, the county attorney
49 shall file a petition alleging the newborn infant to
50 be a child in need of assistance in accordance with

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1 section 232.87 and a petition for termination of
2 parental rights with respect to the newborn infant in
3 accordance with section 232.111, subsection 2,
4 paragraph "a". A hearing on a child in need of
5 assistance petition filed pursuant to this subsection
6 shall be held at the earliest practicable time. A
7 hearing on a termination of parental rights petition
8 filed pursuant to this subsection shall be held no
9 later than thirty days after the day the physical
10 custody of the newborn child was relinquished in
11 accordance with subsection 1 unless the juvenile court
12 continues the hearing beyond the thirty days for good
13 cause shown.

14 b. Notice of a petition filed pursuant to this
15 subsection shall be provided to any known parent and
16 others in accordance with the provisions of chapter
17 232 and shall be served upon any putative father
18 registered with the state registrar of vital
19 statistics pursuant to section 144.12A. In addition,
20 prior to holding a termination of parental rights
21 hearing with respect to the newborn infant, notice by
22 publication shall be provided as described in section
23 600A.6, subsection 5.

24 5. Reasonable efforts, as defined in section
25 232.102, that are made in regard to the newborn infant
26 shall be limited to the efforts made in a timely
27 manner to finalize a permanency plan for the newborn
28 infant.

29 6. An individual on duty at an institutional
30 health facility who assumes custody of a newborn
31 infant upon the release of the newborn infant under
32 subsection 1 shall be provided notice of any hearing
33 held concerning the newborn infant at the same time
34 notice is provided to other parties to the hearing and
35 the individual may provide testimony at the hearing.

36 Sec. 3. NEW SECTION. 232B.3 IMMUNITY.

37 Any person authorized by the parent to assist with
38 release of custody in accordance with section 232B.2
39 by relinquishing physical custody of the newborn
40 infant or to otherwise act on the parent's behalf is
41 immune from criminal prosecution for abandonment or
42 neglect of the newborn infant under section 726.3 or
43 726.6 and civil liability for any reasonable acts or
44 omissions made in good faith in assisting with the
45 release.

46 Sec. 4. NEW SECTION. 232B.4 RIGHTS OF PARENTS.

47 Either parent of a newborn infant whose custody was
48 released in accordance with section 232B.2, may
49 intervene in the child in need of assistance or
50 termination of parental rights proceedings held

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1 regarding the newborn infant and request that the
2 juvenile court grant custody of the newborn infant to
3 the parent. The requester must show by clear and
4 convincing evidence that the requester is the parent
5 of the newborn infant. If the court determines that
6 the requester is the parent of the newborn infant and
7 that granting custody of the newborn infant to the
8 parent is in the newborn infant's best interest, the
9 court shall issue an order granting custody of the
10 newborn infant to the parent. In addition to such
11 order, the court may order services for the newborn
12 infant and the parent as are in the best interest of
13 the newborn infant.

14 Sec. 5. NEW SECTION. 232B.5 CONFIDENTIALITY
15 PROTECTIONS.

16 1. In addition to any other privacy protection
17 established in law, a record that is developed,
18 acquired, or held in connection with an individual's
19 good faith effort to voluntarily release a newborn
20 infant in accordance with this chapter and any
21 identifying information concerning the individual
22 shall be kept confidential. Such record shall not be
23 inspected or the contents disclosed except as provided
24 in this section.

25 2. A record described in subsection 1 may be
26 inspected and the contents disclosed without court
27 order to the following:

- 28 a. The court and professional court staff,
29 including juvenile court officers.
- 30 b. The newborn infant and the newborn infant's
31 counsel.
- 32 c. The newborn infant's parent, guardian,
33 custodian, and those persons' counsel.
- 34 d. The newborn infant's court-appointed special
35 advocate and guardian ad litem.
- 36 e. The county attorney and the county attorney's
37 assistants.
- 38 f. An agency, association, facility, or
39 institution which has custody of the newborn infant,
40 or is legally responsible for the care, treatment, or
41 supervision of the newborn infant.
- 42 g. The newborn infant's foster parent or an
43 individual providing preadoptive care to the newborn
44 infant.

45 3. Pursuant to court order a record described in
46 subsection 1 may be inspected by and the contents may
47 be disclosed to any of the following:

- 48 a. A person conducting bona fide research for
49 research purposes under whatever conditions the court
50 may deem proper, provided that no personal identifying

Page 5

1 data shall be disclosed to such a person.

2 b. Persons who have a direct interest in a
3 proceeding or in the work of the court.

4 4. Any person who knowingly discloses, receives,
5 or makes use or permits the use of information derived
6 directly or indirectly from such a record or discloses
7 identifying information concerning such individual,
8 except as provided by this section, commits a serious
9 misdemeanor.

10 Sec. 6. NEW SECTION. 232B.6 EDUCATIONAL AND
11 PUBLIC INFORMATION.

12 The department of human services, in consultation
13 with the Iowa department of public health and the
14 department of justice, shall develop and distribute
15 the following:

16 1. An information card or other publication for
17 distribution by an institutional health facility to a
18 parent who releases custody of a newborn infant in
19 accordance with this chapter. The publication shall
20 inform the parent of a parent's rights under section
21 232B.4, explain the request for medical history
22 information under section 232B.2, subsection 2, and
23 provide other information deemed pertinent by the
24 departments.

25 2. Educational materials, public information
26 announcements, and other resources to develop
27 awareness of the availability of the newborn safe
28 haven Act, among adolescents, young parents, and
29 others who might avail themselves of the Act.

30 3. Signage that may be used to identify the
31 institutional health facilities at which physical
32 custody of a newborn infant may be relinquished in
33 accordance with this chapter.

34 Sec. 7. Section 232.2, subsection 6, Code 2001, is
35 amended by adding the following new paragraph:
36 NEW PARAGRAPH. p. Who is a newborn infant whose
37 parent has voluntarily released custody of the child
38 in accordance with chapter 232B.

39 Sec. 8. Section 232.111, subsection 2, paragraph
40 a, subparagraph (3), Code 2001, is amended to read as
41 follows:

42 (3) The child is less than twelve months of age
43 and has been judicially determined to meet the
44 definition of abandonment of a child or the child is a
45 newborn infant whose parent has voluntarily released
46 custody of the child in accordance with chapter 232B.

47 Sec. 9. Section 232.116, subsection 1, Code 2001,
48 is amended by adding the following new paragraph:
49 NEW PARAGRAPH. bb. The court finds that there is
50 clear and convincing evidence that the child is a

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1 newborn infant whose parent has voluntarily released
2 custody of the child in accordance with chapter 232B.
3 Sec. 10. Section 232.117, Code 2001, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 9. If a termination of parental
6 rights order is issued on the grounds that the child
7 is a newborn infant whose parent has voluntarily
8 released custody of the child under section 232.116,
9 subsection 1, paragraph "bb", the court shall retain
10 jurisdiction to change a guardian or custodian and to
11 allow a parent whose rights have been terminated to
12 request vacation or appeal of the termination order
13 which request must be made within thirty days of
14 issuance of the granting of the termination order.
15 The period for request for vacation or appeal by a
16 parent whose rights have been terminated shall not be
17 waived or extended and a vacation or appeal shall not
18 be granted for a request made after the expiration of
19 this period. The court shall grant the vacation
20 request only if it is in the best interest of the
21 child. The supreme court shall prescribe rules to
22 establish the period of thirty days, which shall not
23 be waived or extended, in which a parent whose
24 parental rights have been terminated may request a
25 vacation or appeal of such a termination order.

26 Sec. 11. Section 726.3, Code 2001, is amended to
27 read as follows:

28 726.3 NEGLECT OR ABANDONMENT OF A DEPENDENT
29 PERSON.

30 A person who is the father, mother, or some other
31 person having custody of a child, or of any other
32 person who by reason of mental or physical disability
33 is not able to care for the person's self, who
34 knowingly or recklessly exposes such person to a
35 hazard or danger against which such person cannot
36 reasonably be expected to protect such person's self
37 or who deserts or abandons such person, knowing or
38 having reason to believe that the person will be
39 exposed to such hazard or danger, commits a class "C"
40 felony. However, a parent or person authorized by the
41 parent who has, in accordance with section 232B.2,
42 voluntarily released custody of a newborn infant who
43 has not suffered bodily harm shall not be prosecuted
44 for a violation of this section involving abandonment
45 of that newborn infant.

46 Sec. 12. Section 726.6, Code 2001, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 1A. A parent or person authorized
49 by the parent who has, in accordance with section
50 232B.2, voluntarily released custody of a newborn

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1 infant who has not suffered bodily harm shall not be
2 prosecuted for a violation of this section involving
3 abandonment of that newborn infant.
4 Sec. 13. EFFECTIVE DATE. This Act, being deemed
5 of immediate importance, takes effect upon enactment."
6 2. Title page, by striking lines 1 through 6 and
7 inserting the following: "An Act providing for the
8 release of custody and termination of parental rights
9 for certain newborn infants whose parent or person
10 authorized to act on the parent's behalf relinquishes
11 physical custody at certain health facilities and
12 providing certain immunity from prosecution and civil
13 liability for such parent or person, establishing
14 confidentiality protections and a penalty, and
15 providing an effective date."

NANCY BOETTGER

S-3272

1 Amend Senate File 342 as follows:
2 1. Page 1, line 7, by striking the word "may" and
3 inserting the following: "~~may~~ shall".

STEVEN D. HANSEN

S-3273

1 Amend Senate File 505 as follows:
2 1. Page 1, line 32, by inserting after the word
3 "term." the following: "The county board of health
4 may delegate its appointment authority to the local
5 community empowerment area board or designate the area
6 board to act as the community review committee in a
7 manner and with members determined by the area board."
8 2. Page 1, line 33, by striking the word "shall"
9 and inserting the following: "may".
10 3. Page 2, by striking lines 9 and 10 and
11 inserting the following: "that county. A committee
12 shall have full access to".
13 4. Page 4, line 5, by striking the words
14 "physicians or other" and inserting the following:
15 "physicians, other".
16 5. Page 4, by striking lines 23 and 24.
17 6. By renumbering as necessary.

MAGGIE TINSMAN
DAVID MILLER
NANCY BOETTGER

JOHN REDWINE
JOHNIE HAMMOND

S-3274

- 1 Amend Senate File 500 as follows:
2 1. Page 4, line 19, by inserting before the word
3 "claim" the following: "clean".

DONALD B. REDFERN

S-3275

- 1 Amend House File 324, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 19, by striking the words
4 "improvement, or repair or maintenance" and inserting
5 the following: "or improvement".
6 2. Page 3, line 3, by striking the words
7 "improvement, or repair or maintenance" and inserting
8 the following: "or improvement".
9 3. Page 4, line 19, by inserting after the figure
10 "384.96" the following: ", as modified by the bid
11 threshold subcommittee pursuant to section 314.1B.".
12 4. Page 4, line 23, by inserting after the words
13 "excess of" the following: "a threshold of".
14 5. Page 4, line 23, by inserting after the word
15 "dollars." the following: "as modified by the bid
16 threshold subcommittee pursuant to section 314.1B.".
17 6. By striking page 4, line 35, through page 5,
18 line 15, and inserting the following: "reject any or
19 all bids, or, ~~The agency may readvertise and relet~~
20 ~~the project without conducting an additional public~~
21 ~~hearing if no substantial changes are made to the~~
22 ~~project's plans or specifications. The agency may let~~
23 by private contract or build by day labor, at a cost
24 not in excess of the lowest bid received."
25 7. Page 6, by inserting after line 9 the
26 following:
27 "Sec. ____ NEW SECTION. 314.1B BID THRESHOLD
28 SUBCOMMITTEE -- ADJUSTMENTS -- NOTICE.
29 1. The director of the department shall appoint,
30 from the members of the advisory committee established
31 under section 314.1A, a bid threshold subcommittee.
32 The subcommittee shall consist of seven members, three
33 of whom shall be representatives of local public
34 sector agencies, three of whom shall be
35 representatives of private sector contractor
36 organizations, and with the remaining member being the
37 director or the director's designee, who shall serve
38 as chairperson of the subcommittee. A vacancy in the

39 membership of the subcommittee shall be filled by the
40 director.

41 2. a. The subcommittee shall review the
42 competitive bid thresholds applicable to city and
43 county highway, bridge, and culvert projects. The
44 subcommittee shall review price adjustments for all
45 types of city and county highway, bridge, and culvert
46 construction, reconstruction, and improvement
47 projects, based on changes in the construction price
48 index from the preceding year. Upon completion of the
49 review the subcommittee may make adjustments in the
50 applicable bid thresholds for types of work based on

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1 the price adjustments.

2 b. A bid threshold shall not be adjusted to an
3 amount that is less than the bid threshold applicable
4 to a city or county on the effective date of this
5 section of this Act, as provided in section 73A.18,
6 309.40, 310.14, 314.1, or 384.96. An adjusted bid
7 threshold shall take effect as provided in subsection
8 3, and shall remain in effect until a new adjusted bid
9 threshold is established and becomes effective as
10 provided in this section.

11 3. The subcommittee shall meet to conduct the
12 review and make the adjustments described in this
13 section on or before August 1 of every other year, or
14 of every year if determined necessary by the
15 subcommittee, with the first meeting occurring on or
16 before August 1, 2002. By September 1 of each year in
17 which the subcommittee makes adjustments in the bid
18 thresholds, the director shall cause an advisory
19 notice to be published in the Iowa administrative
20 bulletin and in a newspaper of general circulation in
21 this state, stating the adjusted bid thresholds to be
22 in effect on January 1 of the following year, as
23 established by the subcommittee under this section."

24 8. Page 6, by striking lines 10 through 24.

25 9. Page 7, line 6, by inserting after the word
26 "USE" the following: "-- RULES".

27 10. Page 7, by striking lines 7 through 12 and
28 inserting the following:

29 "____. The rules adopted by the department pursuant
30 to section 314.1A, as enacted in this Act, shall be in
31 draft form prior to December 31, 2001, and shall
32 specifically define the terms "construction",
33 "reconstruction", "improvement", and "repair or
34 maintenance" as such terms relate to highway, bridge,
35 and culvert projects."

36 11. Page 7, line 14, by striking the word
37 "purchase" and inserting the following:

38 "procurement".

39 12. Page 7, line 18, by striking the word
40 "purchase" and inserting the following:

41 "procurement".

42 13. Page 7, line 21, by striking the word
43 "purchasing" and inserting the following:

44 "procurement".

45 14. Page 7, by inserting before line 23, the
46 following:

47 "Sec. 101. DISPLACEMENT OF EMPLOYEES -- OTHER
48 EMPLOYMENT -- RECALL. If a city or county employee is
49 displaced from employment as a result of a city's or
50 county's compliance with the provisions of this

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1 division of this Act, which enact section 314.1,
2 subsection 2, and amend section 314.1, unnumbered
3 paragraph 2, and redesignate that unnumbered paragraph
4 as section 314.1, subsection 3, the city or county
5 shall offer the displaced employee other available
6 employment with the city or county, as applicable. A
7 city or county employee who is placed in such other
8 employment or who elected to be laid off shall be
9 eligible for recall to the position held by the
10 employee at the time of displacement. This provision
11 shall not supersede the provisions of any applicable
12 collective bargaining agreement."

13 15. Page 7, by inserting after line 30, the
14 following:

15 " _____. The provision enacting section 314.1B.

16 _____. Section 101 of this Act relating to the
17 displacement of employees."

18 16. By renumbering, redesignating, and correcting
19 internal references as necessary.

RICHARD F. DRAKE
JOHN P. KIBBIE
SHELDON RITTMER
DICK L. DEARDEN

S-3276

1 Amend House File 324, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 23, by inserting after line 23 the
4 following:

5 "Sec. _____. NEW SECTION. 306.46 EFFECT ON ACCESS
6 TO POLITICAL SUBDIVISION.

7 In the construction, reconstruction, improvement,
8 or maintenance of any highway under its jurisdiction,
9 the department shall not close all paved highway

10 access to a municipality without providing and
 11 maintaining adequate and well-marked detours that
 12 minimize the economic impact on the municipality due
 13 to the closure of the paved highway access. The
 14 department shall coordinate a highway construction,
 15 reconstruction, improvement, or maintenance project
 16 that involves the closure of paved highway access to a
 17 municipality to allow the establishment of a schedule
 18 for the project that will minimize the economic impact
 19 on the municipality as a result of the project."
 20 2. By renumbering, redesignating, and correcting
 21 internal references as necessary.

MARK SHEARER

S-3277

1 Amend Senate File 224 as follows:
 2 1. Page 1, by inserting after line 25 the
 3 following:
 4 "Sec. ____ . Rule of civil procedure 122, Iowa court
 5 rules, third edition, is amended by adding the
 6 following new paragraph:
 7 NEW PARAGRAPH. bb. TRUST INFORMATION. The court
 8 may, in its discretion, order a trustee to provide, on
 9 behalf of the trust, information including, but not
 10 limited to, trust documents and financial statements,
 11 relating to any beneficial interest a party to the
 12 pending action may have in the trust.
 13 Sec. ____ . Rule of civil procedure 253, paragraph
 14 a, Iowa court rules, third edition, is amended to read
 15 as follows:
 16 a. PETITION. A petition for relief under R.C.P.
 17 252 must be filed and served in the original action
 18 within one year after the entry of the judgment or
 19 order involved. It A petition for relief under R.C.P.
 20 252 shall state the grounds for relief, and, if it
 21 seeks a new trial, show that they were not and could
 22 not have been, discovered in time to proceed under
 23 R.C.P. 236 or 244. If the pleadings in the original
 24 action did not allege a meritorious action or defense
 25 the petition shall do so. It shall be supported by
 26 affidavit as provided in R.C.P. 80(c).
 27 (1) A petition for relief under R.C.P. 252,
 28 paragraph (a), (c), (d), (e), or (f), must be filed
 29 and served in the original action within one year
 30 after the entry of the judgment or order involved.
 31 (2) In a petition for relief on the ground of
 32 irregularity or fraud under R.C.P. 252, paragraph (b),
 33 the cause of action shall not be deemed to have
 34 accrued until the irregularity or fraud complained of
 35 shall have been discovered by the party aggrieved. In

36 such actions, the burden of proof shall be upon the
 37 petitioner to prove by a preponderance of the evidence
 38 the alleged irregularity or fraud."

39 2. Title page, line 1, by inserting after the
 40 words "relating to" the following: "certain civil
 41 proceedings,".

42 3. Title page, line 4, by inserting after the
 43 word "order" the following: ", and certain court rule
 44 modifications".

JOANN JOHNSON

S-3278

1 Amend the amendment, S-3259, to Senate File 503 as
 2 follows:

3 1. Page 1, line 30, by striking the words "at
 4 least" and inserting the following: "up to".

5 2. Page 1, line 38, by striking the words "at
 6 least" and inserting the following: "up to".

JOHN P. KIBBIE

S-3279

1 Amend House File 502, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 7, the
 4 following:

5 "Sec. ____ Section 717A.1, subsection 2, paragraph
 6 a, Code 2001, is amended to read as follows:

7 a. Willfully destroy property of an animal
 8 facility, or ~~kill or injure~~ an animal maintained at an
 9 animal facility, including by an act of violence or
 10 the transmission of a disease including but not
 11 limited to any disease designated by the department of
 12 agriculture and land stewardship pursuant to section
 13 163.2.

14 Sec. ____ Section 717A.1, subsection 2, paragraph
 15 c, subparagraph (2), Code 2001, is amended to read as
 16 follows:

17 (2) ~~Injure~~ Kill or injure an animal maintained at
 18 the animal facility."

19 2. Page 4, line 14, by striking the word "The"
 20 and inserting the following: "~~The~~ This".

SANDRA GREINER

S-3280

1 Amend Senate File 503 as follows:
2 1. Page 1, by inserting after line 26, the
3 following:
4 "Sec. ____ Section 455B.204, subsection 1, Code
5 2001, is amended by adding the following new paragraph
6 after paragraph a:
7 NEW PARAGRAPH. aa. "One-hundred-year floodplain"
8 means the land adjacent to a watercourse which may be
9 inundated by a flood, the magnitude of which has a one
10 percent chance of being equaled or exceeded in any
11 year.
12 Sec. ____ Section 455B.204, subsection 2, Code
13 2001, is amended by adding the following new paragraph
14 after paragraph b:
15 NEW PARAGRAPH. bb. An animal feeding operation
16 structure shall not be constructed on land which is
17 located in a one-hundred-year floodplain."
18 2. By renumbering as necessary.

MARY A. LUNDBY

S-3281

1 Amend Senate File 353 as follows:
2 1. Page 6, by inserting after line 8, the
3 following:
4 "f. The other party has habitually abused drugs or
5 alcohol."

JACK HOLVECK

S-3282

1 Amend Senate File 353 as follows:
2 1. Page 6, by inserting after line 8, the
3 following:
4 "f. The parties both agree to a dissolution of
5 marriage."

JACK HOLVECK

S-3283

1 Amend House File 560, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 18 through 25 and
4 inserting the following:
5 "NEW SUBSECTION. 10. The department shall adopt
6 rules to administer the exception to the definition of

7 child care in section 237A.1, subsection 3, paragraph
 8 "m", allowing a child care facility, for purposes of
 9 providing respite care to a foster family home, to
 10 provide care, supervision, or guidance of a child for
 11 a period of twenty-four hours or more who is placed
 12 with the licensed foster family home.

13 Sec. ____. Section 237A.1, subsection 3, Code 2001,
 14 is amended by adding the following new paragraph:
 15 NEW PARAGRAPH. m. A child care facility providing
 16 respite care to a licensed foster family home for a
 17 period of twenty-four hours or more to a child who is
 18 placed with that licensed foster family home."

19 2. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
 JOHN REDWINE, Chair

S-3284

1 Amend Senate 514 as follows:

2 1. Page 15, line 19, by striking the word "sixty-
 3 nine" and inserting the following: "one hundred ten".

4 2. Page 15, line 27, by striking the word "forty-
 5 eight" and inserting the following: "eighty-nine".

6 3. Page 15, line 35, by striking the word
 7 "twenty-six" and inserting the following: "sixty-
 8 seven".

LARRY McKIBBEN

S-3285

1 Amend Senate File 429 as follows:

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

4 "Sec. ____. Section 476.96, Code 2001, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 3A. "Essential facilities"
 7 includes essential facilities as defined in section
 8 476.100, subsection 2, and also includes all
 9 telecommunications facilities, features, functions, or
 10 capabilities of a local exchange carrier's network
 11 constituting network infrastructure investments
 12 required by section 476.97, subsection 11, paragraph
 13 "e", subparagraph (3), subparagraph subdivision (b)."

14 2. By renumbering as necessary.

STEVEN D. HANSEN
 JOHN REDWINE
 O. GENE MADDOX
 ROBERT E. DVORSKY

MARK SHEARER
JOE BOLKCOM

S-3286

1 Amend House File 341, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 14, the
4 following:
5 "3A. "Facility that provides pregnancy options
6 counseling" means a facility, organization, agency, or
7 other person that advises women about pregnancy
8 options by telephone, audiotape, or in person."
9 2. Page 1, by inserting after line 32, the
10 following:
11 "1A. Any facility or agent of a facility that
12 provides pregnancy options counseling to women shall
13 provide medically and factually accurate and objective
14 information about pregnancy options to a woman,
15 including the options of carrying the pregnancy to
16 term, adoption, and abortion. If a woman requests
17 additional information about any particular option,
18 the facility shall provide medically and factually
19 accurate and objective written information or a
20 referral to the woman."

ROBERT E. DVORSKY

S-3287

1 Amend House File 341 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by striking line 3, and inserting the
4 following: ""State Mandated Information and Waiting
5 Period for Abortion Act".
6 2. Title page, line 1, by striking the words
7 "informed consent to" and inserting the following:
8 "state mandated information and a waiting period for".

PATRICIA HARPER

S-3288

1 Amend House File 341, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 28, by striking the words "unborn
4 child" and inserting the following: "fetus".
5 2. Page 3, lines 16 and 17, by striking the words
6 "unborn child" and inserting the following: "fetus".
7 3. Page 3, line 21, by striking the words "unborn
8 child" and inserting the following: "fetus".

- 9 4. Page 3, line 22, by striking the words
10 "unborn child" and inserting the following: "fetus".
11 5. Page 3, line 24, by striking the words "unborn
12 child" and inserting the following: "fetus".
13 6. Page 3, line 28, by striking the words "unborn
14 child" and inserting the following: "fetus".
15 7. Page 3, lines 33 and 34, by striking the words
16 "unborn child" and inserting the following: "fetus".

BETTY A. SOUKUP

S-3289

- 1 Amend Senate File 429 as follows:
2 1. Page 1, by striking lines 25 through 34, and
3 inserting the following: "for a period of five years.
4 (c) The local exchange carrier shall file, at the
5 time of each price change, a network infrastructure
6 investment plan for investing the additional revenue
7 generated by the price change, which plan shall
8 include all of the following:
9 (i) A calculation of the network infrastructure
10 commitment required by this subparagraph (3).
11 (ii) A detailed statement of the specific
12 telecommunications facilities, features, functions, or
13 capabilities to which such network infrastructure
14 commitment applies.
15 (iii) A detailed statement of any and all purposes
16 for which such infrastructure will be utilized by the
17 local exchange carrier.
18 (iv) Such other information as the board may
19 require.
20 (d) The board, after notice and opportunity for
21 hearing, may approve, modify, or reject the plan
22 submitted under subparagraph subdivision (c). If the
23 plan is rejected, all additional revenue generated by
24 such price change shall be refunded with interest to
25 customers affected by the price change.
26 (e) Subsequent to the rate change filing, the
27 local exchange carrier shall annually file a report
28 with the board demonstrating that the local exchange
29 carrier has complied with this subparagraph (3) and
30 any requirements imposed by the board as a result of
31 the board's review of the network infrastructure
32 investment plans submitted by the local exchange
33 carrier under subparagraph subdivision (c).
34 (f) The local exchange carrier may invest the
35 aggregate five-year incremental investment required
36 under subparagraph subdivision (b) in any specific
37 year or years of the period, but the total investment
38 commitment must be completed within the five-year
39 period."

40 2. By renumbering, relettering, redesignating,
41 and correcting internal references as necessary.

JOHN REDWINE
STEVEN D. HANSEN
O. GENE MADDOX
ROBERT E. DVORSKY
JOE BOLKCOM
DONALD B. REDFERN

S-3290

1 Amend Senate File 105 as follows:
2 1. Page 1, line 7, by striking the word
3 "benefits" and inserting the following: "the total
4 monetary value of all employee benefits for each job
5 classification".
6 2. Page 1, by striking line 35 and inserting the
7 following: "compensation including wages, salaries,
8 base pay, overtime pay, additional duty pay, bonuses,
9 and any earned leave paid at the time of separation."
10 3. Page 2, line 1 by striking the words "all
11 employee benefits" and inserting the following: "Each
12 employer of a public employee shall also itemize the
13 total monetary value of all employee benefits for each
14 job classification of public employee".
15 4. Page 2, by striking line 5 and inserting the
16 following: "reimbursement, employee assistance plans,
17 educational leaves, and retirement plans. Public
18 employee personnel information shall define the method
19 used to arrive at the valuation of employee benefits
20 for each public employee job classification. "Public
21 employee"".
22 5. Page 2, by inserting after line 7 the
23 following:
24 "Sec. ____ EFFECTIVE DATE. This Act takes effect
25 on July 1, 2002."
26 6. Title page, line 2, by inserting after the
27 word "compensation" the following: "and providing an
28 effective date".

STEVE KING
MARY LOU FREEMAN

S-3291

1 Amend Senate File 475 as follows:
2 1. Page 1, by striking lines 3 through 9, and
3 inserting the following:
4 "3. That ~~unmarked or~~ improperly marked ballots
5 will not be counted if it is impossible to determine

6 the voter's intent."
 7 2. Page 1, line 18, by striking the word "If" and
 8 inserting the following: "However, if".
 9 3. Page 1, line 31, by inserting after the figure
 10 "49.97," the following: "and section 52.37".
 11 4. By striking page 1, line 35, through page 2,
 12 line 3, and inserting the following: "When there is a
 13 conflict".
 14 5. Page 2, by striking line 13, and inserting the
 15 following: "49.97 and section 52.37. A ballot shall
 16 not be rejected counted if the voter used a mark to".
 17 6. Page 2, line 33, by inserting before the word
 18 "The" the following: "The ballots that contain valid
 19 votes that cannot be read by the vote tabulating
 20 equipment shall be reviewed and duplicated, if
 21 necessary, so that the vote tabulating equipment can
 22 count them."
 23 7. Page 2, line 35, by inserting after the figure
 24 "49.97," the following: "and section 52.37".
 25 8. Page 2, line 35, by inserting after the word
 26 "otherwise," the following: "All duplicate ballots
 27 shall be clearly labeled as such, and shall bear a
 28 serial number which shall also be recorded on the
 29 original ballot."
 30 9. Page 2, by inserting after line 35, the
 31 following:
 32 "Sec. ___. Section 52.37, subsection 2, unnumbered
 33 paragraph 3, Code 2001, is amended to read as follows:
 34 The tabulating equipment shall be programmed to
 35 sort blank ballots and overvoted ballots for
 36 examination by the resolution board. Ballots which
 37 are ~~rejected~~ sorted by the tabulating equipment as
 38 blank because they have been marked with an unreadable
 39 marker shall be duplicated or tabulated as required by
 40 this subsection for damaged or defective ballots. The
 41 commissioner may instruct the resolution board to mark
 42 over voters' unreadable marks using a marker
 43 compatible with the tabulating equipment. The
 44 resolution board shall take care to leave part of the
 45 original mark made by the voter. If it is impossible
 46 to mark over the original marks made by the voter
 47 without completely obliterating them, the ballot shall
 48 be duplicated. Ballots which are sorted by the
 49 tabulating equipment as blank shall be duplicated or
 50 tabulated as required by this subsection for damaged

Page 2

1 or defective ballots if at least twenty-five percent
 2 of the required mark is made within the voting target
 3 on the ballot for a candidate and no other mark is
 4 made on the ballot for any other candidate for that

5 office. If a ballot is sorted by the tabulating
6 equipment as an overvote because a voting mark has
7 been erased from one voting target and a clear and
8 distinct voting mark has been made in another voting
9 target for the same office, the clear and distinct
10 mark shall be considered a valid vote and the ballot
11 shall be duplicated so that it can be counted by the
12 tabulating equipment."

13 10. By renumbering as necessary.

STEVE KING

S-3292

1 Amend Senate File 429 as follows:
2 1. Page 1, by striking lines 16 through 34 and
3 inserting the following:
4 "Sec. ____. Section 476.97, subsection 11,
5 paragraph e, subparagraph (3), Code 2001, is amended
6 by adding the following new subparagraph subdivisions:
7 NEW SUBPARAGRAPH SUBDIVISION. (a) The aggregate
8 revenue weighted prices for switched access services
9 shall not exceed the switched access prices charged by
10 rural Iowa independent telephone companies as of
11 December 31, 2000.
12 NEW SUBPARAGRAPH SUBDIVISION. (b) Local exchange
13 carriers electing to make price changes to nonbasic
14 communications services under this subparagraph (3)
15 shall make additional network infrastructure
16 investments in advanced telecommunications services,
17 including high-speed internet services, that on an
18 annual or cumulative basis equal any additional
19 revenue generated by each price change made under this
20 subparagraph (3) for a period of five years.
21 NEW SUBPARAGRAPH SUBDIVISION. (c) Advanced
22 telecommunications services provided as part of the
23 additional network investments under subparagraph
24 subdivision (b) shall be made available on an
25 equivalent basis to all customers in the service area
26 of the local exchange carrier.
27 NEW SUBPARAGRAPH SUBDIVISION. (d) The local
28 exchange carrier shall file, at the time of each price
29 change, a calculation of the network infrastructure
30 investment commitment required by this subparagraph
31 (3).
32 NEW SUBPARAGRAPH SUBDIVISION. (e) Subsequent to
33 the rate change filing, the local exchange carrier
34 shall annually file a report with the board
35 demonstrating that the local exchange carrier has
36 complied with this subparagraph (3).
37 NEW SUBPARAGRAPH SUBDIVISION. (f) The local
38 exchange carrier may invest the aggregate five-year

39 incremental investment required under subparagraph
 40 subdivision (b) in any specific year or years of the
 41 period, but the total investment commitment must be
 42 completed within the five-year period.
 43 NEW SUBPARAGRAPH SUBDIVISION. (g) The board shall
 44 annually evaluate the impact of a rate change under
 45 this subparagraph (3) on customers and ratepayers,
 46 including but not limited to evaluation of rates and
 47 services, and if the board determines that the overall
 48 impact is contrary to the interest of Iowa consumers,
 49 the board may either:
 50 (i) Prohibit further price changes, reinstate the

Page 2

1 price limitation previously imposed under this
 2 subparagraph (3), and void any investment requirements
 3 and any other related requirements under this
 4 subparagraph (3).
 5 (ii) Allow other rate-regulated local exchange
 6 carriers to participate in an equivalent five-year
 7 plan."
 8 2. Page 2, by inserting after line 6 the
 9 following:
 10 "Sec. ___. REPEAL -- CONTINGENCY. This Act is
 11 repealed effective June 30, 2006, except as provided
 12 in section 100 of this Act. Upon repeal, the Code
 13 editor shall delete from the Code new language added
 14 to the Code by this Act and restore to the Code
 15 language deleted by this Act.
 16 Sec. 100. DIRECTIVE TO THE BOARD -- EXTENSION OF
 17 REPEAL. If the utilities board adopts rules pursuant
 18 to this Act that permit other rate-regulated local
 19 exchange carriers to participate in equivalent five-
 20 year plans involving price changes and network
 21 investments, the board shall take appropriate action
 22 as necessary to extend the June 30, 2006, repeal date
 23 to allow completion of all such five-year plans under
 24 the provisions of this Act."
 25 3. By renumbering, redesignating, and correcting
 26 internal references as necessary.

STEVE KING
 JOHN P. KIBBIE

S-3293

1 Amend the amendment, S-3292, to Senate File 429, as
 2 follows:
 3 1. Page 2, by inserting after line 7 the
 4 following:
 5 "NEW SUBPARAGRAPH SUBDIVISION. (h) Notwithstanding

6 the provisions of this paragraph "e" and paragraph "h"
7 to the contrary, the board may consider, and require,
8 a local exchange carrier to adjust the carrier's
9 average rates for basic communications service to
10 generate a sum equal to the total price change
11 generated under this subparagraph (3), after the
12 carrier has completed the first year of a five-year
13 plan under this subparagraph (3)."
14 2. By renumbering, redesignating, and correcting
15 internal references as necessary.

MICHAEL E. GRONSTAL

S-3294

1 Amend the amendment, S-3292, to Senate File 429 as
2 follows:
3 1. Page 1, by inserting after line 20 the
4 following:
5 "NEW SUBPARAGRAPH SUBDIVISION. (c) The local
6 exchange carrier shall file, at the time of each price
7 change, a network infrastructure investment plan for
8 investing the additional revenue generated by the
9 price change, which plan shall include all of the
10 following:
11 (i) A calculation of the network infrastructure
12 commitment required by this subparagraph (3).
13 (ii) A detailed statement of the specific
14 telecommunications facilities, features, functions, or
15 capabilities to which such network infrastructure
16 commitment applies.
17 (iii) A detailed statement of any and all purposes
18 for which such infrastructure will be utilized by the
19 local exchange carrier.
20 (iv) Such other information as the board may
21 require.
22 NEW SUBPARAGRAPH SUBDIVISION. (d) The board,
23 after notice and opportunity for hearing, may approve,
24 modify, or reject the plan submitted under
25 subparagraph subdivision (c). If the plan is
26 rejected, all additional revenue generated by such
27 price change shall be refunded with interest to
28 customers affected by the price change."
29 2. By renumbering, redesignating, and correcting
30 internal references as necessary.

JOHN REDWINE

S-3295

- 1 Amend House File 581, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 21 through 27.
 4 2. Title page, line 2, by striking the words "and
 5 requesting an interim study".

COMMITTEE ON AGRICULTURE
 DERRYL McLAREN, Chair

S-3296

- 1 Amend House File 561, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Section 1. Section 321.234A, Code 2001, is
 6 amended by striking the section and inserting in lieu
 7 thereof the following:
 8 321.234A ALL-TERRAIN VEHICLES -- BICYCLE SAFETY
 9 FLAG REQUIRED.
 10 1. All-terrain vehicles shall be operated on a
 11 highway only between sunrise and sunset and only when
 12 the operation on the highway is incidental to the
 13 vehicle's use for agricultural purposes. A person
 14 operating an all-terrain vehicle on a highway shall
 15 have a valid driver's license and the vehicle shall be
 16 operated at speeds of thirty-five miles per hour or
 17 less.
 18 2. A person convicted of a violation of this
 19 section is guilty of a simple misdemeanor punishable
 20 as a scheduled violation under section 805.8,
 21 subsection 4, paragraph "b."
 22 2. Page 1, by inserting after line 2, the
 23 following:
 24 "Sec. _____. Section 321G.13, subsection 12, Code
 25 2001, is amended to read as follows:
 26 12. A person shall not operate an all-terrain
 27 vehicle while carrying ~~a passenger~~ more passengers
 28 than the all-terrain vehicle is designed to carry.
 29 Sec. _____. Section 805.8, subsection 4, paragraph
 30 b, Code 2001, is amended to read as follows:
 31 b. For operating violations under section 321G.9,
 32 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11,
 33 and 321G.13, ~~subsections 4 and 9~~ subsection 4, the
 34 scheduled fine is twenty dollars. For violations of
 35 section 321.234A, the scheduled fine is one hundred
 36 dollars."
 37 3. Title page, by striking line 1, and inserting
 38 the following: "An Act modifying prohibitions
 39 relating to the operation of an".

- 40 4. Title page, lines 2 and 3, by striking the
 41 words "when operating on a public road or street."
 42 5. By renumbering as necessary.

COMMITTEE ON NATURAL
 RESOURCES AND ENVIRONMENT
 MIKE SEXTON, Chair

S-3297

- 1 Amend House File 73, as passed by the House, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. NEW SECTION. 35A.12 MILITARY
 6 VETERANS HONOR GUARD SERVICES.
 7 An honor guard unit made up of members of a
 8 recognized military veterans organization as listed in
 9 section 35A.2 or 37.2 shall be allowed to perform any
 10 honor guard service on public property."
 11 2. Title page, by striking lines 1 through 4 and
 12 inserting the following: "An Act relating to the
 13 performance of honor guard services on public property
 14 by recognized military veterans organizations."

COMMITTEE ON STATE GOVERNMENT
 STEVE KING, Chair

S-3298

- 1 Amend House File 341 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 4, line 31, through page 5,
 4 line 7.
 5 2. Page 5, line 9, by striking the word "COURT".
 6 3. Page 5, line 10, by striking the word
 7 "criminal".
 8 4. Page 5, line 12, by striking the word "court".
 9 5. Page 5, by striking lines 14 and 15, and
 10 inserting the following: "confidential and shall be
 11 sealed. Individuals shall be excluded from the
 12 proceedings to".
 13 6. Page 5, line 19, by striking the word
 14 "defendant" and inserting the following:
 15 "respondent".
 16 7. Page 5, line 21, by striking the word "court".
 17 8. By renumbering as necessary.

JACK HOLVECK

S-3299

- 1 Amend House File 590, as amended, passed and
2 reprinted by the House, as follows:
- 3 1. Page 1, line 32, by striking the words "
4 health care provider,".
 - 5 2. Page 2, line 4, by striking the words "
6 health care provider,".
 - 7 3. Page 2, line 15, by striking the words "health
8 care provider,".
 - 9 4. Page 2, lines 24 and 25, by striking the words
10 "health care provider,".
 - 11 5. Page 2, lines 28 and 29, by striking the words
12 "health care provider,".
 - 13 6. Page 2, by inserting after line 31, the
14 following:
15 "d. Notwithstanding any other provision of law to
16 the contrary, a care provider may transmit cautions
17 regarding contagious or infectious disease information
18 in the course of the care provider's duties over the
19 police radio broadcasting system under chapter 693 or
20 any other radio-based communications system, if the
21 information transmitted does not personally identify
22 an individual or the contagious or infectious
23 disease."
 - 24 7. Page 2, line 34, by striking the words "health
25 care provider,".
 - 26 8. Page 5, line 23, by striking the words "
27 health care provider,".
 - 28 9. Page 5, line 30, by striking the words "
29 health care provider,".
 - 30 10. Page 6, line 7, by striking the words "health
31 care provider,".
 - 32 11. Page 6, lines 16 and 17, by striking the
33 words "health care provider,".
 - 34 12. Page 6, lines 20 and 21, by striking the
35 words "health care provider,".
 - 36 13. Page 6, line 25, by striking the words
37 "health care provider,".
 - 38 14. Page 6, line 31, by striking the words
39 "health care provider,".

COMMITTEE ON HUMAN RESOURCES
JOHN REDWINE, Chair

S-3300

- 1 Amend Senate File 32 as follows:
- 2 1. Page 1, by striking lines 14 through 16 and
3 inserting the following: "November 5, 2002."
 - 4 2. Title page, line 2, by striking the word

5 "effective" and inserting the following:
6 "applicability".

SHELDON RITTMER
MICHAEL E. GRONSTAL
STEWART IVERSON, JR.

S-3301

1 Amend House File 623, as passed by the House, as
2 follows:
3 1. Page 1, line 7, by striking the words "by the
4 court" and inserting the following: "if the term of
5 confinement is suspended".
6 2. Page 1, line 12, by striking the words "by the
7 court" and inserting the following: "if the term of
8 confinement is suspended".
9 3. Page 1, line 23, by striking the words "by the
10 court" and inserting the following: "if the term of
11 confinement is suspended".

COMMITTEE ON JUDICIARY
O. GENE MADDOX, Chair

S-3302

1 Amend House File 680, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, lines 21 and 22, by striking the words
4 "must have completed" and inserting the following:
5 "is in compliance with".
6 2. Page 3, by striking lines 26 through 29 and
7 inserting the following: "However, the licensing
8 board may adopt rules providing for waiver or
9 suspension of the compliance requirements, if the
10 waiver or suspension is in the public interest,
11 applicable to a person who is engaged in active duty
12 in the military service of this state or of the United
13 States, to a person for whom compliance with the
14 training requirements would impose a significant
15 hardship, or to a person who is practicing a licensed
16 profession outside this state or is otherwise subject
17 to circumstances that would preclude the person from
18 encountering child abuse in this state."
19 3. Page 5, by inserting after line 32 the
20 following:
21 "Sec. ____ Section 235B.3, subsection 7,
22 unnumbered paragraph 1, Code 2001, is amended to read
23 as follows:
24 The department shall inform the appropriate county
25 attorneys of any reports of dependent adult abuse.

26 The department may request information from any person
 27 believed to have knowledge of a case of dependent
 28 adult abuse. The person, including but not limited to
 29 a county attorney, a law enforcement agency, a
 30 multidisciplinary team, ~~or~~ a social services agency in
 31 the state, or any person who is required pursuant to
 32 subsection 2 to report dependent adult abuse, whether
 33 or not the person made the specific dependent adult
 34 abuse report, shall cooperate and assist in the
 35 evaluation upon the request of the department. If the
 36 department's assessment reveals that dependent adult
 37 abuse exists which might constitute a criminal
 38 offense, a report shall be made to the appropriate law
 39 enforcement agency. County attorneys and appropriate
 40 law enforcement agencies shall also take any other
 41 lawful action necessary or advisable for the
 42 protection of the dependent adult."

43 4. Page 7, line 35, by striking the words "must
 44 have completed" and inserting the following: "is in
 45 compliance with".

46 5. Page 8, line 4, by inserting after the word
 47 "requirements," the following: "However, the
 48 licensing board may adopt rules providing for waiver
 49 or suspension of the compliance requirements, if the
 50 waiver or suspension is in the public interest,"

Page 2

1 applicable to a person who is engaged in active duty
 2 in the military service of this state or of the United
 3 States, to a person for whom compliance with the
 4 training requirements would impose a significant
 5 hardship, or to a person who is practicing a licensed
 6 profession outside this state or is otherwise subject
 7 to circumstances that would preclude the person from
 8 encountering dependent adult abuse in this state."

COMMITTEE ON HUMAN RESOURCES
 JOHN REDWINE, Chair

S-3303

1 Amend House File 598, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 6 through 10, and
 4 inserting the following: "requirements for the grant
 5 program and shall award grants. A grant may be used".

COMMITTEE ON HUMAN RESOURCES
 JOHN REDWINE, Chair

S-3304

1 Amend the amendment, S-3297, House File 73, as
2 passed by the House, as follows:

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

5 "Sec. ____ Section 483A.27, Code 2001, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 11. A hunter safety and ethics
8 instructor certified by the department shall be
9 allowed to conduct an approved hunter safety and
10 ethics education course on public school property or
11 other public property in this state. The conduct of
12 an approved hunter safety and ethics education course
13 is not a violation of any public policy, rule,
14 regulation, resolution, or ordinance which prohibits
15 the possession, display, or use of a firearm, bow and
16 arrow, or other hunting weapon on public school
17 property or other public property in this state."

18 2. Page 1, by striking lines 13 and 14 and
19 inserting the following: "possession, display, or use
20 of firearms or other weapons on public property for
21 educational purposes and the performance of honor
22 guard services."

STEVE KING
JOHN P. KIBBIE
SHELDON RITTMER
DENNIS H. BLACK
RICHARD F. DRAKE
JOHN W. JENSEN
WALLY E. HORN
SANDRA GREINER
DERRYL McLAREN
MIKE SEXTON
STEVEN D. HANSEN
JEFF ANGELO
MATT McCOY
DICK L. DEARDEN
LARRY McKIBBEN
NANCY BOETTGER
KEN VEENSTRA
MARY LOU FREEMAN
MERLIN E. BARTZ
DAVID MILLER
MARK SHEARER
TOM FLYNN
BILL FINK
JEFF LAMBERTI
THOMAS FIEGEN
MARK ZIEMAN
BETTY A. SOUKUP

PAUL MCKINLEY
 MARY E. KRAMER
 JERRY BEHN

S-3305

- 1 Amend House File 229, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 3, line 27, through page 7,
 4 line 25.
 5 2. Title page, lines 2 and 3, by striking the
 6 words "a restitution lien for supervision fees and
 7 for".

COMMITTEE ON JUDICIARY
 O. GENE MADDOX, Chair

S-3306

- 1 Amend House File 637, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, by inserting after line 2, the
 4 following:
 5 "Sec. ____ NEW SECTION. 256.57 ENRICH IOWA
 6 PROGRAM FUNDS DISTRIBUTION.
 7 1. An enrich Iowa program is established to
 8 provide direct state assistance to eligible public
 9 libraries as an incentive to improve library services
 10 and reduce inequities among communities in the
 11 delivery of library services based on recognized and
 12 adopted performance measures. Funds appropriated by
 13 the general assembly for purposes of the enrich Iowa
 14 program shall be distributed by the division of
 15 libraries and information services to eligible public
 16 libraries that are in compliance with performance
 17 measures adopted by rule by the commission. The
 18 amount distributed to each eligible public library
 19 shall be based upon the following:
 20 a. The level of compliance by the eligible public
 21 library with the performance measures adopted by rule
 22 by the commission.
 23 b. The number of people residing within an
 24 eligible public library's geographic service area for
 25 whom the library provides services.
 26 c. The amount of other funding the eligible public
 27 library received in the previous fiscal year for
 28 providing services to rural residents and to
 29 contracting communities.
 30 2. For purposes of this section, "eligible public
 31 library" means a public library that meets all of the
 32 following requirements:

- 33 a. Submits to the division a report in accordance
34 with section 256.51, subsection 1, paragraph "h", an
35 application and accreditation report, in a format
36 approved by the commission, that provides evidence of
37 the library's compliance with at least one level of
38 the standards established in accordance with section
39 256.51, subsection 1, paragraph "k", and any other
40 application or report the division deems necessary for
41 the implementation of the enrich Iowa program.
- 42 b. Participates in the library resource and
43 information sharing programs established by the state
44 library.
- 45 c. Is a public library established by city
46 ordinance or a library as provided in chapter 336.
- 47 d. Has an internet use policy in place, which may
48 or may not include internet filtering, and submits a
49 report describing the library's internet use efforts
50 to the division.

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- 1 3. Funds appropriated for purposes of the enrich
2 Iowa program shall not be used for the costs of
3 administration by the division.
- 4 4. Moneys received by an eligible public library
5 pursuant to this section shall be used to supplement,
6 not supplant, any other funding received by the
7 library. Each eligible public library shall maintain
8 a separate listing within its budget for payments
9 received and expenditures made pursuant to this
10 section, and shall annually submit the listing to the
11 division."
- 12 2. Page 5, by striking line 7, and inserting the
13 following: "~~A regional library system is~~ Library
14 service areas are".
- 15 3. Page 8, by inserting after line 9, the
16 following:
17 "Sec. ___. Section 256.66, Code 2001, is amended
18 by adding the following new subsection:
19 **NEW SUBSECTION. 14.** Shall assume all of the
20 outstanding obligations of the regional library and be
21 liable for and recognize, assume, and carry out all
22 valid contracts and obligations of the regional
23 library that the library service area replaces. Each
24 regional library in existence prior to July 1, 2001,
25 shall transfer its assets and title to any real estate
26 owned by the regional library to the library service
27 area that replaces the regional library."
- 28 4. Page 16, by inserting after line 11, the
29 following:
30 "Sec. ___. Section 669.2, subsection 5, Code 2001,
31 is amended to read as follows:

32 5. "State agency" includes all executive
 33 departments, agencies, boards, bureaus, and
 34 commissions of the state of Iowa, and corporations
 35 whose primary function is to act as, and while acting
 36 as, instrumentalities or agencies of the state of
 37 Iowa, whether or not authorized to sue and be sued in
 38 their own names. This definition does not include a
 39 contractor with the state of Iowa. Soil and water
 40 conservation districts as defined in section 161A.3,
 41 subsection 6, judicial district departments of
 42 correctional services as established in section 905.2,
 43 and regional library service area boards of library
 44 trustees as defined established in chapter 256, are
 45 state agencies for purposes of this chapter.
 46 Sec. ____ DEPARTMENT OF MANAGEMENT STUDY. The
 47 department of management shall coordinate a study of
 48 city and county support of public library funding.
 49 The department, in cooperation with the commission of
 50 libraries, the Iowa league of cities, and the Iowa

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1 state association of counties, shall determine whether
 2 cities and counties are in compliance with section
 3 256.69 requirements for support of public libraries,
 4 identify inequities between city and county funding,
 5 and determine the adequacy of the current minimum
 6 levy. The department shall develop a plan to provide
 7 those support functions and services more effectively
 8 and efficiently. The department shall submit a report
 9 of its findings and recommendations to the
 10 chairpersons and ranking members of the senate and
 11 house standing committees on education and the joint
 12 appropriations subcommittee on education."
 13 5. By renumbering as necessary.

COMMITTEE ON EDUCATION
 NANCY BOETTGER, Chair

S-3307

1 Amend Senate File 417 as follows:
 2 1. Page 1, by inserting after line 25 the
 3 following:
 4 "Sec. ____ Section 602.1215, subsection 1, Code
 5 2001, is amended to read as follows:
 6 1. The district judges of each judicial election
 7 district shall by majority vote appoint persons to
 8 serve as clerks of the district court, one for each
 9 county within the judicial election district. A
 10 person does not qualify for appointment to the office
 11 of clerk of the district court unless the person is at

12 ~~the time of application a resident of the state.~~
 13 Within three months of appointment the clerk of the
 14 district court must establish residence and physically
 15 reside in the ~~county~~ state. A clerk of the district
 16 court may be removed from office for cause by a
 17 majority vote of the district judges of the judicial
 18 election district. Before removal, the clerk of the
 19 district court shall be notified of the cause for
 20 removal."

JACK HOLVECK

S-3308

- 1 Amend House File 519, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by striking lines 5 through 8.
 4 2. Page 3, line 17, by striking the words
 5 "~~personally or~~" and inserting the following:
 6 "personally or".
 7 3. By renumbering as necessary.

JACK HOLVECK

S-3309

- 1 Amend the amendment, S-3296, to House File 561, as
 2 passed by the House, as follows:
 3 1. Page 1, by striking lines 26 through 28 and
 4 inserting the following:
 5 "12. A person shall not operate an all-terrain
 6 vehicle while carrying a passenger if the all-terrain
 7 vehicle has no passenger designation. However, a
 8 person may operate an all-terrain vehicle while
 9 carrying up to the number of passengers for which the
 10 all-terrain vehicle is designed."

MERLIN E. BARTZ

S-3310

- 1 Amend Senate File 515 as follows:
 2 1. Page 1, by inserting after line 29 the
 3 following:
 4 "() Sanitary and storm sewer service."
 5 2. Page 1, by striking line 30, and inserting the
 6 following:
 7 "() Water by piped system."
 8 3. Page 2, line 8, by striking the words "such
 9 person's" and inserting the following: "the railroad
 10 corporation's".

- 11 4. Page 2, line 10, by inserting after the word
 12 "one" the following: "or more".
 13 5. Page 2, line 24, by inserting after the word
 14 "either" the following: "or both".
 15 6. Page 3, line 30, by striking the word
 16 "construction" and inserting the following:
 17 "crossing".
 18 7. Page 4, line 11, by striking the words
 19 "construction of the facilities" and inserting the
 20 following: "crossing".
 21 8. By renumbering, redesignating, and correcting
 22 internal references as necessary.

MICHAEL E. GRONSTAL
 STEWART IVERSON, JR.

S-3311

- 1 Amend House File 502, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by inserting after line 7, the
 4 following:
 5 "Sec. ____ Section 717A.1, subsection 2, paragraph
 6 a, Code 2001, is amended to read as follows:
 7 a. Willfully destroy property of an animal
 8 facility, or ~~kill or~~ injure an animal maintained at an
 9 animal facility, including by an act of violence or
 10 the transmission of a disease including but not
 11 limited to any disease designated by the department of
 12 agriculture and land stewardship pursuant to section
 13 163.2.
 14 Sec. ____ Section 717A.1, subsection 2, paragraph
 15 c, subparagraph (2), Code 2001, is amended to read as
 16 follows:
 17 (2) ~~Injure~~ Kill or injure an animal maintained at
 18 the animal facility."
 19 2. Page 4, line 14, by striking the word "The"
 20 and inserting the following: "The This".

SANDRA GREINER

S-3312

- 1 Amend House File 519, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by striking lines 5 through 8.
 4 2. Page 2, line 34, by striking the words
 5 "~~personally or~~" and inserting the following:
 6 "personally or".
 7 3. Page 3, line 17, by striking the words
 8 "~~personally or~~" and inserting the following:

- 9 "personally or".
 10 4. By renumbering as necessary.

JACK HOLVECK

S-3313

- 1 Amend House File 637, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, line 31, by striking the word and
 4 figure "section 69.16" and inserting the following:
 5 "sections 69.16 and 69.16A".
 6 2. Page 6, by striking lines 32 and 33.

PATRICIA HARPER
 JOHNIE HAMMOND
 ROBERT E. DVORSKY
 MATT McCOY
 STEVEN D. HANSEN
 BILL FINK
 EUGENE S. FRAISE
 JOHN P. KIBBIE
 BETTY A. SOUKUP
 E. THURMAN GASKILL
 JACK HOLVECK
 MARY LOU FREEMAN
 MARY A. LUNDBY
 WALLY E. HORN
 MIKE CONNOLLY
 MERLIN E. BARTZ
 MARK SHEARER
 MICHAEL E. GRONSTAL
 DICK L. DEARDEN
 DERRYL McLAREN
 O. GENE MADDOX
 THOMAS FIEGEN
 TOM FLYNN
 DENNIS H. BLACK
 PATRICK J. DELUHERY
 JOE BOLKCOM
 MAGGIE TINSMAN

S-3314

- 1 Amend House File 567, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 16, the
 4 following:
 5 "Sec. ____ Section 600.3, subsection 2, Code 2001,
 6 is amended by adding the following new paragraph:
 7 NEW PARAGRAPH. c. A termination of parental

8 rights order is not required prior to the filing of an
9 adoption petition if the adoption is a standby
10 adoption as defined in section 600.14A.

11 Sec. 2. Section 600.6, Code 2001, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 5. In the case of a standby
14 adoption as defined in section 600.14A, a form
15 completed by the terminally ill parent consenting to
16 termination of parental rights and adoption of the
17 child by a person or persons specified in the consent
18 form, effective at a future date when the terminally
19 ill parent of the child has died or requests that a
20 final adoption decree be issued.

21 Sec. 3. Section 600.13, subsection 1, Code 2001,
22 is amended by adding the following new paragraph after
23 paragraph "b" and relettering the subsequent
24 paragraph:

25 NEW PARAGRAPH. bb. Issue a standby adoption
26 decree pursuant to section 600.14A.

27 Sec. 4. NEW SECTION. 600.14A STANDBY ADOPTION.

28 1. As used in this section:

29 a. "Standby adoption" means an adoption in which a
30 terminally ill parent consents to termination of
31 parental rights and the issuance of a final adoption
32 decree effective upon the occurrence of a future
33 event, which is either the death of the terminally ill
34 parent or the request of the parent for the issuance
35 of a final adoption decree.

36 b. "Terminally ill parent" means an individual who
37 has a medical prognosis by a licensed physician that
38 the individual has an incurable and irreversible
39 condition which will lead to death.

40 2. A terminally ill parent may consent to
41 termination of parental rights and adoption of a child
42 under a standby adoption if the other parent of the
43 child is not living or the other parent has previously
44 had the parent's parental rights terminated.

45 3. A person who meets the qualifications to file
46 an adoption petition pursuant to section 600.4 may
47 file a petition for standby adoption. A standby
48 adoption shall comply with the requirements of
49 sections 600.7 through 600.12. However, the court may
50 order that the completion of placement investigations

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1 and reports be expedited based on the circumstances of
2 a particular case. The court may waive the minimum
3 residence period requirement pursuant to section
4 600.10 to expedite the standby adoption if necessary.

5 4. If a consent to a standby adoption is attached
6 to an adoption petition pursuant to section 600.6, the

7 court determines that the requirements of this chapter
 8 relative to a standby adoption are met, and the court
 9 determines that the standby adoption is in the best
 10 interest of the child to be adopted, the court shall
 11 issue a standby adoption decree or a final adoption
 12 decree. However, the terminally ill parent's parental
 13 rights shall not be terminated and the standby
 14 adoption shall not be finalized until the death of the
 15 terminally ill parent or the request of the terminally
 16 ill parent for issuance of the final adoption decree.

17 5. A standby adoption decree shall become final
 18 upon notice of the death of the terminally ill parent
 19 or upon the terminally ill parent's request that a
 20 final adoption decree be issued. If the court
 21 determines at the time of the notice or request that
 22 the standby adoption is still in the best interest of
 23 the child, the court shall issue a final adoption
 24 decree."

25 2. Title page, line 1, by inserting after the
 26 word "Act" the following: "relating to adoption
 27 including providing for standby adoptions and".

28 3. By renumbering as necessary.

STEVEN D. HANSEN
 JERRY BEHN

S-3315

1 Amend House File 643, as amended, passed, and
 2 reprinted by the House, as follows:

- 3 1. Page 4, by striking lines 8 through 13.
- 4 2. By renumbering as necessary.

MIKE CONNOLLY

S-3316

1 Amend House File 180, as amended, passed, and
 2 reprinted by the House, as follows:

- 3 1. Page 1, by inserting after line 32 the
 4 following:

5 "Sec. ____ Rule of civil procedure 122, Iowa court
 6 rules, third edition, is amended by adding the
 7 following new paragraph:

8 NEW PARAGRAPH. bb. TRUST INFORMATION. The court
 9 may, in its discretion, order a trustee to provide, on
 10 behalf of the trust, information including, but not
 11 limited to, trust documents and financial statements,
 12 relating to any beneficial interest a party to the
 13 pending action may have in the trust.

14 Sec. ____ Rule of civil procedure 253, paragraph

15 a, Iowa court rules, third edition, is amended to read
16 as follows:

17 a. PETITION. ~~A petition for relief under R.C.P.~~
18 ~~252 must be filed and served in the original action~~
19 ~~within one year after the entry of the judgment or~~
20 ~~order involved. It~~ A petition for relief under R.C.P.
21 252 shall state the grounds for relief, and, if it
22 seeks a new trial, show that they were not and could
23 not have been, discovered in time to proceed under
24 R.C.P. 236 or 244. If the pleadings in the original
25 action did not allege a meritorious action or defense
26 the petition shall do so. It shall be supported by
27 affidavit as provided in R.C.P. 80(c).

28 (1) A petition for relief under R.C.P. 252,
29 paragraph (a), (c), (d), (e), or (f), must be filed
30 and served in the original action within one year
31 after the entry of the judgment or order involved.

32 (2) In a petition for relief on the ground of
33 irregularity or fraud under R.C.P. 252, paragraph (b),
34 the cause of action shall not be deemed to have
35 accrued until the irregularity or fraud complained of
36 shall have been discovered by the party aggrieved. In
37 such actions, the burden of proof shall be upon the
38 petitioner to prove by a preponderance of the evidence
39 the alleged irregularity or fraud."

40 2. Title page, line 1, by inserting after the
41 words "relating to" the following: "certain civil
42 proceedings,".

43 3. Title page, line 4, by inserting after the
44 word "order" the following: ", and certain court rule
45 modifications".

JOANN JOHNSON

S-3317

1 Amend House File 356, as passed by the House, as
2 follows:

3 1. Page 4, by inserting after line 31, the
4 following:

5 "Sec. ____ Section 668.13, subsection 3, Code 2001,
6 is amended to read as follows:

7 3. Interest shall be calculated as of the date of
8 judgment at a rate equal to the ~~coupon issue yield~~
9 ~~equivalent, as determined by the United States~~
10 ~~secretary of the treasury, of the average accepted~~
11 ~~auction price for the last auction of fifty-two week~~
12 ~~United States treasury bills~~ treasury constant
13 maturity index published by the federal reserve in the
14 H15 Report settled immediately prior to the date of
15 the judgment plus two percent. The state court
16 administrator shall distribute notice monthly of that

17 rate and any changes to that rate to all district
18 courts."

LARRY McKIBBEN

S-3318

1 Amend House File 643, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 256.7, subsection 21,
6 paragraph c, Code 2001, is amended to read as follows:
7 c. A requirement that all school districts and
8 accredited nonpublic schools annually report to the
9 department and the local community the district-wide
10 progress made in attaining student achievement goals
11 on the academic and other core indicators and the
12 district-wide progress made in attaining locally
13 established student learning goals. The school
14 districts and accredited nonpublic schools shall
15 demonstrate the use of multiple assessment measures in
16 determining student achievement levels. A school
17 district shall offer alternatives to traditional
18 standardized testing in alternative options education
19 schools and programs in order to assess the actual
20 performance level of students in those schools and
21 programs. Students in alternative options education
22 schools and programs who elect to participate in
23 traditional standardized testing, as provided at other
24 attendance centers in the district, shall be provided
25 the opportunity to participate in the traditional
26 standardized testing. The school districts and
27 accredited nonpublic schools may report on other
28 locally determined factors influencing student
29 achievement. The school districts and accredited
30 nonpublic schools shall also report to the local
31 community their results by individual attendance
32 center."
33 2. Page 3, by inserting after line 27 the
34 following:
35 "Sec. ____ . Section 257.11, subsection 4, paragraph
36 a, Code 2001, is amended to read as follows:
37 a. In order to provide additional funding to
38 school districts for programs serving at-risk pupils
39 in grades nine through twelve and alternative school
40 pupils in secondary schools, a supplementary weighting
41 plan for at-risk pupils is adopted. A supplementary
42 weighting of forty-eight ten-thousandths per pupil
43 shall be assigned to the percentage of pupils in a
44 school district enrolled in grades one through six, as
45 reported by the school district on the basic

46 educational data survey for the base year, who are
 47 eligible for free and reduced price meals under the
 48 federal National School Lunch Act and the federal
 49 Child Nutrition Act of 1966, 42 U.S.C. } 1751-1785,
 50 multiplied by the budget enrollment in the school

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1 district; and a supplementary weighting of one hundred
 2 fifty-six one-hundred-thousandths per pupil shall be
 3 assigned to pupils included in the budget enrollment
 4 of the school district. Amounts received as
 5 supplementary weighting for at-risk pupils shall be
 6 utilized by a school district to develop or maintain
 7 at-risk pupils' programs, which may include
 8 alternative school programs.

9 Sec. ____ Section 257.11, subsection 6, Code 2001,
 10 is amended to read as follows:

11 6. a. PUPILS INELIGIBLE. A Except as provided in
 12 paragraph "b", a pupil eligible for the weighting plan
 13 provided in section 256B.9 is not eligible for
 14 supplementary weighting pursuant to this section. A
 15 pupil attending an alternative program or an at-risk
 16 pupils' program, including alternative high school
 17 programs, is not eligible for supplementary weighting
 18 under subsection 2.

19 b. PUPILS ELIGIBLE. At-risk pupils enrolled in
 20 alternative schools or classes organized by
 21 cooperating school districts are eligible for
 22 supplementary weighting under subsection 2."

23 3. By renumbering as necessary.

WALLY E. HORN

S-3319

- 1 Amend House File 579 as passed by the House as
 2 follows:
 3 1. Page 1, by striking lines 1 through 11.
 4 2. By renumbering as necessary.

JOE BOLKCOM

S-3320

- 1 Amend House File 519, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 1, line 26, through page 2,
 4 line 4.
 5 2. Title page, line 1, by striking the words
 6 "qualifications and".

ANDY McKEAN
 DAVID MILLER
 BETTY A. SOUKUP
 THOMAS FIEGEN

S-3321

1 Amend House File 582, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 34, by inserting after the word
 4 "served" the following: "by regular mail".
 5 2. Page 6, by inserting after line 3, the
 6 following:
 7 "Sec. ____ Section 368.11, unnumbered paragraph 2,
 8 Code 2001, is amended to read as follows:
 9 Within thirty days of receipt of a petition, the
 10 board of supervisors of each county where the
 11 territory is located shall approve or disapprove the
 12 petition. The county auditor shall immediately notify
 13 the city development board of the county's decision.
 14 Within ninety days of receipt of a ~~petition~~
 15 notification from the county, the city development
 16 board shall initiate appropriate proceedings or
 17 dismiss the petition. The board may combine for
 18 consideration petitions or plans which concern the
 19 same territory or city or which provide for a boundary
 20 adjustment or incorporation affecting common
 21 territory. The combined petitions may be submitted
 22 for consideration by a special local committee
 23 pursuant to section 368.14A."
 24 3. Page 6, by inserting after line 17, the
 25 following:
 26 "Sec. ____ Section 368.16, Code 2001, is amended
 27 by adding the following new subsection:
 28 NEW SUBSECTION. 8. Whether the board of
 29 supervisors approved or disapproved the petition."
 30 4. Page 6, line 22, by inserting after the word
 31 "after" the following: "full".
 32 5. By renumbering, relettering, or redesignating
 33 and correcting internal references as necessary.

COMMITTEE ON LOCAL GOVERNMENT
 DAVID MILLER, Chair

S-3322

1 Amend House File 341 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 14, the
 4 following:
 5 "____. "Medically accurate" relating to information

6 and materials provided by the state under this chapter
 7 means that all of the information and materials
 8 provided are verified or supported by the weight of
 9 research conducted in compliance with accepted
 10 scientific methods and published in peer-reviewed
 11 journals, where appropriate, and are recognized as
 12 accurate and objective by leading professional
 13 organizations and agencies with expertise in
 14 reproductive health services, such as the American
 15 college of obstetricians and gynecologists, the
 16 American medical association, or the centers for
 17 disease control and prevention of the United States
 18 department of health and human services."
 19 2. Page 1, line 35, by inserting after the word
 20 "following" the following: "medically accurate".
 21 3. Page 2, line 29, by inserting after the word
 22 "shall" the following: "be medically accurate and
 23 shall".
 24 4. By renumbering as necessary.

MAGGIE TINSMAN

S-3323

1 Amend House File 341, 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 INFORMED CONSENT
 6 -- MEDICAL PROCEDURES.
 7 1. Except in the case of a medical emergency,
 8 written consent shall be obtained prior to the
 9 performance of any medical or surgical procedure or
 10 course of procedures related to patient care.
 11 2. Written consent obtained in accordance with all
 12 of the following creates a presumption that informed
 13 consent has been obtained:
 14 a. Information has been provided in general terms
 15 describing the nature and purpose of the procedure or
 16 procedures, together with the known risks, if any, of
 17 death, brain damage, quadriplegia, paraplegia, the
 18 loss or loss of function of any organ or limb, or
 19 disfiguring scars associated with the procedure or
 20 procedures, with the probability of each such risk, if
 21 reasonably determinable.
 22 b. The written consent acknowledges that the
 23 information outlined in paragraph "a" has been
 24 provided and that all questions asked by the patient
 25 regarding the procedure or procedures have been
 26 answered satisfactorily.
 27 c. The written consent is signed by the patient
 28 upon whom the procedure or procedures are to be

29 performed, or by the patient's legal representative."
30 2. Title page, lines 1 and 2, by striking the
31 following: "to an abortion and providing a criminal
32 penalty, and providing an effective date".

JOHNIE HAMMOND

S-3324

1 Amend House File 341, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 5, the
4 following:
5 "aa. Information regarding the risks of carrying
6 the fetus to term and the risks of delivery."
7 2. By relettering as necessary.

JOHNIE HAMMOND

S-3325

1 Amend House File 635, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 13, by inserting after the word
4 "hours." the following: "This section applies only to
5 persons employed in the work of removing corn
6 tassels."

DICK L. DEARDEN

S-3326

1 Amend House File 341 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, line 20, by striking the words "risk
4 of" and inserting the following: "health risk."
5 2. Page 1, by striking lines 21 and 22.
6 3. Page 4, line 28, by striking the words "risk
7 of" and inserting the following: "health risk."
8 4. Page 4, by striking lines 29 and 30.

JOE BOLKCOM

S-3327

1 Amend the amendment, S-3296, to House File 561, as
2 passed by the House, as follows:
3 1. Page 1, by striking lines 27 and 28 and
4 inserting the following: "vehicle on a public highway
5 while carrying a passenger if the all-terrain vehicle

6 has no passenger designation. However, a person may
7 operate an all-terrain vehicle while carrying up to
8 the number of passengers for which the all-terrain
9 vehicle is designed."

JERRY BEHN
TOM FLYNN
NANCY BOETTGER

S-3328

1 Amend the amendment, S-3296, to House File 561, as
2 passed by the House, as follows:
3 1. Page 1, by striking lines 25 through 28 and
4 inserting the following: "2001, is amended by
5 striking the subsection."

JERRY BEHN
TOM FLYNN
NANCY BOETTGER

S-3329

1 Amend House File 469, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 28 through 31 and
4 inserting the following:
5 "NEW PARAGRAPH. e. The dealer shall tender to the
6 supplier the items described in paragraphs "c" and "d"
7 free and clear of all claims, liens, and encumbrances.
8 Any such claim, lien, or encumbrance shall transfer to
9 the proceeds and be paid in the order and priority
10 specified in article 9, part 3, of the uniform
11 commercial code."

THOMAS FIEGEN

S-3330

1 Amend House File 389, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 15, by inserting after the word
4 "board" the following: ", which shall not exceed five
5 contract days if the board votes to suspend the
6 teacher without pay".
7 2. Page 1, line 21, by inserting after the word
8 "board" the following: ", which shall not exceed five
9 contract days if the board votes to suspend the
10 teacher without pay".

MIKE CONNOLLY

S-3331

1 Amend the amendment, S-3297, to House File 73, as
2 passed by the House, as follows:
3 1. Page 1, by inserting after line 10, the
4 following:
5 "Sec. ____ Section 483A.27, Code 2001, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 11. A hunter safety and ethics
8 instructor certified by the department shall be
9 allowed to conduct an approved hunter safety and
10 ethics education course on public school property with
11 the approval of a majority of the board of directors
12 of the school district. The conduct of an approved
13 hunter safety and ethics education course is not a
14 violation of any public policy, rule, regulation,
15 resolution, or ordinance which prohibits the
16 possession, display, or use of a firearm, bow and
17 arrow, or other hunting weapon on public school
18 property or other public property in this state."
19 2. Page 1, by striking lines 13 and 14 and
20 inserting the following: "possession, display, or use
21 of firearms or other weapons on public property for
22 educational purposes and the performance of honor
23 guard services."

TOM FLYNN
STEVE KING
DENNIS H. BLACK

S-3332

1 Amend House File 341, 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. ____ NEW SECTION. 146B.1 TITLE.
6 This chapter shall be known and may be cited as the
7 "Vasectomy Waiting Period Act".
8 Sec. ____ NEW SECTION. 146B.2 VASECTOMY --
9 MANDATORY WAITING PERIOD.
10 1. Except in the case of a medical emergency, a
11 vasectomy shall not be performed in this state unless
12 the man upon whom the vasectomy is to be performed
13 consents to the vasectomy at least twenty-four hours
14 prior to the performance of the procedure.
15 2. The referring physician, the physician who will
16 perform the vasectomy, or an agent of either physician
17 shall provide information to the man, by telephone, by
18 audiotape, or in person, at least twenty-four hours
19 before the vasectomy regarding the method, the

20 procedures commonly used, the risks commonly
 21 associated with each procedure, the possible
 22 detrimental effects of a vasectomy, and the medical
 23 risks commonly associated with a vasectomy.
 24 3. The referring physician, the physician who will
 25 perform the vasectomy, or an agent of either
 26 physician, who provides the required information
 27 pursuant to subsection 2 to the man upon whom the
 28 vasectomy is to be performed, shall obtain and retain
 29 written certification from the man that the
 30 information was provided."
 31 2. Title page, line 1, by striking the word
 32 "informed".
 33 3. Title page, line 1, by inserting after the
 34 word "abortion" the following: "or a vasectomy".

BETTY A. SOUKUP

S-3333

1 Amend House File 341, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Section 101. NEW SECTION. 2.17A WAITING PERIOD
 6 -- VOTING.
 7 It is the intent of the general assembly that each
 8 vote taken by a member of the general assembly be made
 9 with the informed consent of the member. In order to
 10 assure that each vote is taken with informed consent,
 11 each house of the general assembly shall allow a
 12 twenty-four hour waiting period between final remarks
 13 on a bill that is before the house and the final vote
 14 on the bill."
 15 2. Page 5, line 23, by striking the word "This"
 16 and inserting the following: "Sections 1 through 6 of
 17 this".
 18 3. Title page, line 1, by striking the words "to
 19 an abortion".
 20 4. By renumbering as necessary.

MARK SHEARER

S-3334

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 324

1 Amend the Senate amendment H-1380, to House File
 2 324, as amended, passed, and reprinted by the House,

3 as follows:

- 4 1. Page 3, by striking lines 20 through 29 and
5 inserting the following:
6 ""Sec. 102. EFFECTIVE DATE. The following".
- 7 2. Page 3, by striking lines 41 through 44 and
8 inserting the following: "amending section 322A.11,
9 subsection 2."
- 10 3. Page 3, by striking lines 46 through 48.
- 11 4. By renumbering, redesignating, and correcting
12 internal references as necessary.

S-3335

HOUSE AMENDMENT TO SENATE FILE 410

- 1 Amend Senate File 410, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 through 7, and
4 inserting the following: "directly exhausted to the
5 outside atmosphere. "Indoor source" includes,".
- 6 2. Page 3, line 14, by striking the word
7 "Division" and inserting the following: "Except as
8 provided in section 455B.133, subsection 6, paragraph
9 "e", division".

S-3336

HOUSE AMENDMENT TO SENATE FILE 433

- 1 Amend Senate File 433, as passed by the Senate, as
2 follows:
- 3 1. By striking page 2, line 27, through page 3,
4 line 3.
- 5 2. By renumbering as necessary.

S-3337

- 1 Amend House File 656, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 8, line 2, by striking the words "three
4 hundred twenty".
- 5 2. Page 9, line 23, by striking the words "three
6 hundred twenty".

JOHN W. JENSEN

S-3338

1 Amend House File 656, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 7, line 27 by striking the word "seven"
 4 and inserting the following: "~~seven~~ twenty-two".
 5 2. Page 7, by striking lines 32 through 35 and
 6 inserting the following:
 7 "(3) That the storm shelter exceed the
 8 ~~construction specifications approved by a licensed~~
 9 ~~professional engineer and presented by the owner of~~
 10 ~~the mobile home park~~ minimum standards published in
 11 Federal Energy Management Agency Publication 361
 12 Design and Construction Guidance for Community
 13 Shelters."
 14 3. Page 9, line 13 by striking the word "seven"
 15 and inserting the following: "~~seven~~ twenty-two".
 16 4. Page 9, by striking lines 18 through 21 and
 17 inserting the following:
 18 "(3) That the storm shelter exceed the
 19 ~~construction specifications approved by a licensed~~
 20 ~~professional engineer and presented by the owner of~~
 21 ~~the mobile home park~~ minimum standards published in
 22 Federal Energy Management Agency Publication 361
 23 Design and Construction Guidance for Community
 24 Shelters."

JOHN W. JENSEN

S-3339

1 Amend Senate File 512 as follows:
 2 1. Page 1, line 18, by striking the word
 3 "Refunds" and inserting the following:
 4 "a. Subject to paragraph "b", refunds".
 5 2. Page 1, by inserting after line 29, the
 6 following:
 7 "b. The limitation on the amount of refunds of
 8 taxes, interest, or penalties provided in paragraph
 9 "a" shall not limit the claims for refunds pending on
 10 the effective date of this Act before the department
 11 of revenue and finance or the courts of this state.
 12 Such refunds of taxes, interest, or penalties shall be
 13 paid in full."

MARY A. LUNDBY

S-3340

1 Amend Senate File 514 as follows:
 2 1. Page 11, by striking line 32, and inserting

- 3 the following: "paragraph "d"."
- 4 2. Page 12, by striking lines 21 through 31.
- 5 3. By striking page 13, line 33, through page 14,
6 line 24, and inserting the following: "sum of the
7 amount of property taxes levied for general county
8 services and the amount of property tax replacement
9 dollars received, the amount of revenues received
10 under section 99F.11 that were specifically designated
11 for property tax relief, and the amount of local sales
12 and services tax revenues received as property tax
13 relief and deposited in the general fund, all for the
14 fiscal year beginning July 1, 1999, times one and
15 sixty-seven thousandths."
- 16 4. Page 15, by striking lines 10 through 35, and
17 inserting the following: "the amount of property
18 taxes levied for rural county services and the amount
19 of property tax replacement dollars received, the
20 amount of revenues received under section 99F.11 that
21 were specifically designated for property tax relief,
22 and the amount of local sales and services tax
23 revenues received as property tax relief and deposited
24 in the rural services fund, all for the fiscal year
25 beginning July 1, 1999, times one and sixty-seven
26 thousandths."
- 27 5. By renumbering, redesignating, and correcting
28 internal references as necessary.

PATRICIA HARPER

S-3341

- 1 Amend Senate File 514 as follows:
- 2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 25B.2, subsection 3, Code
5 2001, is amended by striking the subsection.
6 Sec. 2. NEW SECTION. 25B.5A UNFUNDED STATE
7 MANDATES -- EFFECT.
8 If, on or after July 1, 2001, a state mandate is
9 enacted by the general assembly, or otherwise imposed,
10 on a political subdivision and the state mandate
11 requires a political subdivision to engage in any new
12 activity, to provide a new service, or to provide any
13 service beyond that required by any law enacted prior
14 to July 1, 2001, and the state does not appropriate
15 moneys to fully fund the cost of the state mandate as
16 identified pursuant to section 25B.5, subsections 1
17 and 2, the political subdivision is not required to
18 perform the activity or provide the service and the
19 political subdivision shall not be subject to any
20 liabilities imposed by the state or the imposition of
21 any fines or penalties for the failure to comply with

22 the state mandate.

23 Sec. 3. **NEW SECTION.** 28L.1 IOWA COMMISSION ON
24 STATE AND LOCAL TAXATION.

25 1. An Iowa commission on state and local taxation
26 is created which shall consist of fifteen members
27 appointed as follows:

28 a. Four members appointed by the governor, at
29 least one of whom shall be a private citizen and at
30 least one of whom shall be a representative of
31 business and industry.

32 b. Three senators appointed by the majority leader
33 of the senate, one of whom shall be nominated by the
34 minority leader of the senate.

35 c. Three representatives appointed by the speaker
36 of the house, one of whom shall be nominated by the
37 minority leader of the house.

38 d. One member appointed by the Iowa state
39 association of counties.

40 e. One member appointed by the Iowa league of
41 cities.

42 f. One member appointed by the Iowa association of
43 school boards.

44 g. One member appointed by the presidents of the
45 regents universities.

46 h. One member appointed by the Iowa association of
47 community college trustees.

48 2. Members appointed by the governor are subject
49 to senate confirmation. In making all appointments,
50 consideration shall be given to gender, race, or

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1 ethnic representation, population and demographic
2 factors, and representation of different geographic
3 regions. Appointments made under subsection 1,
4 paragraphs "d" through "h", are not subject to section
5 69.16 or 69.16A.

6 3. Members of the commission shall hold office for
7 four years beginning June 1 of the year of appointment
8 and until their successors are appointed, except that
9 three initial appointees shall be appointed for one
10 year, three initial appointees for two years, four
11 initial appointees for three years, and five initial
12 appointees for four years. The commission shall
13 conduct its organizational meeting no later than
14 September 1, 2001.

15 4. Legislative members of the commission are
16 eligible for per diem and expenses as provided in
17 section 2.10. Members of the commission appointed by
18 the governor shall be reimbursed for actual and
19 necessary expenses incurred in performance of their
20 duties. Members may also be eligible to receive

21 compensation as provided in section 7E.6.

22 5. A majority of the commission members shall
23 constitute a quorum. For the purpose of conducting
24 business, a majority vote of the commission shall be
25 required. Beginning in May 2002, the commission shall
26 meet in May of each year for the purpose of electing
27 one of its members as chairperson. The commission
28 shall meet quarterly and at other times as necessary
29 at the call of the chairperson or when any six members
30 of the commission file a written request with the
31 chairperson for a meeting. Written notice of the time
32 and place of each meeting shall be given to each
33 member of the commission.

34 6. The commission may establish committees as it
35 deems advisable and feasible, whose membership shall
36 include at least two members of the commission, but
37 only the commission may take final action on a
38 proposal or recommendation of a committee.

39 7. Any vacancy shall be filled in the same manner
40 as regular appointments are made for the unexpired
41 portion of the regular term. A member of the
42 commission may be removed for any of the causes and in
43 the manner provided in chapter 66.

44 Sec. 4. NEW SECTION. 28L.2 STAFF AND FACILITIES.

45 The commission and committees established by the
46 commission may accept technical and operational
47 assistance from the staff of the legislative service
48 bureau and the legislative fiscal bureau, other state
49 or federal agencies, units of local governments, or
50 any other public or private source. The directors of

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1 the legislative service bureau and the legislative
2 fiscal bureau may assign professional, technical,
3 legal, clerical, or other staff, as necessary and
4 authorized by the legislative council for continued
5 operation of the commission. However, technical and
6 operational assistance provided by the bureaus shall
7 be provided within existing appropriations made to or
8 with existing resources of the legislative service
9 bureau and legislative fiscal bureau. The legislative
10 council may also provide to the commission available
11 facilities and equipment as requested by the
12 commission.

13 Sec. 5. NEW SECTION. 28L.3 REVIEW OF STATE AND
14 LOCAL REVENUE AND SERVICES.

15 1. The commission shall conduct a review of the
16 following:

17 a. Revenue sources available to local governments,
18 including taxes, fees, state appropriations, and
19 federal moneys.

20 b. Revenue sources available to the state,
21 including taxes, fees, and federal moneys, and the
22 portion of state revenues annually appropriated, or
23 otherwise disbursed, to local governments.
24 c. Services provided by local governments,
25 including those provided at the discretion of a local
26 government and those mandated by federal or state
27 statutes and regulations.
28 2. In conducting its review of revenue sources,
29 the commission shall study state and local taxes from
30 the standpoint of equity, neutrality, competitiveness,
31 simplicity, and stability.
32 3. The commission shall hold public hearings to
33 allow persons and organizations to be heard.
34 4. The commission shall submit a report to the
35 general assembly on the status of the review no later
36 than March 15, 2002. The status report shall
37 summarize the commission's activities to date and may
38 include such other information that the commission
39 deems relevant and necessary.
40 5. a. The commission shall submit a final report
41 to the general assembly no later than January 15,
42 2003.
43 b. The final report shall include the following:
44 (1) A statement of goals that the commission
45 believes are necessary to achieve principles of
46 taxation agreed upon by the committee.
47 (2) Any strategies formulated by the commission
48 that consist of recommended methods of state and local
49 taxation, specific structural changes, and any
50 modifications to the current system of state and local

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1 taxation.
2 (3) Such other information that the commission
3 deems relevant and necessary.
4 6. This section shall not be construed to preclude
5 the enactment of legislation that eliminates or
6 reduces any state or local government tax during the
7 period the Iowa commission on state and local taxation
8 is conducting the review required by this section.
9 Sec. 6. NEW SECTION. 28L.4 DUTIES OF THE
10 COMMISSION.
11 The commission shall:
12 1. Conduct the review as required in section
13 28L.3.
14 2. Monitor legislative or administrative action on
15 recommendations in the report required in section
16 28L.3.
17 3. Annually report on the state of local
18 governments in Iowa.

19 4. Annually report on state and federal issues
20 relating to local government that have a potential
21 fiscal impact on local governments.

22 5. Annually report on court decisions having an
23 impact on state and local government revenue or
24 services.

25 6. The reports in subsections 3, 4, and 5 shall be
26 filed with the governor, president of the senate,
27 speaker of the house, and the majority and minority
28 leaders of each house, and shall be made available to
29 legislators and the public upon request. The reports
30 must be submitted no later than January 15 of each
31 year.

32 Sec. 7. NEW SECTION. 28L.5 INFORMATION.

33 The commission may request from any state agency or
34 official the information and assistance as needed to
35 perform the duties of the commission. A state agency
36 or official shall furnish the information or
37 assistance requested within the authority and
38 resources of the state agency or official. This
39 section does not require the production or opening of
40 any public record which is required by law to be kept
41 confidential.

42 Sec. 8. NEW SECTION. 28L.6 FUTURE REPEAL.

43 This chapter is repealed effective July 1, 2006.

44 Sec. 9. NEW SECTION. 331.404 COUNTY FINANCIAL
45 MANAGEMENT PLAN.

46 Each county shall prepare a financial management
47 plan for the county for use in budget planning. The
48 financial management plan shall contain a set of
49 financial policies for use by counties in budget
50 planning. The county financial management plan shall

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1 be prepared in a manner which will assist counties in
2 identifying budgeting goals, fiscal and service
3 planning strategies, and revenue targets. County
4 financial management planning shall be completed on
5 forms prepared by the department of management and
6 approved by the county finance committee in
7 consultation with the Iowa state association of county
8 supervisors, the Iowa state association of county
9 auditors, and the public.

10 Copies of the financial management plan for a
11 county shall be maintained as a public record at the
12 county auditor's office and shall be filed with the
13 state appeal board in the same manner and at the same
14 time that certified budgets are filed under section
15 24.17.

16 Sec. 10. NEW SECTION. 331.423A ENDING FUND
17 BALANCE.

18 Effective for a fiscal year beginning on or after
19 July 1, 2007, budgeted ending fund balances shall not
20 exceed twenty-five percent of actual expenditures in
21 the previous fiscal year for either the general fund
22 or the rural services fund. An ending fund balance
23 does not include funds reserved or designated for a
24 specific purpose and specifically described in the
25 certified budget.

26 Sec. 11. Section 331.441, subsection 2, Code 2001,
27 is amended by adding the following new paragraph:
28 NEW PARAGRAPH. d. "Rural general obligation bond"
29 means a negotiable bond issued by a county and payable
30 from the levy of ad valorem taxes on all taxable
31 property located outside the incorporated areas of the
32 county through its debt service fund which is required
33 to be established by section 331.430.

34 Sec. 12. NEW SECTION. 331.450 RURAL DEBT
35 SERVICE.

36 The county board of supervisors may direct the
37 county auditor to establish a rural debt service tax
38 district for the purpose of issuing general obligation
39 bonds for rural county services. The rural debt
40 service tax district shall include only unincorporated
41 portions of the county. The county's debt service tax
42 levy for the rural general obligation bonds shall be
43 levied only against taxable property within the county
44 which is included within the boundaries of the rural
45 debt service tax district. The board may issue rural
46 general obligation bonds for general county purposes
47 and essential county purposes if such stated purpose
48 is primarily intended to benefit those persons
49 residing in the county outside of incorporated city
50 areas. Rural general obligation bonds for the

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1 purposes described in this section are subject to an
2 election held in the manner provided in section
3 331.442, subsections 1 through 4, except that only
4 those registered voters residing within the rural
5 service area tax district may vote on the proposition.

6 Sec. 13. NEW SECTION. 331.451 LOANS TO CITIES.

7 A county may enter into a 28E agreement with one or
8 more cities to finance in whole or in part one or more
9 projects meeting the definition of a city essential
10 corporate purpose or city general corporate purpose.
11 The agreement may provide for issuance of general
12 obligation bonds by the county the proceeds from which
13 will be loaned to the city to finance such a city
14 project. The county may require that the repayment
15 obligation of a city be secured as the county deems
16 appropriate. The repayment obligation may be

17 evidenced by one or more notes of a borrowing city.
 18 The loan agreements may contain terms and conditions
 19 the county deems advisable.
 20 The county may provide in the resolution
 21 authorizing the issuance of bonds that the principal
 22 and interest on the bonds are payable exclusively from
 23 any of the following:
 24 1. The income and receipts or other money derived
 25 from the project financed with the proceeds of the
 26 bonds.
 27 2. The income and receipts or other money derived
 28 from designated projects whether or not the projects
 29 are financed in whole or in part with the proceeds of
 30 the bonds or notes.
 31 3. A debt service property tax levy imposed by the
 32 city on the taxable property in the city.
 33 4. Tax incremental revenues if the project is
 34 located in an urban renewal area. The county may
 35 require that a city create an urban renewal area to
 36 collect incremental tax revenues to secure the loan.
 37 Bonds proposed to be issued under this section are
 38 subject to an election held in the manner provided in
 39 section 331.442, subsections 1 through 4."
 40 2. Title page, by striking lines 1 and 2, and
 41 inserting the following: "An Act relating to local
 42 government fiscal reform and providing authority for
 43 bonding."

PATRICIA HARPER
 MAGGIE TINSMAN
 JOHNNIE HAMMOND
 PATRICK J. DELUHERY
 KEN VEENSTRA
 O. GENE MADDOX
 BETTY A. SOUKUP
 MARY A. LUNDBY
 DERRYL McLAREN
 JOE BOLKCOM
 JOHN W. JENSEN
 MICHAEL E. GRONSTAL

S-3342

1 Amend Senate File 514 as follows:
 2 1. Page 21, by inserting after line 27, the
 3 following:
 4 "Sec. 100. Section 403.5, subsection 2, unnumbered
 5 paragraph 2, Code 2001, is amended to read as follows:
 6 Prior to its approval of an urban renewal plan
 7 which provides for a division of revenue pursuant to
 8 section 403.19, the municipality shall mail the
 9 proposed plan by regular mail to the affected taxing

10 entities. The municipality shall include with the
 11 proposed plan notification of a consultation to be
 12 held between the municipality and affected taxing
 13 entities prior to the public hearing on the urban
 14 renewal plan. Each affected taxing entity may appoint
 15 a representative to attend the consultation. The
 16 consultation may include a discussion of the estimated
 17 growth in valuation of taxable property included in
 18 the proposed urban renewal area, the fiscal impact of
 19 the division of revenue on the affected taxing
 20 entities, the estimated impact on the provision of
 21 services by each of the affected taxing entities in
 22 the proposed urban renewal area, and the duration of
 23 any bond issuance included in the plan. The
 24 designated representative of the affected taxing
 25 entity may make written recommendations for
 26 modification to the proposed division of revenue no
 27 later than seven days following the date of the
 28 consultation. The representative of the municipality
 29 shall, no later than seven days prior to the public
 30 hearing on the urban renewal plan, submit a written
 31 response to the affected taxing entity addressing the
 32 recommendations for modification to the proposed
 33 division of revenue. The municipality shall not
 34 proceed with approval of the urban renewal plan unless
 35 each affected taxing entity that attended the
 36 consultation, by resolution, approves the urban
 37 renewal plan."

38 2. Page 21, by striking line 29, and inserting
 39 the following:
 40 "Sec. ____ APPLICABILITY DATES. Section 100 of
 41 this Act applies to urban renewal plans submitted for
 42 consultation on or after July 1, 2001. The remainder
 43 of this Act applies to the".

44 3. Title page, by striking lines 1 and 2, and
 45 inserting the following: "An Act relating to local
 46 property tax by imposing a maximum property tax
 47 dollars limitation for counties and by requiring
 48 approval by affected taxing entities of an urban
 49 renewal plan and providing for the Act's
 50 applicability."

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1 4. By renumbering as necessary.

O. GENE MADDOX

S-3343

1 Amend Senate File 514 as follows:

2 1. Page 1, by striking line 2, and inserting the

3 following: "2001, is amended to read as follows:
4 h. The performance of an activity listed in
5 section 331.424, Code 2001, as a service for which a
6 supplemental levy ~~may~~ was allowed to be certified."

LARRY McKIBBEN

S-3344

1 Amend Senate File 514 as follows:
2 1. Page 21, by inserting after line 27, the
3 following:
4 "Sec. ____ Section 427.1, subsection 19,
5 unnumbered paragraph 8, Code 2001, is amended to read
6 as follows:
7 For the purposes of this subsection "pollution-
8 control property" means personal property or
9 improvements to real property, or any portion thereof,
10 used primarily to control or abate pollution of any
11 air or water of this state or used primarily to
12 enhance the quality of any air or water of this state
13 and "recycling property" means personal property or
14 improvements to real property or any portion of the
15 property, used primarily in the manufacturing process
16 and resulting directly in the conversion of waste
17 plastic, wastepaper products, or waste paperboard,
18 into new raw materials or products composed primarily
19 of recycled material. In the event such property
20 shall also serve other purposes or uses of productive
21 benefit to the owner of the property, only such
22 portion of the assessed valuation thereof as may
23 reasonably be calculated to be necessary for and
24 devoted to the control or abatement of pollution, to
25 the enhancement of the quality of the air or water of
26 this state, or for recycling shall be exempt from
27 taxation under this subsection. "Pollution-control
28 property" and "recycling property" do not include
29 property used for purposes related to the care and
30 feeding of livestock as defined in section 169C.1,
31 except for property which is eligible for a family
32 farm tax credit as provided in chapter 425A.
33 The exemption calculated for pollution control or
34 recycling property used for purposes related to the
35 care and feeding of livestock as defined in section
36 169C.1, and which is eligible for a family farm tax
37 credit as provided in chapter 425A, is limited to the
38 first one hundred thousand dollars in assessed value."
39 2. Title page, by striking lines 1 and 2, and
40 inserting the following: "An Act relating to property
41 tax by enacting a tax credit for certain pollution
42 control and recycling property and by imposing a
43 maximum property tax dollars limitation for counties

44 and providing for the Act's applicability."
45 3. By renumbering as necessary.

JOHN P. KIBBIE

S-3345

1 Amend Senate File 514 as follows:
2 1. Page 13, line 6, by inserting after the figure
3 "3." the following: "Property taxes certified as a
4 result of property tax revenues being decreased by the
5 allowing of a pollution-control and recycling property
6 tax exemption for property used for the care and
7 funding of livestock shall not be counted against the
8 maximum amount of property tax dollars that may be
9 certified for the fiscal year under subsection 3. For
10 purposes of this subsection and section 427.1,
11 subsection 19, "pollution-control property" and
12 "recycling property" do not include property used for
13 purposes related to the care and feeding of livestock
14 as defined in section 169C.1, except for property
15 which is eligible for a family farm tax credit as
16 provided in chapter 425A. The exemption calculated
17 for pollution control or recycling property used for
18 purposes related to the care and feeding of livestock
19 as defined in section 169C.1, and which is eligible
20 for a family farm tax credit as provided in chapter
21 425A, is limited to the first one hundred thousand
22 dollars in assessed value."

MERLIN E. BARTZ

S-3346

1 Amend Senate File 514 as follows:
2 1. Page 1, by inserting before line 3 the
3 following:
4 "Sec. ____ Section 25B.2, subsection 3, Code 2001,
5 is amended by striking the subsection.
6 Sec. ____ NEW SECTION. 25B.5A UNFUNDED STATE
7 MANDATES -- EFFECT.
8 If, on or after July 1, 2001, a state mandate is
9 enacted by the general assembly, or otherwise imposed,
10 on a political subdivision and the state mandate
11 requires a political subdivision to engage in any new
12 activity, to provide a new service, or to provide any
13 service beyond that required by any law enacted prior
14 to July 1, 2001, and the state does not appropriate
15 moneys to fully fund the cost of the state mandate as
16 identified pursuant to section 25B.5, subsections 1
17 and 2, the political subdivision is not required to

18 perform the activity or provide the service and the
19 political subdivision shall not be subject to any
20 liabilities imposed by the state or the imposition of
21 any fines or penalties for the failure to comply with
22 the state mandate."
23 2. By renumbering as necessary.

KITTY REHBERG

S-3347

HOUSE AMENDMENT TO
SENATE FILE 355

1 Amend Senate File 355, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, lines 16 and 17, by striking the words
4 "who has not suffered bodily harm".
5 2. Page 8, line 8, by striking the words "who has
6 not suffered bodily harm".
7 3. Page 8, by striking lines 15 through 17, and
8 inserting the following: "released custody of a
9 newborn infant shall not be prosecuted for a violation
10 of subsection 1, paragraph "f", relating to
11 abandonment."

S-3348

HOUSE AMENDMENT TO
SENATE FILE 114

1 Amend Senate File 114, as passed by the Senate, as
2 follows:
3 1. Page 5, line 27, by inserting after the word
4 "physicians," the following: "the Iowa chapter of the
5 American academy of pediatrics".
6 2. Page 5, line 32, by inserting after the word
7 "association," the following: "the Iowa psychiatric
8 society, the Iowa chapter of the national association
9 of social workers".
10 3. Page 6, line 27, by inserting after the word
11 "director;" the following: "the dean of Des Moines
12 university--osteopathic medical center, or a
13 representative designated by the dean".
14 4. By renumbering, relettering, or redesignating
15 and correcting internal references as necessary.

S-3349

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 1, by inserting after line 13, the
4 following:
5 "___."Agricultural seed" means the same as
6 defined in section 199.1."
- 7 2. Page 2, by inserting after line 3, the
8 following:
9 "___."Biotechnological technique" means a
10 practice used to alter the genetic characteristics of
11 a plant by modifying the deoxyribonucleic acid of the
12 plant's seed in a manner other than by using a
13 conventional technique."
- 14 3. Page 2, by inserting after line 5, the
15 following:
16 "___."Contamination" means the unintended
17 presence of a seed or a plant or plant part that
18 originates from a seed, if the seed has been
19 genetically modified by using a biotechnological
20 technique.
21 ___."Conventional technique" means a practice
22 used to alter the genetic characteristics of a plant
23 by modifying the deoxyribonucleic acid of the plant's
24 seed by breeding or pollination."
- 25 4. Page 2, lines 11 and 12, by striking the words
26 and figure "agricultural seed or vegetable seed as
27 defined in section 199.1," and inserting the
28 following: "agricultural seed,".
- 29 5. Page 2, line 13, by striking the word
30 "commodity" and inserting the following: "crop,
31 including a grain crop, or other commodity as".
- 32 6. Page 3, by inserting after line 17, the
33 following:
34 "___."Designated grain crop" means a grain crop
35 that is produced from designated grain crop seed, as
36 provided in section 717A.2.
37 ___."Designated grain crop seed" means
38 agricultural seed used to produce a grain crop, if the
39 genetic characteristics of the agricultural seed have
40 been modified by using a biotechnological technique.
41 ___."Grain crop" means a crop that produces grain
42 as defined in section 203.1."
- 43 7. Page 3, by inserting after line 24, the
44 following:
45 "___."Neighboring field" means crop operation
46 property where a grain crop may be planted adjoining
47 or adjacent to an originating field that is owned by a
48 person other than the person who owns the originating
49 field.
50 ___."Originating field" means crop operation

Page 2

1 property where designated grain crop seed has been
2 planted."

3 8. Page 4, lines 4 and 5, by striking the words
4 "breeding or by using biotechnological systems or
5 techniques" and inserting the following: "using a
6 biotechnological technique or conventional technique".

7 9. Page 4, by inserting before line 6, the
8 following:

9 "___ "Seed dealer" means a person who sells or
10 offers for sale agricultural seed to persons on a
11 retail basis.

12 ___ "Seed labeler" means a person required to
13 label agricultural seed as provided in section 199.3
14 or 199.4.

15 ___ "Seed technology provider" means a person who
16 in preparing for sale agricultural seed required to be
17 labeled pursuant to section 199.3 or 199.4 modifies
18 the deoxyribonucleic acid of the agricultural seed by
19 using a biotechnological technique.

20 ___ "Sound maintenance practices" means practices
21 required to maintain a designated grain crop produced
22 from a designated grain crop seed as provided in
23 section 717A.2."

24 10. Page 4, by striking lines 19 and 20, and
25 inserting the following:

26 "___ A person acts in violation of this section
27 as follows:"

28 11. Page 4, line 21, by striking the word
29 "Willfully" and inserting the following: "A person
30 shall not intentionally".

31 12. Page 4, line 22, by inserting after the words
32 "crop operation property" the following: "without the
33 consent of the owner".

34 13. Page 4, line 23, by striking the word
35 "Exercise" and inserting the following: "A person
36 shall not exercise".

37 14. Page 4, line 25, by inserting after the word
38 "property" the following: "and without the consent of
39 the owner".

40 15. Page 4, line 26, by striking the word "Enter"
41 and inserting the following: "A person shall not
42 enter".

43 16. Page 4, line 28, by inserting after the word
44 "person" the following: ", acting without the consent
45 of the owner;".

46 17. Page 5, by inserting after line 12, the
47 following:

48 "d. A seed labeler or seed technology provider
49 shall not sell or offer for sale designated grain crop
50 seed to a person for the production of a designated

Page 3

1 grain crop, if all of the following applies:

2 (1) The designated grain crop that originates from
3 designated grain crop seed is sold or offered for sale
4 in this state, and on December 1 of the previous year
5 meets any one of the following criteria:

6 (a) Any grain produced from the designated grain
7 crop or any food manufactured from that grain was
8 prohibited from sale or use for human consumption by
9 an agency of the federal government, including but not
10 limited to the United States food and drug
11 administration.

12 (b) All nations that imported a total of ten
13 percent or more of grain produced from a specific
14 species of grain crop prohibited the import of grain
15 produced from that same species of grain crop because
16 it was a designated grain crop according to statistics
17 compiled by the United States department of
18 agriculture or a person recognized by the United
19 States department of agriculture.

20 (2) The seed labeler or seed technology provider
21 of designated grain crop seed fails to provide sound
22 maintenance practices for a designated grain crop
23 produced from the designated grain crop seed as
24 required by rules adopted by the department of
25 agriculture and land stewardship. The sound
26 maintenance practices shall provide for any one of the
27 following:

28 (a) A security plan or amendments to the security
29 plan submitted to and approved by the department as
30 required by the department. The security plan shall
31 ensure a closed system that provides no risk of
32 contamination including contamination occurring
33 because of any of the following:

34 (i) Prior to harvest, the designated grain crop
35 contaminates another crop that is not a designated
36 grain crop, if the other crop is maintained on a
37 neighboring field.

38 (ii) After harvest, the designated grain crop or
39 goods processed from the designated grain crop
40 contaminates a crop that is not a designated grain
41 crop or goods that are not processed from a designated
42 grain crop.

43 The closed system shall provide for maintaining the
44 designated grain crop and for disposing of,
45 transporting, processing, marketing, and utilizing of
46 a designated grain crop or goods processed from the
47 designated grain crop. The security plan shall be
48 accompanied by all necessary certifications by persons
49 who will maintain the designated grain crop or dispose
50 of, transport, process, or market the designated grain

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1 crop or goods processed from the designated grain
2 crop.

3 (b) The dissemination of production information by
4 the seed labeler or seed technology provider that
5 shall be made conveniently available to each owner of
6 a crop operation who produces the designated grain
7 crop on an originating field. The production
8 information shall provide requirements for planting
9 the designated grain crop seed a minimum distance from
10 the boundary of a neighboring field, and methods to
11 maintain the separated area in order to prevent a
12 significant risk of contamination occurring from any
13 of the following:

14 (i) The transfer of gene characteristics to
15 another crop planted on a neighboring field by
16 pollination, including by pollination of the crop or
17 the pollination of other related plants inhabiting the
18 neighboring field.

19 (ii) The transfer of designated grain crop seed to
20 the neighboring field.

21 For property that includes a road right-of-way,
22 railroad right-of-way, or an access easement, a
23 field's property line shall not be the boundary line
24 of the right-of-way or easement."

25 18. Page 6, by inserting after line 1, the
26 following:

27 "____. For damages incurred by the owner of a
28 neighboring field because of contamination from an
29 originating field caused by a seed labeler or seed
30 technology provider who sells designated grain crop
31 seed without providing for sound maintenance
32 practices, three times all actual and consequential
33 losses."

34 19. Page 6, by inserting after line 4, the
35 following:

36 "____. a. The owner of a crop operation who
37 produces a designated grain crop shall not be found to
38 be liable for damages caused by contamination, if the
39 designated grain crop is produced in accordance with
40 sound maintenance practices as provided in this
41 section.

42 b. A seed dealer shall not be found liable for
43 damages caused by contamination.

44 A provision in a contract, a waiver, or a condition
45 of a transaction that provides for the liability of a
46 person contrary to this subsection is void and
47 unenforceable."

48 20. Page 6, by striking lines 5 through 7, and
49 inserting the following:

50 "____. A person who violates this section is guilty

Page 5

- 1 of the following penalties:"
2 21. Page 6, line 6, by striking the word
3 "research".
4 22. Page 6, line 12, by striking the word
5 "research".
6 23. Page 6, line 13, by striking the word
7 "research".
8 24. Page 6, by inserting after line 17, the
9 following:
10 "____. For a violation of subsection 1, paragraph
11 "d", the person is guilty of an aggravated
12 misdemeanor."
13 25. Page 6, by striking lines 18 through 30.
14 26. By renumbering as necessary.

MERLIN E. BARTZ

S-3350

HOUSE AMENDMENT TO
SENATE FILE 452

- 1 Amend Senate File 452, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 3 the
4 following:
5 "0A. "Guide" means the most recent national
6 council for prescription drug programs pharmacy
7 identification card implementation guide, or its
8 successor."
9 2. Page 1, line 11, by inserting after the word
10 and figure "or 514A," the following: "a provider of a
11 plan established pursuant to chapter 509A for public
12 employees,".
13 3. Page 1, line 17, by inserting after the word
14 and figure "chapter 514F," the following: "a provider
15 of a self-insured multiple employer welfare
16 arrangement,".
17 4. Page 1, lines 27 through 29, by striking the
18 words "including, but not limited to, third-party
19 administrators for self-insured plans, pharmacy
20 benefits managers, and state-administered plans" and
21 inserting the following: "excluding administrators of
22 self-funded employer sponsored health benefit plans
23 qualified under the federal Employee Retirement Income
24 Security Act of 1974".
25 5. By striking page 1, line 33, through page 2,
26 line 26, and inserting the following: "information
27 card or technology applicable to those entities
28 subject to regulation by the commissioner of

29 insurance. The director of public health shall adopt
30 rules for the uniform prescription drug information
31 card or technology applicable to organized delivery
32 systems. The rules shall require at least both of the
33 following regarding the card or technology:

34 (1) With respect to the information required, be
35 consistent with the guide, except that the address of
36 the pharmacy benefits manager shall not be required.

37 (2) With respect to the location of the
38 information required, be substantially consistent with
39 the guide."

40 6. By renumbering, relettering, redesignating,
41 and correcting internal references as necessary.

S-3351

1 Amend House File 694, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 21 the
4 following:

5 "7. By January 1 of each year, the commission
6 shall submit an annual written report to the general
7 assembly and the governor regarding, at a minimum, the
8 activities of the commission and any recommendations
9 regarding legislation.

10 Sec. ____ NEW SECTION. 16.183 REPEAL.
11 Section 16.182 is repealed on June 30, 2004."

12 2. Page 2, line 22, by striking the word "The"
13 and inserting the following: "By January 1, 2002,
14 the".

15 3. Page 2, by striking line 26 and inserting the
16 following: "submit an interim progress report to the
17 general assembly and the".

18 4. Page 2, line 27, by striking the word "for"
19 and inserting the following: "which shall include
20 preliminary findings regarding".

21 5. Page 2, line 28, by inserting after the word
22 "agency." the following: "By January 1, 2003, the
23 housing trust commission, in cooperation with the Iowa
24 finance authority, the department of economic
25 development, the attorney general, and the department
26 of public health, shall submit a final report to the
27 general assembly and the governor which shall include
28 the final findings and recommendations for the
29 implementation of the consolidation of all housing
30 programs under one agency."

31 6. By renumbering as necessary.

MARK ZIEMAN
KITTY REHBERG

S-3352

1 Amend House File 577, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 15.108, subsection 2, Code
6 2001, is amended by adding the following new
7 paragraph:
8 NEW PARAGRAPH. e. Include a clear and conspicuous
9 statement of the average price per kilowatt hour of
10 electricity in Iowa, as estimated by the energy
11 information administration of the United States
12 department of energy in its most recent report, in all
13 written promotional material, including internet
14 sites, that is designed, produced, or distributed by
15 the department for purposes of promoting the state in
16 attracting new businesses to the state."
17 2. By renumbering and correcting internal
18 references as necessary.

MIKE CONNOLLY

S-3353

1 Amend Senate File 514 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. REAFFIRMATION OF LOCAL GOVERNMENT HOME
5 RULE. The general assembly declares and reaffirms
6 that counties and cities have been granted home rule
7 power and authority by the Constitution of the State
8 of Iowa to determine their local affairs and
9 government, to the extent such authority is not
10 inconsistent with the laws of the general assembly."

JOHNIE HAMMOND

S-3354

1 Amend House File 687, as passed by the House, as
2 follows:
3 1. Page 3, by inserting after line 26, the
4 following:
5 " _____. The state board of regents shall establish
6 terms and conditions for service contracts executed by
7 institutions governed by the state board of regents."
8 2. Page 5, line 22, by inserting after the word
9 "chapter." the following: "However, the state board
10 of regents shall oversee and implement the provisions

11 of this chapter for institutions governed under
12 chapter 262."

RICHARD F. DRAKE

S-3355

1 Amend House File 180, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 598.13, Code 2001, is amended
6 to read as follows:

7 598.13 FINANCIAL STATEMENTS FILED.

8 1. Both parties shall disclose their financial
9 status. A showing of special circumstances shall not
10 be required before the disclosure is ordered. A
11 statement of net worth set forth by affidavit on a
12 form prescribed by the supreme court and furnished
13 without charge by the clerk of the district court
14 shall be filed by each party prior to the dissolution
15 hearing. However, the parties may waive this
16 requirement upon application of both parties and
17 approval by the court.

18 Failure to comply with the requirements of this
19 ~~section~~ subsection constitutes failure to make
20 discovery as provided in rule of civil procedure 134.

21 2. The court may, in its discretion, order a
22 trustee to provide, on behalf of a trust, information
23 including but not limited to, trust documents and
24 financial statements relating to any beneficial
25 interest a party to the pending action may have in the
26 trust."

27 2. Title page, by striking lines 1 through 4 and
28 inserting the following: "An Act relating to
29 dissolution of marriage including certain financial
30 statement information filed by the parties and
31 participation in a court-approved course prior to the
32 granting of a final dissolution of marriage decree or
33 the entering of a final custody order."

JOANN JOHNSON

S-3356

1 Amend House File 663, as passed by the House, as
2 follows:

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

5 "Sec. _____. Section 347.19, Code 2001, is amended
6 to read as follows:

7 347.19 COMPENSATION -- EXPENSES.
 8 ~~No~~ A trustee shall may receive any a per diem
 9 compensation for services performed under this
 10 chapter, ~~but a trustee in an amount as set by the~~
 11 board of supervisors and shall be reimbursed for any
 12 cash expenditures actually made for personal expenses
 13 incurred in the performance of duties. An itemized
 14 statement of such expenses, verified by the oath of
 15 each such trustee, shall be filed with the secretary,
 16 and the same shall only be allowed by an affirmative
 17 vote of all trustees present at the meeting of the
 18 board."
 19 2. Title page, line 1, by inserting after the
 20 word "Act" the following: "authorizing a per diem
 21 compensation for trustees of a county hospital and".

MARK ZIEMAN

S-3357

1 Amend House File 643, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, by inserting after line 14 the
 4 following:
 5 "Sec. 100. Section 403.19, subsections 2 and 5,
 6 Code 2001, are amended to read as follows:
 7 2. That portion of the taxes each year in excess
 8 of such amount shall be allocated to and when
 9 collected be paid into a special fund of the
 10 municipality to pay the principal of and interest on
 11 loans, moneys advanced to, or indebtedness, whether
 12 funded, refunded, assumed, or otherwise, including
 13 bonds issued under the authority of section 403.9,
 14 subsection 1, incurred by the municipality to finance
 15 or refinance, in whole or in part, an urban renewal
 16 project within the area, and to provide assistance for
 17 low and moderate income family housing as provided in
 18 section 403.22, except that taxes for the regular and
 19 voter-approved physical plant and equipment levy of a
 20 school district imposed pursuant to section 298.2 and
 21 taxes for the payment of bonds and interest of each
 22 taxing district must be collected against all taxable
 23 property within the taxing district without limitation
 24 by the provisions of this subsection. However, all or
 25 a portion of the taxes for the physical plant and
 26 equipment levy shall be paid by the school district to
 27 the municipality if the municipality auditor
 28 certifies, as provided in subsection 5, paragraph "b",
 29 to the school district by July 1 the amount of such
 30 levy that is necessary to pay the principal and
 31 interest on ~~indebtedness incurred~~ bonds issued by the
 32 municipality to finance an urban renewal project,

33 ~~which indebtedness was incurred bonds were issued~~
34 before July 1, 2000. Such school district shall pay
35 over the amount certified by November 1 following
36 certification to the school district. Unless and
37 until the total assessed valuation of the taxable
38 property in an urban renewal area exceeds the total
39 assessed value of the taxable property in such area as
40 shown by the last equalized assessment roll referred
41 to in subsection 1, all of the taxes levied and
42 collected upon the taxable property in the urban
43 renewal area shall be paid into the funds for the
44 respective taxing districts as taxes by or for the
45 taxing districts in the same manner as all other
46 property taxes. When such loans, advances,
47 indebtedness, and bonds, if any, and interest thereon,
48 have been paid, all moneys thereafter received from
49 taxes upon the taxable property in such urban renewal
50 area shall be paid into the funds for the respective

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1 taxing districts in the same manner as taxes on all
2 other property.

3 5. a. A municipality shall certify to the county
4 auditor on or before December 1 the following amounts:

5 (1) The amount of loans, advances, indebtedness,
6 or bonds which qualify for payment from the special
7 fund referred to in subsection 2, and the and
8 including the amount certified in subparagraph 2.

9 (2) The amount of principal and interest payments
10 to be made during the fiscal year on bonds issued
11 prior to July 1, 2000, that qualify for payment from
12 taxes received from the physical plant and equipment
13 levy. Indebtedness issued to refund the bonds issued
14 prior to July 1, 2000, shall not be included in this
15 separate certification.

16 b. The auditor shall certify to the school
17 district by July 1 the amount of tax from the physical
18 plant and equipment levy that shall be paid to the
19 municipality as follows:

20 (1) If the amount in the special fund referred to
21 in subsection 2, is less than the amount certified by
22 the municipality in paragraph "a", subparagraph (2),
23 determined before any other payments for loans,
24 advances, indebtedness, or bonds are to be made, the
25 amount to be certified by the auditor to the school
26 district is the difference.

27 (2) If the amount in the special fund referred to
28 in subsection 2, is equal to or greater than the
29 amount certified by the municipality in paragraph "a",
30 subparagraph (2), determined before any other payments
31 for loans, advances, indebtedness, or bonds are to be

32 made, the amount to be certified by the auditor to the
 33 school district is zero.
 34 c. The filing of the certificate in paragraph "a",
 35 subparagraph (1), shall make it a duty of the auditor
 36 to provide for the division of taxes in each
 37 subsequent year until the amount of the loans,
 38 advances, indebtedness, or bonds is paid to the
 39 special fund. In any year, the county auditor shall,
 40 upon receipt of a certified request from a
 41 municipality filed on or before December 1, increase
 42 the amount to be allocated under subsection 1 in order
 43 to reduce the amount to be allocated in the following
 44 fiscal year to the special fund, to the extent that
 45 the municipality does not request allocation to the
 46 special fund of the full portion of taxes which could
 47 be collected. Upon receipt of a certificate from a
 48 municipality, the auditor shall mail a copy of the
 49 certificate to each affected taxing district."
 50 2. Page 8, by inserting after line 16, the

Page 3

1 following:
 2 "Sec. 101. EFFECTIVE AND APPLICABILITY DATES.
 3 Section 100 of this Act, relating to the physical
 4 plant and equipment levy, being deemed of immediate
 5 importance, takes effect upon enactment and applies to
 6 physical plant and equipment taxes collected on or
 7 after July 1, 2001."
 8 3. Title page, line 3, by inserting after the
 9 word "program" the following: "and providing
 10 effective and applicability dates".

MIKE CONNOLLY

S-3358

1 Amend House File 354, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, Page 12, by inserting after the word
 4 "physician" the following: "and surgeon".
 5 2. Page 2, by striking line 13 and inserting the
 6 following: "148, an osteopath licensed pursuant to
 7 chapter 150, an osteopathic physician and surgeon
 8 licensed pursuant to chapter 150A, a physician
 9 assistant licensed pursuant to".
 10 3. Page 2, line 14, by inserting after the figure
 11 "148C," the following: "a chiropractor licensed
 12 pursuant to chapter 151,".
 13 4. Title page, line 2, by inserting after the
 14 word "assistant," the following: "a chiropractor,".

MICHAEL E. GRONSTAL
JOHN W. JENSEN
EUGENE S. FRAISE

S-3359

HOUSE AMENDMENT TO
SENATE FILE 168

1 Amend Senate File 168 as follows:
2 1. Page 1, by striking lines 3 through 19 and
3 inserting the following:
4 "NEW PARAGRAPH. g. If a city grants more than one
5 cable television franchise, the material terms and
6 conditions of any additional franchise shall not give
7 undue preference or advantage to the new franchisee.
8 A city shall not grant a new franchise that does not
9 include the same territory as that of the existing
10 franchise. A new franchisee shall be given a
11 reasonable period of time to build the new system
12 throughout the territory."

S-3360

1 Amend Senate File 514 as follows:
2 1. Page 1, by inserting before line 3 the
3 following:
4 "Sec. ____ Section 25B.2, subsection 3, Code 2001,
5 is amended by striking the subsection.
6 Sec. ____ NEW SECTION. 25B.5A UNFUNDED STATE
7 MANDATES -- EFFECT.
8 If, on or after July 1, 2001, a state mandate is
9 enacted by the general assembly, or otherwise imposed,
10 on a political subdivision and the state mandate
11 requires a political subdivision to engage in any new
12 activity, to provide a new service, or to provide any
13 service beyond that required by any law enacted prior
14 to July 1, 2001, and the state does not appropriate
15 moneys to fully fund the cost of the state mandate as
16 identified pursuant to section 25B.5, subsections 1
17 and 2, the political subdivision is not required to
18 perform the activity or provide the service and the
19 political subdivision shall not be subject to any
20 liabilities imposed by the state or the imposition of
21 any fines or penalties for the failure to comply with
22 the state mandate."
23 2. By striking page 5, line 22, through page 21,
24 line 31, and inserting the following:
25 "Sec. ____ NEW SECTION. 331.404 COUNTY FINANCIAL
26 MANAGEMENT PLAN.
27 Each county shall prepare a financial management

28 plan for the county for use in budget planning. The
 29 financial management plan shall contain a set of
 30 financial policies for use by counties in budget
 31 planning. The county financial management plan shall
 32 be prepared in a manner which will assist counties in
 33 identifying budgeting goals, fiscal and service
 34 planning strategies, and revenue targets. County
 35 financial management planning shall be completed on
 36 forms prepared by the department of management and
 37 approved by the county finance committee in
 38 consultation with the Iowa state association of county
 39 supervisors, the Iowa state association of county
 40 auditors, and the public.
 41 Copies of the financial management plan for a
 42 county shall be maintained as a public record at the
 43 county auditor's office and shall be filed with the
 44 state appeal board in the same manner and at the same
 45 time that certified budgets are filed under section
 46 24.17.
 47 Sec. ____ NEW SECTION. 331.423A ENDING FUND
 48 BALANCE.
 49 Effective for a fiscal year beginning on or after
 50 July 1, 2005, budgeted ending fund balances shall not

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1 exceed twenty-five percent of actual expenditures in
 2 the previous fiscal year for either the general fund
 3 or the rural services fund. An ending fund balance
 4 does not include funds reserved or designated for a
 5 specific purpose and specifically described in the
 6 certified budget.
 7 Sec. ____ Section 331.441, subsection 2, Code
 8 2001, is amended by adding the following new
 9 paragraph:
 10 NEW PARAGRAPH. d. "Rural general obligation bond"
 11 means a negotiable bond issued by a county and payable
 12 from the levy of ad valorem taxes on all taxable
 13 property located outside the incorporated areas of the
 14 county through its debt service fund which is required
 15 to be established by section 331.430.
 16 Sec. ____ NEW SECTION. 331.450 RURAL DEBT
 17 SERVICE.
 18 The county board of supervisors may direct the
 19 county auditor to establish a rural debt service tax
 20 district for the purpose of issuing general obligation
 21 bonds for rural county services. The rural debt
 22 service tax district shall include only unincorporated
 23 portions of the county. The county's debt service tax
 24 levy for the rural general obligation bonds shall be
 25 levied only against taxable property within the county
 26 which is included within the boundaries of the rural

27 debt service tax district. The board may issue rural
 28 general obligation bonds for general county purposes
 29 and essential county purposes if such stated purpose
 30 is primarily intended to benefit those persons
 31 residing in the county outside of incorporated city
 32 areas. Rural general obligation bonds for the
 33 purposes described in this section are subject to an
 34 election held in the manner provided in section
 35 331.442, subsections 1 through 4, except that only
 36 those registered voters residing within the rural
 37 service area tax district may vote on the proposition.
 38 Sec. ____ NEW SECTION. 331.451 LOANS TO CITIES.
 39 A county may enter into a 28E agreement with one or
 40 more cities to finance in whole or in part one or more
 41 projects meeting the definition of a city essential
 42 corporate purpose or city general corporate purpose.
 43 The agreement may provide for issuance of general
 44 obligation bonds by the county the proceeds from which
 45 will be loaned to the city to finance such a city
 46 project. The county may require that the repayment
 47 obligation of a city be secured as the county deems
 48 appropriate. The repayment obligation may be
 49 evidenced by one or more notes of a borrowing city.
 50 The loan agreements may contain terms and conditions

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1 the county deems advisable.
 2 The county may provide in the resolution
 3 authorizing the issuance of bonds that the principal
 4 and interest on the bonds are payable exclusively from
 5 any of the following:
 6 1. The income and receipts or other money derived
 7 from the project financed with the proceeds of the
 8 bonds.
 9 2. The income and receipts or other money derived
 10 from designated projects whether or not the projects
 11 are financed in whole or in part with the proceeds of
 12 the bonds or notes.
 13 3. A debt service property tax levy imposed by the
 14 city on the taxable property in the city.
 15 4. Tax incremental revenues if the project is
 16 located in an urban renewal area. The county may
 17 require that a city create an urban renewal area to
 18 collect incremental tax revenues to secure the loan.
 19 Bonds proposed to be issued under this section are
 20 subject to an election held in the manner provided in
 21 section 331.442, subsections 1 through 4."
 22 3. Title page, by striking lines 1 and 2, and
 23 inserting the following: "An Act relating to local

24 government fiscal reform and providing authority for
 25 bonding."

PATRICIA HARPER
 JOHNIE HAMMOND

S-3361

1 Amend House File 271, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 9, the
 4 following: "A licensee shall not compensate a person
 5 or another licensee for recommending, referring, or
 6 securing a client."
 7 2. Title page, by striking line 1 and inserting
 8 the following: "An Act relating to".

NEAL SCHUERER
 MATT McCOY

S-3362

1 Amend House File 643, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, by inserting after line 14, the
 4 following:
 5 "Sec. ____ Section 483A.27, Code 2001, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 11. A hunter safety and ethics
 8 instructor certified by the department shall be
 9 allowed to conduct an approved hunter safety and
 10 ethics education course on public school property with
 11 the approval of a majority of the board of directors
 12 of the school district. The conduct of an approved
 13 hunter safety and ethics education course is not a
 14 violation of any public policy, rule, regulation,
 15 resolution, or ordinance which prohibits the
 16 possession, display, or use of a firearm, bow and
 17 arrow, or other hunting weapon on public school
 18 property or other public property in this state."
 19 2. By renumbering as necessary.

TOM FLYNN
 DENNIS H. BLACK
 STEVE KING
 JEFF LAMBERTI
 DAVID MILLER
 WALLY E. HORN

S-3363

- 1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 13, the
4 following:
5 "___."Agricultural seed" means the same as
6 defined in section 199.1."
7 2. Page 2, by inserting after line 3, the
8 following:
9 "___."Biotechnological technique" means a
10 practice used to alter the genetic characteristics of
11 a plant by modifying the deoxyribonucleic acid of the
12 plant's seed in a manner other than by using a
13 conventional technique."
14 3. Page 2, by inserting after line 5, the
15 following:
16 "___."Contamination" means the unintended
17 presence of a seed or a plant or plant part that
18 originates from a seed, if the seed has been
19 genetically modified by using a biotechnological
20 technique.
21 ___."Conventional technique" means a practice
22 used to alter the genetic characteristics of a plant
23 by modifying the deoxyribonucleic acid of the plant's
24 seed by breeding or pollination."
25 4. Page 2, lines 11 and 12, by striking the words
26 and figure "agricultural seed or vegetable seed as
27 defined in section 199.1," and inserting the
28 following: "agricultural seed,".
29 5. Page 2, line 13, by striking the word
30 "commodity" and inserting the following: "crop,
31 including a grain crop, or other commodity as".
32 6. Page 3, by inserting after line 17, the
33 following:
34 "___."Designated grain crop" means a grain crop
35 that is produced from designated grain crop seed, as
36 provided in section 717A.2.
37 ___."Designated grain crop seed" means
38 agricultural seed used to produce a grain crop, if the
39 genetic characteristics of the agricultural seed have
40 been modified by using a biotechnological technique.
41 ___."Grain crop" means a crop that produces grain
42 as defined in section 203.1."
43 7. Page 3, by inserting after line 24, the
44 following:
45 "___."Neighboring field" means crop operation
46 property where a grain crop may be planted adjoining
47 or adjacent to an originating field that is owned by a
48 person other than the person who owns the originating
49 field.
50 ___."Originating field" means crop operation

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1 property where designated grain crop seed has been
2 planted."

3 8. Page 4, lines 4 and 5, by striking the words
4 "breeding or by using biotechnological systems or
5 techniques." and inserting the following: "using a
6 biotechnological technique or conventional technique."

7 9. Page 4, by inserting before line 6, the
8 following:

9 "___." "Seed dealer" means a person who sells or
10 offers for sale agricultural seed to persons on a
11 retail basis.

12 ___." "Seed labeler" means a person required to
13 label agricultural seed as provided in section 199.3
14 or 199.4.

15 ___." "Seed technology provider" means a person who
16 in preparing for sale agricultural seed required to be
17 labeled pursuant to section 199.3 or 199.4 modifies
18 the deoxyribonucleic acid of the agricultural seed by
19 using a biotechnological technique.

20 ___." "Sound maintenance practices" means practices
21 required to maintain a designated grain crop produced
22 from a designated grain crop seed as provided in
23 section 717A.2."

24 10. Page 4, by striking lines 19 and 20, and
25 inserting the following:

26 "___." A person acts in violation of this section
27 as follows:"

28 11. Page 4, line 21, by striking the word
29 "Willfully" and inserting the following: "A person
30 shall not intentionally".

31 12. Page 4, line 22, by inserting after the words
32 "crop operation property" the following: "without the
33 consent of the owner".

34 13. Page 4, line 23, by striking the word
35 "Exercise" and inserting the following: "A person
36 shall not exercise".

37 14. Page 4, line 25, by inserting after the word
38 "property" the following: "and without the consent of
39 the owner".

40 15. Page 4, line 26, by striking the word "Enter"
41 and inserting the following: "A person shall not
42 enter".

43 16. Page 4, line 28, by inserting after the word
44 "person" the following: ", acting without the consent
45 of the owner;".

46 17. Page 5, by inserting after line 12, the
47 following:

48 "d. (1) Except as otherwise provided in
49 subparagraph (2), a seed labeler or seed technology
50 provider shall not sell or offer for sale designated

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1 grain crop seed to a person for the production of a
2 designated grain crop, if the designated grain crop
3 that originates from designated grain crop seed is
4 sold or offered for sale in this state, and on
5 December 1 of the previous year meets any one of the
6 following criteria:

7 (a) Any grain produced from the designated grain
8 crop or any food manufactured from that grain was
9 prohibited from sale or use for human consumption by
10 an agency of the federal government, including but not
11 limited to the United States food and drug
12 administration.

13 (b) A major nation importer of grain produced from
14 a specific species of grain crop prohibited the import
15 of the grain because it was produced from agricultural
16 seed genetically modified by using biotechnological
17 techniques. The department of agriculture and land
18 stewardship shall adopt rules pursuant to chapter 17A
19 that lists each major nation importer of grain
20 produced from a specific species of grain crop, based
21 on United States exports of the grain to nations that
22 import a substantial quantity of that grain from
23 exporting nations.

24 (2) A seed labeler or seed technology provider may
25 sell or offer for sale designated grain crop seed to a
26 person for the production of a designated grain crop,
27 if the seed labeler or seed technology provider
28 provides sound maintenance practices for the
29 designated grain crop as required by rules adopted by
30 the department of agriculture and land stewardship.
31 The sound maintenance practices shall provide for any
32 one of the following:

33 (a) A security plan or amendments to the security
34 plan submitted to and approved by the department as
35 required by the department. The security plan shall
36 ensure a closed system that provides a minimal risk of
37 contamination including contamination occurring
38 because of any of the following:

39 (i) Prior to harvest, the designated grain crop
40 contaminates another crop that is not a designated
41 grain crop, if the other crop is maintained on a
42 neighboring field.

43 (ii) After harvest, the designated grain crop or
44 goods processed from the designated grain crop
45 contaminates a crop that is not a designated grain
46 crop or goods that are not processed from a designated
47 grain crop.

48 The closed system shall provide for maintaining the
49 designated grain crop and for disposing of,
50 transporting, processing, marketing, and utilizing of

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1 a designated grain crop or goods processed from the
2 designated grain crop. The security plan shall be
3 accompanied by all necessary certifications by persons
4 who will maintain the designated grain crop or dispose
5 of, transport, process, or market the designated grain
6 crop or goods processed from the designated grain
7 crop.

8 (b) The dissemination of production information by
9 the seed labeler or seed technology provider that
10 shall be made conveniently available to each owner of
11 a crop operation who produces the designated grain
12 crop on an originating field. The production
13 information shall provide requirements for planting
14 the designated grain crop seed a minimum distance from
15 the boundary of a neighboring field, and methods to
16 maintain the separated area in order to ensure a
17 minimal risk of contamination occurring from any of
18 the following:

19 (i) The transfer of gene characteristics to
20 another crop planted on a neighboring field by
21 pollination, including by pollination of the crop or
22 the pollination of other related plants inhabiting the
23 neighboring field.

24 (ii) The transfer of designated grain crop seed to
25 the neighboring field.

26 For property that includes a road right-of-way,
27 railroad right-of-way, or an access easement, a
28 field's property line shall not be the boundary line
29 of the right-of-way or easement."

30 18. Page 6, by inserting after line 1, the
31 following:

32 "____. For damages incurred by the owner of a
33 neighboring field because of contamination from an
34 originating field caused by a seed labeler or seed
35 technology provider who sells designated grain crop
36 seed without providing for sound maintenance
37 practices, three times all actual and consequential
38 losses."

39 19. Page 6, by inserting after line 4, the
40 following:

41 "____. a. The owner of a crop operation who
42 produces a designated grain crop shall not be found to
43 be liable for damages caused by contamination, if the
44 designated grain crop is produced in accordance with
45 sound maintenance practices as provided in this
46 section.

47 b. A seed dealer shall not be found liable for
48 damages caused by contamination if any of the
49 following applies:

50 (1) The seed dealer disseminates sound maintenance

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1 information to a customer of designated grain crop
 2 seed as required as part of a written contract
 3 executed by the seed dealer and the seed labeler or
 4 seed technology provider.
 5 (2) The seed labeler or seed technology provider
 6 fails to provide sound maintenance information to a
 7 seed dealer. The sound maintenance information may be
 8 either a notice that the designated grain crop seed is
 9 subject to a security plan filed with the department
 10 of agriculture and land stewardship or production
 11 information as required in this section.
 12 A provision in a contract, a waiver, or a condition
 13 of a transaction that provides for the liability of a
 14 person contrary to this subsection is void and
 15 unenforceable."
 16 20. Page 6, by striking lines 5 through 7, and
 17 inserting the following:
 18 "____. A person who violates this section is guilty
 19 of the following penalties:"
 20 21. Page 6, line 12, by striking the word
 21 "research".
 22 22. Page 6, line 13, by striking the word
 23 "research".
 24 23. Page 6, by inserting after line 17, the
 25 following:
 26 "____. For a violation of subsection 1, paragraph
 27 "d", the person is guilty of an aggravated
 28 misdemeanor."
 29 24. Page 6, by striking lines 18 through 30.
 30 25. By renumbering as necessary.

MERLIN E. BARTZ

S-3364

1 Amend Senate File 478 as follows:
 2 1. By striking page 14, line 34, through page 15,
 3 line 12.
 4 2. Title page, by striking lines 2 through 4 and
 5 inserting the following: "or mobile homes, and
 6 providing coordinating amendments."
 7 3. By renumbering as necessary.

JACK HOLVECK
 ANDY McKEAN

S-3365

1 Amend the amendment S-3363, to House File 502, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, line 31, by striking the word "The"
5 and inserting the following: "As part of the sound
6 maintenance practices, a seed labeler shall provide
7 notice of a designated grain crop seed on the
8 container holding the designated grain crop seed as
9 provided in section 199.3 or on a placard as provided
10 in section 199.4. A seed dealer shall provide the
11 same notice in a disclosure statement to a person
12 purchasing the designated grain crop seed on a retail
13 basis prior to or at the time of the purchase. The
14 disclosure statement may be contained on a separate
15 form or part of an invoice or bill of sale evidencing
16 a transaction. The seed dealer shall not sell
17 designated grain crop seed, unless the purchaser signs
18 the disclosure statement acknowledging that the
19 purchaser has read the statement. The seed dealer
20 shall maintain a copy of the acknowledged disclosure
21 statement as part of the seed dealer's business
22 records. The form of the disclosure statement shall
23 be prescribed by rules adopted by the department. The
24 notice required by this subparagraph shall appear in a
25 printed bold-faced font in at least ten point type.
26 The notice shall appear in the following form:

27 NOTICE

28 GENETICALLY MODIFIED SEED

29 This crop seed has been modified using
30 biotechnological techniques. Please consult a
31 security plan required to be filed with the department
32 of agriculture and land stewardship or production
33 information required to be disseminated to owners of
34 crop operations, as provided in Iowa Code chapter
35 717A. The security plan or production information
36 includes important information, including possible
37 restrictions, about the production and marketing of a
38 crop grown from this seed.

39 In addition, the".

40 2. Page 4, by striking line 48, and inserting the
41 following: "damages caused by contamination, if the
42 seed dealer complies with applicable requirements of
43 this section and any of the".

DERRYL McLAREN

S-3366

1 Amend House File 579 as follows:
 2 1. Page 1, by inserting after line 11, the
 3 following:
 4 "Sec. ____ Section 19A.32, Code 2001, is amended
 5 to read as follows:
 6 19A.32 WORKERS' COMPENSATION CLAIMS.
 7 The director shall employ appropriate staff to
 8 handle and adjust claims of state employees for
 9 workers' compensation benefits pursuant to chapters
 10 85, 85A, 85B, and 86, or with the approval of the
 11 executive council contract for the services or
 12 purchase workers' compensation insurance coverage for
 13 state employees or selected groups of state employees.
 14 A state employee workers' compensation fund is
 15 established to pay state employee workers'
 16 compensation claims and administrative costs. The
 17 department shall establish a rating formula and assess
 18 premiums to all agencies, departments, and divisions
 19 of the state including those which have not received
 20 an appropriation for the payment of workers'
 21 compensation insurance and which operate from moneys
 22 other than from the general fund of the state. The
 23 department shall collect the premiums and deposit them
 24 into the state employee workers' compensation fund.
 25 Notwithstanding section 8.33, moneys deposited in the
 26 state employee workers' compensation fund shall not
 27 revert to the general fund of the state at the end of
 28 any fiscal year, but shall remain in the state
 29 employee workers' compensation fund and be
 30 continuously available to pay state employee workers'
 31 compensation claims. The director of revenue and
 32 finance is authorized and directed to draw warrants on
 33 this fund for the payment of state employee workers'
 34 compensation claims may, to the extent practicable,
 35 contract with a private organization to handle the
 36 processing and payment of claims and services rendered
 37 under the provisions of this section."
 38 2. By renumbering as necessary.

STEVE KING

S-3367

1 Amend House File 502, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by striking line 18, and inserting the
 4 following: "PROPERTY DAMAGE -- CRIMINAL PENALTIES."
 5 2. By striking page 5, line 13 through page 6,
 6 line 4.

- 7 3. Title page, line 3, by striking the words "and
8 civil liability".
9 4. By renumbering as necessary.

THOMAS FIEGEN

S-3368

- 1 Amend Senate File 514 as follows:
2 1. Page 16, line 23, by striking the word "cash"
3 and inserting the following: "generally accepted
4 accounting principles".
5 2. Page 17, line 13, by striking the word "cash"
6 and inserting the following: "generally accepted
7 accounting principles".

THOMAS FIEGEN

S-3369

- 1 Amend Senate File 514 as follows:
2 1. Page 1, by striking lines 1 and 2.
3 2. By striking page 5, line 22, through page 21,
4 line 28, and inserting the following:
5 "Sec. ____ NEW SECTION. 331.440B COUNTY LEVIES,
6 FUNDS, BUDGETS, AND EXPENDITURES.
7 For the fiscal year beginning July 1, 2002, this
8 section and sections 331.440C through 331.440I shall
9 apply to counties that, as of June 30, 2001, have less
10 than a triple A bond rating.
11 Sections 331.421, 331.423, 331.424C through
12 331.426, do not apply to this part. References in the
13 Code of Iowa to these sections do not apply to
14 counties described in this section.
15 Sec. ____ NEW SECTION. 331.440C DEFINITIONS.
16 As used in this part, unless the context otherwise
17 requires:
18 1. "Committee" means the county finance committee
19 established in chapter 333A.
20 2. "Debt service" means expenditures for servicing
21 the county's debt.
22 3. "Debt service levy" means a levy authorized and
23 limited by section 331.422, subsection 3.
24 4. "Emergency services levy" means a levy
25 authorized and limited by section 331.424C.
26 5. "Fiscal year" means the period of twelve months
27 beginning July 1 and ending on the following June 30.
28 6. "General county services" means the services
29 which are primarily intended to benefit all residents
30 of a county, including secondary road services, but
31 excluding services financed by other statutory funds.

32 7. "Item" means a budgeted expenditure,
 33 appropriation, or cash reserve from a fund for a
 34 service area, program, program element, or purpose.
 35 8. "Rural county services" means the services
 36 which are primarily intended to benefit those persons
 37 residing in the county outside of incorporated city
 38 areas, including secondary road services, but
 39 excluding services financed by other statutory funds.
 40 9. "Secondary road services" means the services
 41 related to secondary road construction and
 42 maintenance, excluding debt service and services
 43 financed by other statutory funds.
 44 Sec. __. NEW SECTION. 331.440D PROPERTY TAX
 45 DOLLARS -- MAXIMUMS.
 46 1. Annually, the board shall determine separate
 47 property tax levy limits to pay for general county
 48 services and rural county services in accordance with
 49 this section. The property tax levies separately
 50 certified for general county services and rural county

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1 services in accordance with section 331.434 shall not
 2 exceed the amount determined under this section.
 3 2. For purposes of this section and section
 4 331.440E:
 5 a. "Annual price index" means the change, computed
 6 to four decimal places, between the preliminary price
 7 index for the third quarter of the calendar year
 8 preceding the calendar year in which the fiscal year
 9 starts and the revised price index for the third
 10 quarter of the previous calendar year as published in
 11 the same issue in which such preliminary price index
 12 is first published. The price index used shall be the
 13 state and local government chain-type price index used
 14 in the quantity and price indexes for gross domestic
 15 product as published by the United States department
 16 of commerce. The annual price index shall not be less
 17 than zero and shall not exceed four hundredths. The
 18 change shall then be added to one to create a
 19 multiplier for the annual price index.
 20 b. "Boundary adjustment" means annexation,
 21 severance, incorporation, or discontinuance as those
 22 terms are defined in section 368.1.
 23 c. "Budget year" is the fiscal year beginning
 24 during the calendar year in which a budget is first
 25 certified.
 26 d. "Current fiscal year" is the fiscal year ending
 27 during the calendar year in which a budget is first
 28 certified.
 29 e. "Local sales and services taxes" means local
 30 sales and services taxes imposed under the authority

31 of chapter 422B.

32 f. "Net new valuation taxes" means the amount of
33 property tax dollars equal to the tentative maximum
34 general rate for purposes of the general fund, or the
35 tentative maximum rural rate for purposes of the rural
36 services fund, times the increase from the previous
37 fiscal year in taxable valuation due to the following:

38 (1) Net new construction.

39 (2) Additions or improvements to existing
40 structures.

41 (3) Remodeling of existing structures for which a
42 building permit is required.

43 (4) Net boundary adjustment.

44 (5) A municipality no longer dividing tax revenues
45 in an urban renewal area as provided in section
46 403.19, to the extent that the incremental valuation
47 released is due to new construction or revaluation of
48 property newly constructed after the division of
49 revenue begins.

50 (6) That portion of taxable property located in an

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1 urban revitalization area on which an exemption was
2 allowed and such exemption has expired.

3 g. "Property tax replacement dollars" means
4 revenues received under sections 427B.17 through
5 427B.19D, revenues received under chapter 437A,
6 subchapter II, and amounts appropriated by the general
7 assembly for property tax relief first enacted for
8 fiscal years beginning on or after July 1, 2001.

9 h. "Tentative maximum general rate" means the
10 amount calculated in subsection 3, paragraph "b",
11 subparagraph (1), divided by the net taxable valuation
12 in the county. For purposes of this paragraph, "net
13 taxable valuation" is the amount of taxable valuation
14 in the county minus the amount of taxable valuation
15 used to calculate net new valuation taxes.

16 i. "Tentative maximum rural rate" means the amount
17 calculated in subsection 3, paragraph "c",
18 subparagraph (1), divided by the net taxable valuation
19 in the unincorporated area of the county. For
20 purposes of this paragraph, "net taxable valuation" is
21 the amount of taxable valuation in the unincorporated
22 area of the county minus the amount of taxable
23 valuation in the unincorporated area of the county
24 used to calculate net new valuation taxes.

25 j. "Unused taxing authority" means the maximum
26 amount of property tax dollars calculated under
27 subsection 3 for a fiscal year minus the amount
28 actually levied under this section in that fiscal
29 year. Unused taxing authority may be carried forward

30 to the following fiscal year. However, the amount of
31 unused taxing authority which may be carried forward
32 shall not exceed twenty-five percent of the maximum
33 amount of property tax dollars available in the
34 current fiscal year.

35 3. a. Effective for the fiscal year beginning
36 July 1, 2002, the maximum amount of property tax
37 dollars levied which may be certified by a county for
38 general county services and rural county services
39 shall be the tentative maximum property tax dollars
40 calculated under paragraphs "b" and "c", respectively,
41 and adjusted by the amounts in paragraphs "d", "e",
42 and "f".

43 b. The tentative maximum property tax dollars for
44 general county services is an amount equal to the sum
45 of the following:

46 (1) The current fiscal year's tentative maximum
47 property tax dollars for general county services minus
48 the unused taxing authority carried forward from the
49 previous fiscal year times the annual price index.

50 (2) The amount of net new valuation taxes.

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1 (3) The amount of unused taxing authority carried
2 forward from the previous fiscal year.

3 c. The tentative maximum property tax dollars for
4 rural county services is an amount equal to the sum of
5 the following:

6 (1) The current fiscal year's tentative maximum
7 property tax dollars for rural county services minus
8 the unused taxing authority carried forward from the
9 previous fiscal year times the annual price index.

10 (2) The amount of net new valuation taxes.

11 (3) The amount of unused taxing authority carried
12 forward from the previous fiscal year.

13 d. Subtract the amount of property tax replacement
14 dollars to be received for the budget year that will
15 be deposited in the general fund or the rural services
16 fund, as applicable.

17 e. Subtract the amount of local sales and services
18 taxes for property tax relief estimated by the
19 department of revenue and finance to be received for
20 the budget year that will be deposited in the general
21 fund or the rural services fund, as applicable.

22 f. Subtract the amount of local sales and services
23 taxes received for property tax relief in the previous
24 fiscal year for the county general fund and rural
25 services fund, and add the amount of local sales and
26 services taxes that was budgeted for property tax
27 relief for each of those funds in that fiscal year.

28 3A. Property taxes certified for deposit in the

29 mental health, mental retardation, and developmental
 30 disabilities services fund in section 331.424A, the
 31 cemetery fund in section 331.440H, the county
 32 supplemental funds in section 331.440I, and the debt
 33 service fund in section 331.430, any capital projects
 34 fund established by the county for deposit of bond,
 35 loan, or note proceeds, and any temporary increase
 36 approved pursuant to section 331.424 are not counted
 37 against the maximum amount of property tax dollars
 38 that may be certified for a fiscal year under
 39 subsection 3.

40 4. The department of management shall adopt rules
 41 to administer this section and section 331.423A after
 42 consultation with the county finance committee.

43 Sec. __. NEW SECTION. 331.440E BASE YEAR
 44 PROPERTY TAX DOLLARS.

45 1. For purposes of calculating maximum property
 46 tax dollars under section 331.423, the tentative
 47 maximum property tax dollars for the fiscal year
 48 beginning July 1, 2000, for general county services
 49 shall be calculated as provided in this subsection.

50 a. The tentative maximum amount of property tax

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1 dollars for general county services for taxes payable
 2 in the fiscal year beginning July 1, 2000, shall be an
 3 amount equal to the sum of the following, divided by
 4 three, and adjusted by the amounts in paragraph "b":
 5 (1) The sum of the amount of property taxes levied
 6 for general county services and the amount of property
 7 tax replacement dollars received and the amount of
 8 local sales and services tax revenues received as
 9 property tax relief and deposited in the general fund,
 10 all for the fiscal year beginning July 1, 1997, times
 11 one and one hundred ten thousandths.

12 (2) The sum of the amount of property taxes levied
 13 for general county services and the amount of property
 14 tax replacement dollars received and the amount of
 15 local sales and services tax revenues received as
 16 property tax relief and deposited in the general fund,
 17 all for the fiscal year beginning July 1, 1998, times
 18 one and eighty-nine thousandths.

19 (3) The sum of the amount of property taxes levied
 20 for general county services and the amount of property
 21 tax replacement dollars received and the amount of
 22 local sales and services tax revenues received as
 23 property tax relief and deposited in the general fund,
 24 all for the fiscal year beginning July 1, 1999, times
 25 one and sixty-seven thousandths.

26 b. The amount computed under the formula in
 27 paragraph "a" shall be adjusted by subtracting the

28 amount of the ending fund balance differential for
29 general county services as provided in this paragraph.
30 The ending fund balance differential for general
31 county services is the difference between the general
32 fund's ending balance for the fiscal year beginning
33 July 1, 1999, and the general fund's ending balance
34 for the fiscal year beginning July 1, 1996, divided by
35 three.

36 2. For purposes of calculating maximum property
37 tax dollars under section 331.423, the tentative
38 maximum property tax dollars for the fiscal year
39 beginning July 1, 2000, for rural county services
40 shall be calculated as provided in this subsection.

41 a. The tentative maximum amount of property tax
42 dollars for rural county services for taxes payable in
43 the fiscal year beginning July 1, 2000, shall be an
44 amount equal to the sum of the following, divided by
45 three, and adjusted by the amounts in paragraph "b":

46 (1) The sum of the amount of property taxes levied
47 for rural county services and the amount of property
48 tax replacement dollars received and the amount of
49 local sales and services tax revenues received as
50 property tax relief and deposited in the rural

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1 services fund, all for the fiscal year beginning July
2 1, 1997, times one and one hundred ten thousandths.

3 (2) The sum of the amount of property taxes levied
4 for rural county services and the amount of property
5 tax replacement dollars received and the amount of
6 local sales and services tax revenues received as
7 property tax relief and deposited in the rural

8 services fund, all for the fiscal year beginning July
9 1, 1998, times one and eighty-nine thousandths.

10 (3) The sum of the amount of property taxes levied
11 for rural county services and the amount of property
12 tax replacement dollars received and the amount of
13 local sales and services tax revenues received as
14 property tax relief and deposited in the rural

15 services fund, all for the fiscal year beginning July
16 1, 1999, times one and sixty-seven thousandths.

17 b. The amount computed under the formula in
18 paragraph "a" shall be adjusted by subtracting the
19 amount of the ending fund balance differential for
20 rural county services as provided in this paragraph.
21 The ending fund balance differential for rural county
22 services is the difference between the rural services
23 fund's ending balance for the fiscal year beginning
24 July 1, 1999, and the rural services fund's ending
25 balance for the fiscal year beginning July 1, 1996,
26 divided by three.

27 3. a. The tentative maximum amount of property
 28 tax dollars for general county services for taxes
 29 payable in the fiscal year beginning July 1, 2001, is
 30 an amount equal to the amount computed in subsection 1
 31 times the annual price index plus the amount of net
 32 new valuation taxes.

33 b. The tentative maximum amount of property tax
 34 dollars for rural county services for taxes payable in
 35 the fiscal year beginning July 1, 2001, is an amount
 36 equal to the amount computed in subsection 2 times the
 37 annual price index plus the amount of net new
 38 valuation taxes.

39 4. Each county shall calculate its tentative
 40 maximum property tax dollars under this section on
 41 forms prescribed by the department of management.

42 Sec. __. NEW SECTION. 331.440F ENDING FUND
 43 BALANCE.

44 1. Budgeted ending fund balances for a fiscal year
 45 in excess of twenty-five percent of budgeted
 46 expenditures in either the general services fund or
 47 rural county services fund for that fiscal year shall
 48 be explicitly reserved or designated for a specific
 49 purpose and specifically described in the certified
 50 budget. The description shall include the projected

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1 date that the expenditures will be appropriated for
 2 the specific purpose. In a protest to the county
 3 budget under section 331.436, the county shall have
 4 the burden of proving that the budgeted balances in
 5 excess of twenty-five percent are reasonably likely to
 6 be appropriated for the explicitly reserved or
 7 designated specific purpose by the date identified in
 8 the certified budget. The excess budgeted balance for
 9 the specific purpose shall be considered an increase
 10 in an item in the budget for purposes of section
 11 24.28.

12 2. For the fiscal year beginning July 1, 2002, a
 13 county may levy additional property taxes pursuant to
 14 this subsection. The amount of the additional
 15 property taxes which may be levied is equal to the
 16 amount by which twenty-five percent of combined actual
 17 expenditures for general county services and rural
 18 county services in the fiscal year beginning July 1,
 19 2000, exceeded the combined actual ending fund
 20 balances for the general fund and the rural county
 21 services fund in that fiscal year. The amount of the
 22 additional property taxes shall be divided between the
 23 general fund and the rural services fund in proportion
 24 to the amount of actual expenditures for general
 25 county services to total actual expenditures for

26 general and rural county services for the fiscal year
 27 beginning July 1, 2000, and in proportion to the
 28 amount of actual expenditures for rural county
 29 services to total actual expenditures for general and
 30 rural county services for the fiscal year beginning
 31 July 1, 2000. However, the amount apportioned for
 32 general county services and for rural county services
 33 shall not exceed for each fund twenty-five percent of
 34 actual expenditures for the fiscal year beginning July
 35 1, 2000. All or a portion of the additional property
 36 tax dollars may be levied for the purpose of
 37 increasing cash reserves for general county services
 38 and rural county services in the budget year. The
 39 balance of the increase may be carried forward as
 40 unused ending fund balance taxing authority until and
 41 for the fiscal year beginning July 1, 2004. The
 42 amount carried forward, when combined with unused
 43 taxing authority shall not exceed twenty-five percent
 44 of the maximum amount of property tax dollars
 45 available in the current fiscal year. Additionally,
 46 property taxes that are levied as unused taxing
 47 authority under this subsection may be the subject of
 48 a protest under section 331.436 and the amount will be
 49 considered an increase in an item in the budget for
 50 purposes of section 24.28. The amount of additional

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1 property taxes levied under this subsection shall not
 2 be included in the computation of the maximum amount
 3 of property tax dollars which may be certified and
 4 levied under section 331.423.
 5 Sec. ____ NEW SECTION. 331.440G AUTHORITY TO
 6 LEVY BEYOND MAXIMUM PROPERTY TAX DOLLARS.
 7 1. The board may certify additions to the maximum
 8 amount of property tax dollars to be levied for a
 9 period of time not to exceed two years if the
 10 proposition has been submitted at a special election
 11 and received a favorable majority of the votes cast on
 12 the proposition.
 13 2. The special election is subject to the
 14 following:
 15 a. The board must give at least thirty-two days'
 16 notice to the county commissioner of elections that
 17 the special election is to be held.
 18 b. The special election shall be conducted by the
 19 county commissioner of elections in accordance with
 20 law.
 21 c. The proposition to be submitted shall be
 22 substantially in the following form:
 23 "Vote "yes" or "no" on the following:
 24 Shall the county of _____ levy for an additional

25 \$ _____ each year for ___ years beginning July 1,
 26 _____, in excess of the statutory limits otherwise
 27 applicable for the (general county services or rural
 28 services) fund?"

29 d. The canvass shall be held beginning at one p.m.
 30 on the second day which is not a holiday following the
 31 special election.

32 e. Notice of the special election shall be
 33 published at least once in a newspaper as specified in
 34 section 331.305 prior to the date of the special
 35 election. The notice shall appear as early as
 36 practicable after the board has voted to seek
 37 additional property tax dollars.

38 3. Registered voters in the county may vote on the
 39 proposition to increase property taxes for the general
 40 fund in excess of the statutory limit. Registered
 41 voters residing outside the corporate limits of a city
 42 within the county may vote on the proposition to
 43 increase property taxes for the rural services fund in
 44 excess of the statutory limit.

45 4. The amount of additional property tax dollars
 46 certified under this subsection shall not be included
 47 in the computation of the maximum amount of property
 48 tax dollars which may be certified and levied under
 49 section 331.423.

50 Sec. ____ NEW SECTION. 331.440H CEMETERY LEVY

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1 AND FUND.

2 The board may levy annually a tax not to exceed six
 3 and three-fourths cents per thousand dollars of the
 4 assessed value of all taxable property in the county
 5 to repair and maintain all cemeteries under the
 6 jurisdiction of the board including pioneer cemeteries
 7 and to pay other expenses of the board or the cemetery
 8 commission as provided in section 331.325. The
 9 proceeds of the tax levy shall be credited to the
 10 cemetery fund.

11 Sec. ____ Section 331.325, Code 2001, is amended
 12 to read as follows:

13 331.325 CONTROL AND MAINTENANCE OF PIONEER
 14 CEMETERIES -- CEMETERY COMMISSION.

15 1. As used in this section, "pioneer cemetery"
 16 means a cemetery where there have been six or fewer
 17 burials in the preceding fifty years.

18 2. Each county board of supervisors may adopt an
 19 ordinance assuming jurisdiction and control of pioneer
 20 cemeteries in the county. The board shall exercise
 21 the powers and duties of township trustees relating to
 22 the maintenance and repair of cemeteries in the county
 23 as provided in sections 359.28 through 359.41 except

24 that the board shall not certify a tax levy pursuant
25 to section 359.30 or 359.33 and except that the
26 maintenance and repair of all cemeteries under the
27 jurisdiction of the county including pioneer
28 cemeteries shall be paid from the county general fund
29 or the cemetery fund established in section 331.440H,
30 if applicable. The maintenance and improvement
31 program for a pioneer cemetery may include restoration
32 and management of native prairie grasses and
33 wildflowers.

34 3. In lieu of management of the cemeteries, the
35 board of supervisors may create, by ordinance, a
36 cemetery commission to assume jurisdiction and
37 management of the pioneer cemeteries in the county.
38 The ordinance shall delineate the number of
39 commissioners, the appointing authority, the term of
40 office, officers, employees, organizational matters,
41 rules of procedure, compensation and expenses, and
42 other matters deemed pertinent by the board. The
43 board may delegate any power and duties relating to
44 cemeteries which may otherwise be exercised by
45 township trustees pursuant to sections 359.28 through
46 359.41 to the cemetery commission except the
47 commission shall not certify a tax levy pursuant to
48 section 359.30 or 359.33 and except that the expenses
49 of the cemetery commission shall be paid from the
50 county general fund or the cemetery fund in section

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1 331.440H, if applicable.
2 4. Notwithstanding sections 359.30 and 359.33, the
3 costs of management, repair, and maintenance of
4 pioneer cemeteries shall be paid from the county
5 general fund or the cemetery fund in section 331.440H,
6 if applicable.
7 Sec. ____ Section 331.429, subsection 1, Code
8 2001, is amended by adding the following new
9 paragraph:
10 **NEW PARAGRAPH. f.** Notwithstanding paragraphs "a"
11 and "b", transfers from the general fund or rural
12 services fund in accordance with this paragraph. If a
13 county is participating in a pilot project under
14 division IV, part 2A, the board may transfer
15 additional funds from the general fund or rural
16 services fund in excess of the amounts in paragraphs
17 "a" and "b" if the proposition has been submitted at a
18 special election and received a favorable majority of
19 the votes cast on the proposition. The board shall
20 direct the county commissioner of elections to submit
21 the proposition at an election. The board must give
22 at least thirty-two days' notice to the county

23 commissioner of elections that the special election is
24 to be held. For a transfer from the general fund,
25 registered voters of the county may vote on the
26 proposition. For a transfer from the rural services
27 fund, registered voters of the county residing outside
28 the corporate limits of a city within the county may
29 vote on the proposition. The proposition to be
30 submitted shall be substantially in the following
31 form:

32 "Vote "yes" or "no" on the following question:

33 Shall the county of _____ transfer an additional
34 \$_____ each year for two years beginning July 1,
35 ____, from the (general fund or rural services fund)
36 to the secondary road fund?"

37 Notice of the special election shall be published
38 at least once in a newspaper in the manner provided in
39 section 331.305. Notice of the special election shall
40 appear as early as practicable after the board has
41 voted to transfer funds from the general fund or rural
42 services fund to the secondary road fund.

43 If a majority of the votes cast are in favor of the
44 proposition, the board shall certify the results of
45 the election to the department of management and
46 transfer the approved amount to the secondary road
47 fund in the appropriate fiscal year.

48 Sec. __. NEW SECTION. 331.440I COUNTY
49 SUPPLEMENTAL FUNDS.

50 A county may establish county supplemental funds

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1 for the following purposes:
2 1. Accounting for pension and related employee
3 benefit funds as provided by the county finance
4 committee. A county may certify taxes to be levied
5 for a county supplemental fund in the amount necessary
6 to meet its obligations.
7 2. Accounting for gifts received by the county for
8 a particular purpose.
9 3. Accounting for money and property received and
10 handled by the county as trustee or custodian or in
11 the capacity of an agent.
12 4. Accounting for tort liability insurance,
13 property insurance, and any other insurance that may
14 be necessary in the operation of the county, costs of
15 a self-insurance program, costs of a local government
16 risk pool, and amounts payable under any insurance
17 agreements to provide or procure such insurance, self-
18 insurance program, or local government risk pool."

19 3. By renumbering and correcting internal
20 references as necessary.

ROBERT E. DVORSKY
WALLY E. HORN

S-3370

1 Amend House File 656, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by striking lines 12 through 22 and
4 inserting the following: "constructed after July 1,
5 1999. ~~In lieu of requiring construction of a storm~~
6 ~~shelter, a county may require a park owner to provide~~
7 ~~a plan for the evacuation of park residents to a safe~~
8 ~~place of shelter in times of severe weather including~~
9 ~~tornadoes and high winds if the county determines that~~
10 ~~a safe place of shelter is available within a~~
11 ~~reasonable distance of the mobile home park for use by~~
12 ~~park residents. Each evacuation plan prepared~~
13 ~~pursuant to this subsection shall be filed with, and~~
14 ~~approved by, the local emergency management agency.~~
15 If construction of a storm".
16 2. By striking page 8, line 34, through page 9,
17 line 9, and inserting the following: "1, 1999. ~~In~~
18 ~~lieu of requiring construction of a storm shelter, a~~
19 ~~city may require a park owner to provide a plan for~~
20 ~~the evacuation of park residents to a safe place of~~
21 ~~shelter in times of severe weather including tornadoes~~
22 ~~and high winds if the city determines that a safe~~
23 ~~place of shelter is available within a reasonable~~
24 ~~distance of the mobile home park for use by park~~
25 ~~residents. Each evacuation plan prepared pursuant to~~
26 ~~this subsection shall be filed with, and approved by,~~
27 ~~the local emergency management agency. If~~
28 construction of a storm shelter is required, an".

O. GENE MADDOX

S-3371

1 Amend House File 579, as passed by the House, as
2 follows:
3 1. Page 1, line 12, by striking the words and
4 figures "subsection 2, Code 2001, is" and inserting
5 the following: "subsections 2 and 3, Code 2001, are".
6 2. Page 1, line 15, by inserting after the word
7 "action" the following: "diversity and
8 multicultural".
9 3. Page 1, line 17, by striking the word
10 "governor." and inserting the following: "governor

- 11 and the general assembly. The report shall include
 12 information identifying funding sources and itemized
 13 costs, including administrative costs, for these
 14 programs."
 15 4. Page 1, by inserting after line 17, the
 16 following:
 17 "3. The state board of regents shall submit an
 18 annual report of the affirmative action, diversity,
 19 and multicultural accomplishments of the board and its
 20 institutions by January 31 of each year to the
 21 ~~department of management~~ general assembly. The report
 22 shall include information identifying funding sources
 23 and itemized costs, including administrative costs,
 24 for these programs."
 25 5. Title page, page 2, by inserting after the
 26 word "personnel" the following: "and the state board
 27 of regents".
 28 6. By renumbering as necessary.

STEVE KING
 DAVID MILLER
 KITTY REHBERG
 MARK ZIEMAN
 NEAL SCHUERER
 JEFF ANGELO
 LARRY McKIBBEN
 JEFF LAMBERTI
 PAUL McKINLEY
 NANCY BOETTGER
 JERRY BEHN

S-3372

- 1 Amend House File 502, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, by striking line 5, and inserting the
 4 following:
 5 "___ A person who violates this section as it
 6 applies to a research crop or crop operation".
 7 2. Page 6, by striking line 18, and inserting the
 8 following:
 9 "___ A person who violates this section as it
 10 applies to a crop other than a research crop".
 11 3. By renumbering as necessary.

SANDRA GREINER

S-3373

- 1 Amend Senate File 514 as follows:
 2 1. By striking page 5, line 22, through page 15,

3 line 18, and inserting the following:

4 "Sec. ____ NEW SECTION. 331.440B COUNTY LEVIES,
5 FUNDS, BUDGETS, AND EXPENDITURES.

6 For the fiscal year beginning July 1, 2002, this
7 section and sections 331.440C through 331.440I shall
8 apply to counties that, as of June 30, 2001, have less
9 than a triple A bond rating.

10 Sections 331.421, 331.423, 331.424C through
11 331.426, do not apply to this part. References in the
12 Code of Iowa to these sections do not apply to
13 counties described in this section.

14 Sec. ____ NEW SECTION. 331.440C DEFINITIONS.

15 As used in this part, unless the context otherwise
16 requires:

17 1. "Committee" means the county finance committee
18 established in chapter 333A.

19 2. "Debt service" means expenditures for servicing
20 the county's debt.

21 3. "Debt service levy" means a levy authorized and
22 limited by section 331.422, subsection 3.

23 4. "Emergency services levy" means a levy
24 authorized and limited by section 331.424C.

25 5. "Fiscal year" means the period of twelve months
26 beginning July 1 and ending on the following June 30.

27 6. "General county services" means the services
28 which are primarily intended to benefit all residents
29 of a county, including secondary road services, but
30 excluding services financed by other statutory funds.

31 7. "Item" means a budgeted expenditure,
32 appropriation, or cash reserve from a fund for a
33 service area, program, program element, or purpose.

34 8. "Rural county services" means the services
35 which are primarily intended to benefit those persons
36 residing in the county outside of incorporated city
37 areas, including secondary road services, but
38 excluding services financed by other statutory funds.

39 9. "Secondary road services" means the services
40 related to secondary road construction and
41 maintenance, excluding debt service and services
42 financed by other statutory funds.

43 Sec. ____ NEW SECTION. 331.440D PROPERTY TAX
44 DOLLARS -- MAXIMUMS.

45 1. Annually, the board shall determine separate
46 property tax levy limits to pay for general county
47 services and rural county services in accordance with
48 this section. The property tax levies separately
49 certified for general county services and rural county
50 services in accordance with section 331.434 shall not

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- 1 exceed the amount determined under this section.
2 2. For purposes of this section and section
3 331.440E:
- 4 a. "Annual price index" means the change, computed
5 to four decimal places, between the preliminary price
6 index for the third quarter of the calendar year
7 preceding the calendar year in which the fiscal year
8 starts and the revised price index for the third
9 quarter of the previous calendar year as published in
10 the same issue in which such preliminary price index
11 is first published. The price index used shall be the
12 state and local government chain-type price index used
13 in the quantity and price indexes for gross domestic
14 product as published by the United States department
15 of commerce. The annual price index shall not be less
16 than zero and shall not exceed four hundredths. The
17 change shall then be added to one to create a
18 multiplier for the annual price index.
- 19 b. "Boundary adjustment" means annexation,
20 severance, incorporation, or discontinuance as those
21 terms are defined in section 368.1.
- 22 c. "Budget year" is the fiscal year beginning
23 during the calendar year in which a budget is first
24 certified.
- 25 d. "Current fiscal year" is the fiscal year ending
26 during the calendar year in which a budget is first
27 certified.
- 28 e. "Local sales and services taxes" means local
29 sales and services taxes imposed under the authority
30 of chapter 422B.
- 31 f. "Net new valuation taxes" means the amount of
32 property tax dollars equal to the tentative maximum
33 general rate for purposes of the general fund, or the
34 tentative maximum rural rate for purposes of the rural
35 services fund, times the increase from the previous
36 fiscal year in taxable valuation due to the following:
- 37 (1) Net new construction.
38 (2) Additions or improvements to existing
39 structures.
40 (3) Remodeling of existing structures for which a
41 building permit is required.
42 (4) Net boundary adjustment.
43 (5) A municipality no longer dividing tax revenues
44 in an urban renewal area as provided in section
45 403.19, to the extent that the incremental valuation
46 released is due to new construction or revaluation of
47 property newly constructed after the division of
48 revenue begins.
49 (6) That portion of taxable property located in an
50 urban revitalization area on which an exemption was

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- 1 allowed and such exemption has expired.
- 2 g. "Property tax replacement dollars" means
3 revenues received under sections 427B.17 through
4 427B.19D, revenues received under chapter 437A,
5 subchapter II, and amounts appropriated by the general
6 assembly for property tax relief first enacted for
7 fiscal years beginning on or after July 1, 2001.
- 8 h. "Tentative maximum general rate" means the
9 amount calculated in subsection 3, paragraph "b",
10 subparagraph (1), divided by the net taxable valuation
11 in the county. For purposes of this paragraph, "net
12 taxable valuation" is the amount of taxable valuation
13 in the county minus the amount of taxable valuation
14 used to calculate net new valuation taxes.
- 15 i. "Tentative maximum rural rate" means the amount
16 calculated in subsection 3, paragraph "c",
17 subparagraph (1), divided by the net taxable valuation
18 in the unincorporated area of the county. For
19 purposes of this paragraph, "net taxable valuation" is
20 the amount of taxable valuation in the unincorporated
21 area of the county minus the amount of taxable
22 valuation in the unincorporated area of the county
23 used to calculate net new valuation taxes.
- 24 j. "Unused taxing authority" means the maximum
25 amount of property tax dollars calculated under
26 subsection 3 for a fiscal year minus the amount
27 actually levied under this section in that fiscal
28 year. Unused taxing authority may be carried forward
29 to the following fiscal year. However, the amount of
30 unused taxing authority which may be carried forward
31 shall not exceed twenty-five percent of the maximum
32 amount of property tax dollars available in the
33 current fiscal year.
- 34 3. a. Effective for the fiscal year beginning
35 July 1, 2002, the maximum amount of property tax
36 dollars levied which may be certified by a county for
37 general county services and rural county services
38 shall be the tentative maximum property tax dollars
39 calculated under paragraphs "b" and "c", respectively,
40 and adjusted by the amounts in paragraphs "d", "e",
41 and "f".
- 42 b. The tentative maximum property tax dollars for
43 general county services is an amount equal to the sum
44 of the following:
- 45 (1) The current fiscal year's tentative maximum
46 property tax dollars for general county services minus
47 the unused taxing authority carried forward from the
48 previous fiscal year times the annual price index.
- 49 (2) The amount of net new valuation taxes.
- 50 (3) The amount of unused taxing authority carried

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- 1 forward from the previous fiscal year.
- 2 c. The tentative maximum property tax dollars for
3 rural county services is an amount equal to the sum of
4 the following:
- 5 (1) The current fiscal year's tentative maximum
6 property tax dollars for rural county services minus
7 the unused taxing authority carried forward from the
8 previous fiscal year times the annual price index.
- 9 (2) The amount of net new valuation taxes.
- 10 (3) The amount of unused taxing authority carried
11 forward from the previous fiscal year.
- 12 d. Subtract the amount of property tax replacement
13 dollars to be received for the budget year that will
14 be deposited in the general fund or the rural services
15 fund, as applicable.
- 16 e. Subtract the amount of local sales and services
17 taxes for property tax relief estimated by the
18 department of revenue and finance to be received for
19 the budget year that will be deposited in the general
20 fund or the rural services fund, as applicable.
- 21 f. Subtract the amount of local sales and services
22 taxes received for property tax relief in the previous
23 fiscal year for the county general fund and rural
24 services fund, and add the amount of local sales and
25 services taxes that was budgeted for property tax
26 relief for each of those funds in that fiscal year.
- 27 3A. Property taxes certified for deposit in the
28 mental health, mental retardation, and developmental
29 disabilities services fund in section 331.424A, the
30 cemetery fund in section 331.440H, the county
31 supplemental funds in section 331.440I, and the debt
32 service fund in section 331.430, any capital projects
33 fund established by the county for deposit of bond,
34 loan, or note proceeds, and any temporary increase
35 approved pursuant to section 331.424 are not counted
36 against the maximum amount of property tax dollars
37 that may be certified for a fiscal year under
38 subsection 3.
- 39 4. The department of management shall adopt rules
40 to administer this section and section 331.423A after
41 consultation with the county finance committee.
- 42 Sec. __. NEW SECTION. 331.440E BASE YEAR
43 PROPERTY TAX DOLLARS.
- 44 1. For purposes of calculating maximum property
45 tax dollars under section 331.423, the tentative
46 maximum property tax dollars for the fiscal year
47 beginning July 1, 2000, for general county services
48 shall be calculated as provided in this subsection.
- 49 a. The tentative maximum amount of property tax
50 dollars for general county services for taxes payable

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1 in the fiscal year beginning July 1, 2000, shall be an
2 amount equal to the sum of the following, divided by
3 three, and adjusted by the amounts in paragraph "b":

4 (1) The sum of the amount of property taxes levied
5 for general county services and the amount of property
6 tax replacement dollars received and the amount of
7 local sales and services tax revenues received as
8 property tax relief and deposited in the general fund,
9 all for the fiscal year".

10 2. Page 15, by striking lines 20 through 26, and
11 inserting the following:

12 "(2) The sum of the amount of property taxes
13 levied for general county services and the amount of
14 property tax replacement dollars received and the
15 amount of local sales and services tax revenues
16 received as property tax relief and deposited in the
17 general fund, all for the fiscal year".

18 3. Page 15, by striking lines 28 through 34, and
19 inserting the following:

20 "(3) The sum of the amount of property taxes
21 levied for general county services and the amount of
22 property tax replacement dollars received and the
23 amount of local sales and services tax revenues
24 received as property tax relief and deposited in the
25 general fund, all for the fiscal year".

26 4. By striking page 16, line 1, through page 21,
27 line 28, and inserting the following:

28 "b. The amount computed under the formula in
29 paragraph "a" shall be adjusted by subtracting the
30 amount of the ending fund balance differential for
31 general county services as provided in this paragraph.
32 The ending fund balance differential for general
33 county services is the difference between the general
34 fund's ending balance for the fiscal year beginning
35 July 1, 1999, and the general fund's ending balance
36 for the fiscal year beginning July 1, 1996, divided by
37 three.

38 2. For purposes of calculating maximum property
39 tax dollars under section 331.423, the tentative
40 maximum property tax dollars for the fiscal year
41 beginning July 1, 2000, for rural county services
42 shall be calculated as provided in this subsection.

43 a. The tentative maximum amount of property tax
44 dollars for rural county services for taxes payable in
45 the fiscal year beginning July 1, 2000, shall be an
46 amount equal to the sum of the following, divided by
47 three, and adjusted by the amounts in paragraph "b":

48 (1) The sum of the amount of property taxes levied
49 for rural county services and the amount of property
50 tax replacement dollars received and the amount of

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1 local sales and services tax revenues received as
 2 property tax relief and deposited in the rural
 3 services fund, all for the fiscal year beginning July
 4 1, 1997, times one and one hundred ten thousandths.

5 (2) The sum of the amount of property taxes levied
 6 for rural county services and the amount of property
 7 tax replacement dollars received and the amount of
 8 local sales and services tax revenues received as
 9 property tax relief and deposited in the rural
 10 services fund, all for the fiscal year beginning July
 11 1, 1998, times one and eighty-nine thousandths.

12 (3) The sum of the amount of property taxes levied
 13 for rural county services and the amount of property
 14 tax replacement dollars received and the amount of
 15 local sales and services tax revenues received as
 16 property tax relief and deposited in the rural
 17 services fund, all for the fiscal year beginning July
 18 1, 1999, times one and sixty-seven thousandths.

19 b. The amount computed under the formula in
 20 paragraph "a" shall be adjusted by subtracting the
 21 amount of the ending fund balance differential for
 22 rural county services as provided in this paragraph.
 23 The ending fund balance differential for rural county
 24 services is the difference between the rural services
 25 fund's ending balance for the fiscal year beginning
 26 July 1, 1999, and the rural services fund's ending
 27 balance for the fiscal year beginning July 1, 1996,
 28 divided by three.

29 3. a. The tentative maximum amount of property
 30 tax dollars for general county services for taxes
 31 payable in the fiscal year beginning July 1, 2001, is
 32 an amount equal to the amount computed in subsection 1
 33 times the annual price index plus the amount of net
 34 new valuation taxes.

35 b. The tentative maximum amount of property tax
 36 dollars for rural county services for taxes payable in
 37 the fiscal year beginning July 1, 2001, is an amount
 38 equal to the amount computed in subsection 2 times the
 39 annual price index plus the amount of net new
 40 valuation taxes.

41 4. Each county shall calculate its tentative
 42 maximum property tax dollars under this section on
 43 forms prescribed by the department of management.

44 Sec. __. NEW SECTION. 331.440F ENDING FUND
 45 BALANCE.

46 1. Budgeted ending fund balances for a fiscal year
 47 in excess of twenty-five percent of budgeted
 48 expenditures in either the general services fund or
 49 rural county services fund for that fiscal year shall
 50 be explicitly reserved or designated for a specific

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1 purpose and specifically described in the certified
2 budget. The description shall include the projected
3 date that the expenditures will be appropriated for
4 the specific purpose. In a protest to the county
5 budget under section 331.436, the county shall have
6 the burden of proving that the budgeted balances in
7 excess of twenty-five percent are reasonably likely to
8 be appropriated for the explicitly reserved or
9 designated specific purpose by the date identified in
10 the certified budget. The excess budgeted balance for
11 the specific purpose shall be considered an increase
12 in an item in the budget for purposes of section
13 24.28.

14 2. For the fiscal year beginning July 1, 2002, a
15 county may levy additional property taxes pursuant to
16 this subsection. The amount of the additional
17 property taxes which may be levied is equal to the
18 amount by which twenty-five percent of combined actual
19 expenditures for general county services and rural
20 county services in the fiscal year beginning July 1,
21 2000, exceeded the combined actual ending fund
22 balances for the general fund and the rural county
23 services fund in that fiscal year. The amount of the
24 additional property taxes shall be divided between the
25 general fund and the rural services fund in proportion
26 to the amount of actual expenditures for general
27 county services to total actual expenditures for
28 general and rural county services for the fiscal year
29 beginning July 1, 2000, and in proportion to the
30 amount of actual expenditures for rural county
31 services to total actual expenditures for general and
32 rural county services for the fiscal year beginning
33 July 1, 2000. However, the amount apportioned for
34 general county services and for rural county services
35 shall not exceed for each fund twenty-five percent of
36 actual expenditures for the fiscal year beginning July
37 1, 2000. All or a portion of the additional property
38 tax dollars may be levied for the purpose of
39 increasing cash reserves for general county services
40 and rural county services in the budget year. The
41 balance of the increase may be carried forward as
42 unused ending fund balance taxing authority until and
43 for the fiscal year beginning July 1, 2004. The
44 amount carried forward, when combined with unused
45 taxing authority shall not exceed twenty-five percent
46 of the maximum amount of property tax dollars
47 available in the current fiscal year. Additionally,
48 property taxes that are levied as unused taxing
49 authority under this subsection may be the subject of
50 a protest under section 331.436 and the amount will be

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1 considered an increase in an item in the budget for
2 purposes of section 24.28. The amount of additional
3 property taxes levied under this subsection shall not
4 be included in the computation of the maximum amount
5 of property tax dollars which may be certified and
6 levied under section 331.423.

7 Sec. ____ NEW SECTION. 331.440G AUTHORITY TO
8 LEVY BEYOND MAXIMUM PROPERTY TAX DOLLARS.

9 1. The board may certify additions to the maximum
10 amount of property tax dollars to be levied for a
11 period of time not to exceed two years if the
12 proposition has been submitted at a special election
13 and received a favorable majority of the votes cast on
14 the proposition.

15 2. The special election is subject to the
16 following:

17 a. The board must give at least thirty-two days'
18 notice to the county commissioner of elections that
19 the special election is to be held.

20 b. The special election shall be conducted by the
21 county commissioner of elections in accordance with
22 law.

23 c. The proposition to be submitted shall be
24 substantially in the following form:

25 "Vote "yes" or "no" on the following:

26 Shall the county of _____ levy for an additional
27 \$_____ each year for ___ years beginning July 1,
28 _____, in excess of the statutory limits otherwise
29 applicable for the (general county services or rural
30 services) fund?"

31 d. The canvass shall be held beginning at one p.m.
32 on the second day which is not a holiday following the
33 special election.

34 e. Notice of the special election shall be
35 published at least once in a newspaper as specified in
36 section 331.305 prior to the date of the special
37 election. The notice shall appear as early as
38 practicable after the board has voted to seek
39 additional property tax dollars.

40 3. Registered voters in the county may vote on the
41 proposition to increase property taxes for the general
42 fund in excess of the statutory limit. Registered
43 voters residing outside the corporate limits of a city
44 within the county may vote on the proposition to
45 increase property taxes for the rural services fund in
46 excess of the statutory limit.

47 4. The amount of additional property tax dollars
48 certified under this subsection shall not be included
49 in the computation of the maximum amount of property
50 tax dollars which may be certified and levied under

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1 section 331.423.

2 Sec. ____ NEW SECTION. 331.440H CEMETERY LEVY
3 AND FUND.

4 The board may levy annually a tax not to exceed six
5 and three-fourths cents per thousand dollars of the
6 assessed value of all taxable property in the county
7 to repair and maintain all cemeteries under the
8 jurisdiction of the board including pioneer cemeteries
9 and to pay other expenses of the board or the cemetery
10 commission as provided in section 331.325. The
11 proceeds of the tax levy shall be credited to the
12 cemetery fund.

13 Sec. ____ Section 331.325, Code 2001, is amended
14 to read as follows:

15 331.325 CONTROL AND MAINTENANCE OF PIONEER
16 CEMETERIES -- CEMETERY COMMISSION.

17 1. As used in this section, "pioneer cemetery"
18 means a cemetery where there have been six or fewer
19 burials in the preceding fifty years.

20 2. Each county board of supervisors may adopt an
21 ordinance assuming jurisdiction and control of pioneer
22 cemeteries in the county. The board shall exercise
23 the powers and duties of township trustees relating to
24 the maintenance and repair of cemeteries in the county
25 as provided in sections 359.28 through 359.41 except
26 that the board shall not certify a tax levy pursuant
27 to section 359.30 or 359.33 and except that the
28 maintenance and repair of all cemeteries under the
29 jurisdiction of the county including pioneer
30 cemeteries shall be paid from the county general fund
31 or the cemetery fund established in section 331.440H,
32 if applicable. The maintenance and improvement
33 program for a pioneer cemetery may include restoration
34 and management of native prairie grasses and
35 wildflowers.

36 3. In lieu of management of the cemeteries, the
37 board of supervisors may create, by ordinance, a
38 cemetery commission to assume jurisdiction and
39 management of the pioneer cemeteries in the county.
40 The ordinance shall delineate the number of
41 commissioners, the appointing authority, the term of
42 office, officers, employees, organizational matters,
43 rules of procedure, compensation and expenses, and
44 other matters deemed pertinent by the board. The
45 board may delegate any power and duties relating to
46 cemeteries which may otherwise be exercised by
47 township trustees pursuant to sections 359.28 through
48 359.41 to the cemetery commission except the
49 commission shall not certify a tax levy pursuant to
50 section 359.30 or 359.33 and except that the expenses

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1 of the cemetery commission shall be paid from the
 2 county general fund or the cemetery fund in section
 3 331.440H, if applicable.

4 4. Notwithstanding sections 359.30 and 359.33, the
 5 costs of management, repair, and maintenance of
 6 pioneer cemeteries shall be paid from the county
 7 general fund or the cemetery fund in section 331.440H,
 8 if applicable.

9 Sec. ____ Section 331.429, subsection 1, Code
 10 2001, is amended by adding the following new
 11 paragraph:

12 NEW PARAGRAPH. f. Notwithstanding paragraphs "a"
 13 and "b", transfers from the general fund or rural
 14 services fund in accordance with this paragraph. If a
 15 county is participating in a pilot project under
 16 division IV, part 2A, the board may transfer
 17 additional funds from the general fund or rural
 18 services fund in excess of the amounts in paragraphs
 19 "a" and "b" if the proposition has been submitted at a
 20 special election and received a favorable majority of
 21 the votes cast on the proposition. The board shall
 22 direct the county commissioner of elections to submit
 23 the proposition at an election. The board must give
 24 at least thirty-two days' notice to the county
 25 commissioner of elections that the special election is
 26 to be held. For a transfer from the general fund,
 27 registered voters of the county may vote on the
 28 proposition. For a transfer from the rural services
 29 fund, registered voters of the county residing outside
 30 the corporate limits of a city within the county may
 31 vote on the proposition. The proposition to be
 32 submitted shall be substantially in the following
 33 form:

34 "Vote "yes" or "no" on the following question:
 35 Shall the county of _____ transfer an additional
 36 \$_____ each year for two years beginning July 1,
 37 ____, from the (general fund or rural services fund)
 38 to the secondary road fund?"

39 Notice of the special election shall be published
 40 at least once in a newspaper in the manner provided in
 41 section 331.305. Notice of the special election shall
 42 appear as early as practicable after the board has
 43 voted to transfer funds from the general fund or rural
 44 services fund to the secondary road fund.

45 If a majority of the votes cast are in favor of the
 46 proposition, the board shall certify the results of
 47 the election to the department of management and
 48 transfer the approved amount to the secondary road
 49 fund in the appropriate fiscal year.

50 Sec. ____ NEW SECTION. 331.440I COUNTY

Page 11

1 SUPPLEMENTAL FUNDS.
 2 A county may establish county supplemental funds
 3 for the following purposes:
 4 1. Accounting for pension and related employee
 5 benefit funds as provided by the county finance
 6 committee. A county may certify taxes to be levied
 7 for a county supplemental fund in the amount necessary
 8 to meet its obligations.
 9 2. Accounting for gifts received by the county for
 10 a particular purpose.
 11 3. Accounting for money and property received and
 12 handled by the county as trustee or custodian or in
 13 the capacity of an agent.
 14 4. Accounting for tort liability insurance,
 15 property insurance, and any other insurance that may
 16 be necessary in the operation of the county, costs of
 17 a self-insurance program, costs of a local government
 18 risk pool, and amounts payable under any insurance
 19 agreements to provide or procure such insurance, self-
 20 insurance program, or local government risk pool."
 21 5. By renumbering and correcting internal
 22 references as necessary.

ROBERT E. DVORSKY

S-3374

HOUSE AMENDMENT TO
 SENATE FILE 349

1 Amend Senate File 349, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking line 26, and inserting the
 4 following: "a".
 5 2. Page 1, by striking lines 31 through 35 and
 6 inserting the following:
 7 "c. A person may initiate a complaint or
 8 investigation under this section by providing
 9 anonymous information to the board. The board shall
 10 regard any anonymous information submitted to it as
 11 confidential, pursuant to section 22.7, subsection 18,
 12 until the board determines that there is no probable
 13 cause to believe a violation has occurred, until the
 14 board directs administrative resolution or informal
 15 settlement of the matter, or until a notice of a
 16 contested case proceeding is issued under subsection
 17 9."

S-3375

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 356

- 1 Amend the Senate amendment, H-1478, to House File
2 356, as passed by the House, as follows:
- 3 1. Page 1, line 5, by striking the word "Sec.
4 ____." and inserting the following: "Sec. 9."
5 2. Page 1, by striking line 18 and inserting the
6 following: "'courts.
7 Sec. 10. Section 9 of this Act, being deemed of
8 immediate importance, takes effect upon enactment and
9 applies retroactively to February 28, 2001."
10 _____. Title page, line 2, by inserting after the
11 word "law" the following: "and providing an effective
12 date and retroactive applicability"."

S-3376

HOUSE AMENDMENT TO
SENATE FILE 346

- 1 Amend Senate File 346, as passed by the Senate, as
2 follows:
- 3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 232.68, subsection 2, Code
6 2001, is amended by adding the following new
7 paragraph:
8 NEW PARAGRAPH. g. The commission of bestiality in
9 the presence of a minor under section 717C.1 by a
10 person who resides in a home with a child, as a result
11 of the acts or omissions of a person responsible for
12 the care of the child."
13 2. Page 1, line 12, by striking the words "~~may~~
14 shall" and inserting the following: "may".
15 3. Page 1, by inserting after line 15, the
16 following:
17 "Sec. ____ NEW SECTION. 717C.1 BESTIALITY.
18 1. For purposes of this section:
19 a. "Animal" means any nonhuman vertebrate, either
20 dead or alive.
21 b. "Sex act" means any sexual contact between a
22 person and an animal by penetration of the penis into
23 the vagina or anus, contact between the mouth and
24 genitalia, or by contact between the genitalia of one
25 and the genitalia or anus of the other.
26 2. A person who performs a sex act with an animal,
27 is guilty of an aggravated misdemeanor.

28 3. Upon a conviction for a violation of this
29 section, and in addition to any sentence authorized by
30 law, the court shall require the person to submit to a
31 psychological evaluation and treatment at the person's
32 expense."

33 4. Page 2, by inserting after line 27 the
34 following:

35 "Sec. ____ Section 904.310, Code 2001, is amended
36 to read as follows:

37 904.310 CANTEENS.

38 The director may maintain a canteen at an
39 institution under the director's jurisdiction for the
40 sale to persons confined in the institution of items
41 such as toilet articles, candy, tobacco products,
42 notions, and other sundries, and may provide the
43 necessary facilities, equipment, personnel, and
44 merchandise for the canteen. The director shall
45 specify the items to be sold in the canteen. The
46 department may establish and maintain a permanent
47 operating fund for each canteen. The fund shall
48 consist of the receipts from the sale of commodities
49 at the canteen and donations designated by inmates for
50 reimbursement of victims' travel expenses. Any money

Page 2

1 in the fund over the amount needed to do normal
2 business transactions, ~~and~~ to reimburse any accounts
3 which have subsidized the canteen fund, and to
4 reimburse victims' travel expenses, shall be
5 considered profit. This money may remain in the
6 canteen fund and be used for any purchase which the
7 superintendent approves that will directly and
8 collectively benefit the inmates of the institution or
9 to reimburse victims' travel expenses."

10 5. Page 3, line 8, by inserting after the word
11 "later." the following: "However, a recording of
12 testimony involving any employee of the department
13 shall continue to be filed and maintained until the
14 employee no longer is employed by the department."

15 6. By striking page 3, line 9, through page 4,
16 line 4.

17 7. Title page, line 2, by inserting after the
18 word "officers," the following: "for the creation of
19 a new criminal offense with a correctional impact,".

20 8. By renumbering as necessary.

S-3377

HOUSE AMENDMENT TO
SENATE FILE 458

1 Amend Senate File 458, passed by the Senate, as
2 follows:

3 1. Page 5, line 17, by inserting after the word
4 "determines" the following: "by clear and convincing
5 evidence that".

6 2. Page 8, by inserting after line 35, the
7 following:

8 "Sec. ____ Section 232.73, unnumbered paragraph 2,
9 Code 2001, is amended to read as follows:

10 As used in this section and ~~section in sections~~
11 232.77 and 232.78, "medically relevant test" means a
12 test that produces reliable results of exposure to
13 cocaine, heroin, amphetamine, methamphetamine, or
14 other illegal drugs, or combinations or derivatives
15 ~~thereof of the illegal drugs~~, including a drug urine
16 screen test.

17 Sec. ____ Section 232.78, subsection 1, paragraph
18 b, Code 2001, is amended to read as follows:

19 b. It appears that the child's immediate removal
20 is necessary to avoid imminent danger to the child's
21 life or health. The circumstances or conditions
22 indicating the presence of such imminent danger shall
23 include but are not limited to any of the following:

24 (1) The refusal or failure of the person
25 responsible for the care of the child to comply with
26 the request of a peace officer, juvenile court
27 officer, or child protection worker for such person to
28 obtain and provide to the requester the results of a
29 physical or mental examination of the child. The
30 request for a physical examination of the child may
31 specify the performance of a medically relevant test.

32 (2) The refusal or failure of the person
33 responsible for the care of the child or a person
34 present in the person's home to comply with a request
35 of a peace officer, juvenile court officer, or child
36 protection worker for such a person to submit to and
37 provide to the requester the results of a medically
38 relevant test of the person."

39 3. Page 12, by inserting after line 15 the
40 following:

41 "Sec. ____ Section 232.102, subsection 12,
42 unnumbered paragraph 1, Code 2001, is amended to read
43 as follows:

44 If the court determines by clear and convincing
45 evidence that aggravated circumstances exist, with
46 written findings of fact based upon evidence in the
47 record, the court may waive the requirement for making

48 reasonable efforts. The existence of aggravated
49 circumstances is indicated by any of the following:"
50 4. Page 13, by inserting after line 15 the

Page 2

1 following:

2 "Sec. 100. REHABILITATIVE TREATMENT SERVICES STAFF
3 REQUIREMENTS.

4 1. Subject to federal requirements, the department
5 of human services shall act to change the staff
6 qualification requirements for rehabilitative
7 treatment services provided under the medical
8 assistance program that are applicable to those staff
9 providing therapy and counseling services, and
10 psychosocial evaluation and behavioral management
11 services for children in therapeutic foster care.
12 Under the change, such staff who have graduated from
13 an accredited four-year college, institute, or
14 university with a bachelor's degree in social work in
15 a program that is accredited by the council on social
16 work education shall not be required to have full-time
17 experience in social work or experience in the
18 delivery of human services in a public or private
19 area.

20 2. If necessary to implement the change required
21 by this section, the department shall submit a plan
22 amendment or otherwise request authorization from the
23 United States health care financing administration.
24 In addition, as necessary to quickly implement the
25 change, the department may adopt emergency rules under
26 section 17A.4, subsection 2, and section 17A.5,
27 subsection 2, paragraph "b", to implement the
28 provisions of this section and the rules shall be
29 effective immediately upon filing unless a later date
30 is specified in the rules. Any rules adopted in
31 accordance with this section shall also be published
32 as a notice of intended action as provided in section
33 17A.4.

34 Sec. ____ EFFECTIVE DATE. Section 100, of this
35 division of this Act, relating to rehabilitative
36 treatment services staff requirements, being deemed of
37 immediate importance, takes effect upon enactment."

38 5. Page 14, by inserting after line 24 the
39 following:

40 "DIVISION ____

41 PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN

42 Sec. ____ Section 135H.10, Code 2001, is amended
43 by adding the following new subsection:

44 **NEW SUBSECTION.** 3. The department of human
45 services and any other state agency shall not require
46 a psychiatric medical institution for children to

47 collect client payments or otherwise enforce client
 48 financial participation for the services provided by
 49 the psychiatric institution.
 50 Sec. ____ Section 135H.10, Code 2001, is amended

Page 3

1 by adding the following new subsection:
 2 NEW SUBSECTION. 4. Unless expressly authorized in
 3 statute, the department of human services shall not
 4 include services provided by psychiatric medical
 5 institutions for children in any managed care
 6 contract."
 7 6. Title page, line 5, by inserting after the
 8 word "dispositions," the following: "psychiatric
 9 medical institutions for children,".
 10 7. Title page, line 5, by inserting after the
 11 word "rights" the following: ", and providing an
 12 effective date".
 13 8. By renumbering, relettering, or redesignating
 14 and correcting internal references as necessary.

S-3378

HOUSE AMENDMENT TO SENATE FILE 62

1 Amend Senate File 62, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 24, by striking the word
 4 "prepared," and inserting the following: "prepared;
 5 packaged".

S-3379

HOUSE AMENDMENT TO SENATE FILE 242

1 Amend Senate File 242, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 1 through 3, and
 4 inserting the following:
 5 "Section 1. NEW SECTION. 135B.7A PROCEDURES --
 6 ORDERS.
 7 The department shall adopt rules".
 8 2. Page 1, by inserting after line 7, the
 9 following:
 10 "Sec. ____ Section 135B.7A is repealed June 30,
 11 2007."
 12 3. Title page, line 2, by inserting after the
 13 word "hospitals" the following: "and providing for a

- 14 repeal".
15 4. By renumbering as necessary.

S-3380HOUSE AMENDMENT TO
SENATE FILE 222

- 1 Amend Senate File 222, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 10, by striking the word "eight"
4 and inserting the following: "ten".

S-3381HOUSE AMENDMENT TO
SENATE FILE 342

- 1 Amend Senate File 342, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 49.21, Code 2001, is amended
6 by adding the following new unnumbered paragraph:
7 The commissioner shall post a sign at the entrance
8 to the polling place informing the voters that
9 identification will be required before being allowed
10 to vote. The sign shall contain a list of the
11 acceptable forms of identification as those forms are
12 specified in section 49.77.
13 Sec. ____ Section 49.53, unnumbered paragraph 1,
14 Code 2001, is amended to read as follows:
15 The commissioner shall not less than four nor more
16 than twenty days before the day of each election,
17 except those for which different publication
18 requirements are prescribed by law, publish notice of
19 the election. The notice shall contain a facsimile of
20 the portion of the ballot containing the first
21 rotation as prescribed by section 49.31, subsection 2,
22 and shall show the names of all candidates or nominees
23 and the office each seeks, and all public questions,
24 to be voted upon at the election. The sample ballot
25 published as a part of the notice may at the
26 discretion of the commissioner be reduced in size
27 relative to the actual ballot but such reduction shall
28 not cause upper case letters appearing on the
29 published sample ballot to be less than five thirty-
30 sixths of an inch high in candidates' names or in
31 summaries of public measures. The notice shall also
32 state the date of the election, the hours the polls
33 will be open, the location of each polling place at

34 which voting is to occur in the election, the location
 35 of the polling places designated as early ballot pick-
 36 up sites, and the names of the precincts voting at
 37 each polling place, but the statement need not set
 38 forth any fact which is apparent from the portion of
 39 the ballot appearing as a part of the same notice.
 40 The notice shall also state that the voter must show
 41 identification to be allowed to vote and shall list
 42 the acceptable forms of identification as those forms
 43 are specified in section 49.77. The notice shall
 44 include the full text of all public measures to be
 45 voted upon at the election. The notice shall also
 46 include notice of testing required pursuant to
 47 sections 52.9, 52.35, and 52.38."
 48 2. Page 1, lines 1 and 2, by striking the words
 49 and figure "unnumbered paragraph 2,".
 50 3. Page 1, by striking lines 3 through 7, and

Page 2

1 inserting the following:
 2 "~~3. A precinct election official shall require any~~
 3 ~~person whose name does not appear on the election~~
 4 ~~register as an active voter to show identification.~~
 5 ~~Specific documents which are acceptable forms of~~
 6 ~~identification shall be prescribed by the state~~
 7 ~~commissioner.~~
 8 A precinct election official ~~may~~ shall require of
 9 the voter ~~unknown to the official, identification upon~~
 10 ~~which the voter's signature or mark appears:~~ in the
 11 form of one of the following:
 12 a. A valid voter registration card.
 13 b. A valid Iowa driver's license.
 14 c. A valid nonoperator's identification card.
 15 d. A valid identification card issued by a branch,
 16 department, agency, or entity of the state of Iowa or
 17 any other state or the United States authorized to
 18 issue personal identification cards.
 19 e. A valid United States passport.
 20 f. A valid employee identification card.
 21 g. A health insurance membership card.
 22 h. A valid student identification card from a
 23 public or private school.
 24 i. A valid Iowa hunting or fishing license.
 25 j. A valid United States military identification
 26 card.
 27 k. United States military discharge or separation
 28 papers.
 29 l. A United States military dependent
 30 identification card.
 31 m. A certified copy of the voter's birth
 32 certificate.

- 33 n. A valid pilot's license.
- 34 o. A valid Iowa gun permit.
- 35 p. A valid social security card.
- 36 q. A certified copy of a naturalization document.
- 37 r. A marriage license or certificate.
- 38 s. A bureau of Indian affairs or Indian treaty
- 39 card.
- 40 t. A file-stamped decree of dissolution of
- 41 marriage or change of name of the voter.
- 42 **PARAGRAPH DIVIDED.** If identification is
- 43 established to the satisfaction of the precinct
- 44 election officials, the person ~~may~~ shall then be
- 45 allowed to vote."
- 46 4. Title page, lines 1 and 2, by striking the
- 47 words "containing a photograph".
- 48 5. By renumbering as necessary.

S-3382

- 1 Amend Senate File 528 as follows:
- 2 1. Page 1, by inserting after line 13 the
- 3 following:
- 4 "Sec. ____ PUBLIC TRANSIT ASSISTANCE APPROPRIATION
- 5 -- INNOCENT LANDOWNERS FUND. Notwithstanding the
- 6 limited use of moneys in the innocent landowners fund,
- 7 there is appropriated from the innocent landowners
- 8 fund created in section 455G.21 to the state
- 9 department of transportation for the fiscal year
- 10 beginning July 1, 2001, and ending June 30, 2002, the
- 11 following amount for purposes of public transit
- 12 assistance under chapter 324A:
- 13\$ 660,000"
- 14 2. By renumbering, redesignating, and correcting
- 15 internal references as necessary.

MIKE CONNOLLY

S-3383

- 1 Amend House File 696, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 9, by striking the word "if" and
- 4 inserting the following: "is".

MARY LOU FREEMAN

S-3384

- 1 Amend House File 687, as passed by the House, as
- 2 follows:
- 3 1. Page 4, by inserting after line 10, the

4 following:
 5 "Sec. ____ Section 8.54, subsections 7 and 8, Code
 6 2001, are amended by striking the subsections and
 7 inserting in lieu thereof the following:
 8 7. The governor shall transmit to the general
 9 assembly, in accordance with section 8.21, a budget
 10 which does not exceed the state general fund
 11 expenditure limitation. The general assembly shall
 12 pass a budget which does not exceed the state general
 13 fund expenditure limitation. The governor shall not
 14 transmit a budget with recommended appropriations in
 15 excess of the state general fund expenditure
 16 limitation and the general assembly shall not pass a
 17 budget with appropriations in excess of the state
 18 general fund expenditure limitation. In complying
 19 with the requirements of this subsection, the governor
 20 and the general assembly shall not rely on any
 21 anticipated reversion of appropriations in order to
 22 meet the state general fund expenditure limitation."
 23 2. Title page, line 2, by inserting before the
 24 word "strategic" the following: "the state budget and
 25 expenditures,".

JEFF LAMBERTI

S-3385

HOUSE AMENDMENT TO
 SENATE CONCURRENT RESOLUTION 24

1 Amend Senate Concurrent Resolution 24, as passed by
 2 the Senate, as follows:
 3 1. Page 1, line 6, by inserting after the words
 4 "honoring the" the following: "architect,".
 5 2. Page 1, line 29, by striking the word
 6 "contractors" and inserting the following:
 7 "architect, contractors,".
 8 3. Page 2, line 2, by inserting after the word
 9 "Capitol:" the following: "RDG Bussard Dikis;".

S-3386

1 Amend Senate File 491 as follows:
 2 1. Page 1, line 13, by inserting after the word
 3 "million" the following: ". two hundred fifty
 4 thousand".
 5 2. Page 1, line 15, by striking the words "five
 6 million" and inserting the following: "six million,
 7 two hundred fifty thousand".
 8 3. Page 1, by striking lines 21 through 26, and
 9 inserting the following: "surcharge."

- 10 4. Page 1, line 27, by striking the words "the
- 11 state."
- 12 5. Page 2, line 14, by inserting after the word
- 13 "state." the following: "If colocation at community
- 14 colleges if not feasible, the department shall
- 15 attempt, to the extent possible, to colocate offices
- 16 in the facilities of other government entities."
- 17 6. By renumbering as necessary.

JERRY BEHN

S-3387

- 1 Amend Senate File 527 as follows:
- 2 1. Page 1, line 18, by striking the figure
- 3 "113,792,166" and inserting the following:
- 4 "113,520,551".
- 5 2. Page 1, by inserting after line 18 the
- 6 following:
- 7 "For the juvenile victim restitution program:
- 8\$ 210,291
- 9 For compensation of judicial hospitalization
- 10 referees:
- 11\$ 589,053"
- 12 3. Page 4, by inserting after line 10 the
- 13 following:
- 14 "Sec. ____ Section 602.1304, subsection 2,
- 15 paragraph a, Code 2001, is amended to read as follows:
- 16 a. The enhanced court collections fund is created
- 17 in the state treasury under the authority of the
- 18 supreme court. The fund shall be separate from the
- 19 general fund of the state and the balance in the fund
- 20 shall not be considered part of the balance of the
- 21 general fund of the state. Notwithstanding section
- 22 8.33, moneys in the fund shall not revert to the
- 23 general fund, unless and to the extent the total
- 24 amount of moneys deposited into the fund in a fiscal
- 25 year would exceed the maximum annual deposit amount
- 26 established for the collections fund by the general
- 27 assembly. The initial maximum annual deposit amount
- 28 for a fiscal year is ~~four~~ three million four hundred
- 29 seventy-two thousand dollars. Notwithstanding section
- 30 12C.7, subsection 2, interest or earnings on moneys in
- 31 the collections fund shall remain in the collections
- 32 fund and any interest and earnings shall be in
- 33 addition to the maximum annual deposit amount."
- 34 4. By renumbering as necessary.

ROBERT E. DVORSKY

S-3388

- 1 Amend Senate File 528 as follows:
2 1. Page 1, by inserting after line 1, the
3 following:
4 "MOTOR VEHICLE USE TAX REVENUES
5 Sec. ____ Section 423.24, Code 2001, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 2A. Prior to the depositing and
8 crediting of revenues derived from the use tax on
9 motor vehicles, trailers, and motor vehicle
10 accessories and equipment as collected pursuant to
11 sections 423.7 and 423.7A in the manner described in
12 subsections 1 and 2, sixteen million four hundred
13 thousand dollars of the revenues shall be deposited
14 and credited annually to the general fund of the
15 state."
16 2. By renumbering as necessary.

JEFF LAMBERTI

S-3389

- 1 Amend House File 674, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 273.10, subsection 3,
6 unnumbered paragraph 2, Code 2001, is amended to read
7 as follows:
8 Approval, if granted, shall be for a term of ~~three~~
9 five years. However, the state board may grant
10 conditional approval for a term of less than ~~three~~
11 five years if conditions warrant."
12 2. Title page, line 1, by inserting after the
13 word "the" the following: "accreditation and".
14 3. By renumbering as necessary.

JOHN REDWINE
STEVEN D. HANSEN**S-3390**

- 1 Amend House File 656, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 15, by striking lines 2 through 22.
4 2. Title page, by striking lines 2 through 4, and
5 inserting the following: "or mobile homes, and

6 providing coordinating amendments."
 7 3. By renumbering as necessary.

JACK HOLVECK
 ANDY McKEAN

S-3391

1 Amend Senate File 530 as follows:
 2 1. Page 6, by striking line 6 and inserting the
 3 following:
 4 ".....\$ 32,689,447"
 5 2. Page 6, by striking line 14 and inserting the
 6 following:
 7 ".....\$ 24,468,043"
 8 3. Page 6, by striking line 24 and inserting the
 9 following:
 10 ".....\$ 22,399,908"
 11 4. Page 6, by striking line 30 and inserting the
 12 following:
 13 ".....\$ 23,767,363"
 14 5. Page 7, by striking line 3 and inserting the
 15 following:
 16 ".....\$ 22,192,522"
 17 6. Page 7, by striking line 9 and inserting the
 18 following:
 19 ".....\$ 7,418,288"
 20 7. Page 7, by striking line 15 and inserting the
 21 following:
 22 ".....\$ 18,442,768"
 23 8. Page 7, by striking line 26 and inserting the
 24 following:
 25 ".....\$ 12,856,582"
 26 9. Page 7, by striking line 32 and inserting the
 27 following:
 28 ".....\$ 25,963,004"
 29 10. Page 8, by striking line 6 and inserting the
 30 following:
 31 ".....\$ 341,334"

EUGENE S. FRAISE
 JOHNIE HAMMOND

S-3392

1 Amend House File 687, as passed by the House, as
 2 follows:
 3 1. Page 10, by inserting after line 9, the
 4 following:
 5 "Sec. ____ Section 18.3, Code 2001, is amended by
 6 adding the following new subsection:

7 NEW SUBSECTION. 2A. Approving and executing, in
 8 accordance with rules adopted by the director, all
 9 sole source contracts and all contracts with an
 10 aggregate cost exceeding twenty thousand dollars, for
 11 the purchase of equipment, supplies, or services, that
 12 are proposed by a state agency, except for purchases
 13 for equipment, supplies, or services used by the state
 14 department of transportation, institutions under the
 15 control of the state board of regents, the department
 16 for the blind, and any other agencies exempted by law.
 17 "Sole source contract" means a contract for the
 18 purchase of equipment, supplies, or services that is
 19 entered into or proposed to be entered into by a state
 20 agency, after soliciting and negotiating with only one
 21 source."

JEFF LAMBERTI

S-3393

1 Amend Senate File 530 as follows:
 2 1. Page 18, line 30, by striking the figure
 3 "14,267,794" and inserting the following:
 4 "14,793,660".
 5 2. Page 18, line 35, by striking the figure
 6 "20,339,965" and inserting the following:
 7 "19,814,099".

JEFF ANGELO

S-3394

1 Amend Senate File 530 as follows:
 2 1. Page 2, line 31, by striking the word "GASA"
 3 and inserting the following: "ODCP".
 4 2. Page 12, by striking lines 6 through 12.
 5 3. Page 18, by inserting after line 17 the
 6 following:
 7 "Sec. ____ . STATE AGENCY PURCHASES FROM PRISON
 8 INDUSTRIES.
 9 1. As used in this section, unless the context
 10 otherwise requires, "state agency" means the
 11 government of the state of Iowa, including but not
 12 limited to all executive branch departments, agencies,
 13 boards, bureaus, and commissions, the judicial branch,
 14 the general assembly and all legislative agencies,
 15 institutions within the purview of the state board of
 16 regents, and any corporation whose primary function is
 17 to act as an instrumentality of the state.
 18 2. State agencies are hereby encouraged to
 19 purchase products from Iowa state industries, as

20 defined in section 904.802, when purchases are
 21 required and the products are available from Iowa
 22 state industries.

23 3. State agencies shall submit to the legislative
 24 fiscal bureau by January 15, 2002, a report of the
 25 dollar value of products and services purchased from
 26 Iowa state industries by the state agency during the
 27 fiscal year beginning July 1, 2000, and ending June
 28 30, 2001."

29 4. Page 21, by striking lines 18 through 22 and
 30 inserting the following: "Of the full-time equivalent
 31 positions authorized in this subsection, the division
 32 of criminal investigation may use 2.00 FTEs for the
 33 establishment of an elderly crime unit if federal
 34 funding is obtained. If federal funding is obtained
 35 and subsequently discontinued, the 2.00 FTEs shall be
 36 eliminated."

37 5. Page 26, line 34, by inserting after the word
 38 "costs" the following: "as defined in the United
 39 States marshal's service cost sheet for detention
 40 services".

41 6. Page 27, by striking lines 4 through 23.

42 7. Page 28, line 1, by inserting after the word
 43 "costs" the following: "as defined in the United
 44 States marshal's service cost sheet for detention
 45 services".

46 8. Page 28, line 12, by inserting after the word
 47 "costs" the following: "as defined in the United
 48 States marshal's service cost sheet for detention
 49 services".

JEFF ANGELO

S-3395

1 Amend Senate File 526 as follows:

- 2 1. Page 1, line 2, by striking the word
- 3 "paragraphs" and inserting the following:
- 4 "paragraph".
- 5 2. Page 1, by striking lines 9 through 11.

JACK HOLVECK

S-3396

1 Amend the amendment, S-3362, to House File 643, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 1, line 8, by striking the word "shall"
- 5 and inserting the following: "may".
- 6 2. Page 1, line 10, by striking the words "on

7 public school property" and inserting the following:
 8 "through a public school".
 9 3. Page 1, by striking lines 12 through 18 and
 10 inserting the following: "of the school district.
 11 The approved hunter safety and ethics education course
 12 shall not be conducted within one thousand feet of an
 13 attendance center or any other school building in
 14 which classrooms are located.""

JOHNIE HAMMOND

S-3397

1 Amend House File 697, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by striking lines 24 through 27, and
 4 inserting the following:
 5 "c. One representative designated by the state
 6 board of regents."

KITTY REHBERG

S-3398

1 Amend Senate File 527 as follows:
 2 1. Page 4, by inserting after line 29 the
 3 following:
 4 "Sec. ____ ENHANCED COURT COLLECTIONS FUND-
 5 JUDICIAL HOSPITALIZATION REFEREES. Notwithstanding
 6 the requirements of section 602.1304 up to \$317,450 of
 7 the moneys collected and deposited in the enhanced
 8 court collections fund created in section 602.1304
 9 during the fiscal year beginning July 1, 2001, may be
 10 used by the court for compensation of judicial
 11 hospitalization referees."

ROBERT E. DVORSKY
 JEFF ANGELO

S-3399

1 Amend Senate File 531 as follows:
 2 1. By striking page 14, line 25, through page 15,
 3 line 2, and inserting the following:
 4 "Sec. ____ STATE WORKERS' COMPENSATION CLAIMS.
 5 There is appropriated from the general fund of the
 6 state to the department of personnel for the fiscal
 7 year beginning July 1, 2001, and ending June 30, 2002,
 8 the following amount, or so much thereof as is
 9 necessary, to be used for the purposes designated:
 10 For distribution, subject to approval of the

11 department of management, to various state departments
12 to fund the premiums for paying workers' compensation
13 claims which are assessed to and collected from the
14 state department by the department of personnel based
15 upon a rating formula established by the department of
16 personnel:

17\$ 1,700,000

18 Notwithstanding section 8.39, subsections 1, 3, and
19 4, the department of management may allocate the
20 premium appropriated in this section to the
21 appropriate offices, divisions, or subdivisions within
22 each state department as necessary to pay workers'
23 compensation premiums as recommended by the department
24 of personnel.

25 The premiums collected by the department of
26 personnel shall be segregated into a separate workers'
27 compensation fund in the state treasury to be used for
28 payment of state employees' workers' compensation
29 claims. Notwithstanding section 8.33, unencumbered or
30 unobligated moneys remaining in this workers'
31 compensation fund at the end of the fiscal year shall
32 not revert but shall be available for expenditure for
33 purposes of the fund for subsequent fiscal years.

34 Any funds received by the department of personnel
35 for workers' compensation purposes other than funds
36 appropriated in this section shall be used for the
37 payment of workers' compensation claims and
38 administrative costs."

39 2. By renumbering as necessary.

TOM FLYNN

S-3400

1 Amend Senate File 531 as follows:

2 1. Page 9, line 21, by striking the figure
3 "108.00" and inserting the following: "112.00".

4 2. By renumbering as necessary.

TOM FLYNN

S-3401

1 Amend Senate File 531 as follows:

2 1. Page 9, line 26, by striking the number
3 "728,715" And inserting the following: "877,970".

TOM FLYNN

S-3402

- 1 Amend Senate File 531 as follows:
- 2 1. Page 9, line 21, by striking the figure
- 3 "108.00" and inserting the following: "111.00".
- 4 2. By renumbering as necessary.

TOM FLYNN

S-3403

- 1 Amend Senate File 531 as follows:
- 2 1. Page 9, line 20, by striking the figure
- 3 "2,473,611" and inserting the following: "2,579,075".

TOM FLYNN

S-3404

- 1 Amend Senate File 531 as follows:
- 2 1. Page 9, line 21, by striking the figure
- 3 "108.00" and inserting the following: "111.00".
- 4 2. By renumbering as necessary.

TOM FLYNN
NEAL SCHUERER**S-3405**

- 1 Amend Senate File 531 as follows:
- 2 1. Page 9, line 20, by striking the figure
- 3 "2,473,611" and inserting the following: "2,579,075".
- 4 2. Page 9, line 21, by striking the figure
- 5 "108.00" and inserting the following: "112.00".

TOM FLYNN

S-3406

- 1 Amend the Senate amendment, S-3394, to Senate File
- 2 530 as follows:
- 3 1. Page 1, by striking lines 37 through 40 and
- 4 inserting the following:
- 5 "____. Page 26, line 34, by striking the word
- 6 "costs" and inserting the following: "support
- 7 personnel costs as defined in the United States
- 8 marshal's service cost sheet for detention services"."
- 9 2. Page 1, by striking lines 42 through 49, and
- 10 inserting the following:
- 11 "____. Page 28, line 1, by striking the word

12 "costs" and inserting the following: "support
13 personnel costs as defined in the United States
14 marshal's service cost sheet for detention services".
15 ____ Page 28, line 12, by striking the word
16 "costs" and inserting the following: "support
17 personnel costs as defined in the United States
18 marshal's service cost sheet for detention services"."
19 3. By renumbering as necessary.

JEFF ANGELO

S-3407

1 Amend House File 670, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 13, by inserting after the figure
4 "25." the following: "A nontraditional practitioner
5 preparation program is exempt from the student
6 teaching or field experience requirements of section
7 272.25."
8 2. Page 1, line 19, by inserting before the word
9 "conditional" the following: "nontraditional".
10 3. Page 1, by striking line 28 and inserting the
11 following: "the practitioner's year of employment
12 under a nontraditional conditional".
13 4. Page 1, line 34, by inserting before the word
14 "conditional" the following: "nontraditional".
15 5. Page 2, line 2, by striking the figure and
16 word "3A. "Conditional" and inserting the following:
17 "5A. "Nontraditional conditional".
18 6. Page 2, line 21, by inserting before the word
19 "conditional" the following: "nontraditional".
20 7. Page 2, line 27, by inserting before the word
21 "conditional" the following: "nontraditional".
22 8. Page 2, line 34, by striking the words "and
23 who".
24 9. Page 3, line 2, by inserting after the word
25 "background," the following: "and can document, to
26 the satisfaction of the state board of educational
27 examiners, successful experience working with
28 children,".
29 10. Page 3, line 3, by inserting before the word
30 "conditional" the following: "nontraditional".
31 11. Page 3, line 4, by inserting after the word
32 "twelve" the following: "in the area of the
33 individual's academic background and employment
34 experience".
35 12. Page 3, line 7, by inserting after the figure
36 "3." the following: "In addition to these
37 requirements, an individual seeking a nontraditional
38 conditional license to teach special education
39 students in grades nine through twelve shall document,

40 to the satisfaction of the state board of educational
41 examiners, five years of successful experience working
42 with children requiring special education."
43 13. Page 3, line 8, by inserting after the word
44 "twelve" the following: "in the area of the
45 individual's academic background and employment
46 experience".
47 14. Page 3, line 10, by inserting before the word
48 "conditional" the following: "nontraditional".
49 15. Page 3, line 12, by inserting before the word
50 "conditional" the following: "nontraditional".

Page 2

1 16. Page 3, line 21, by inserting before the word
2 "conditional" the following: "nontraditional".
3 17. Page 4, striking lines 1 through 7 and
4 inserting the following:
5 "1. Compile and report, in consultation with the
6 board of educational examiners, information relating
7 to nontraditional practitioner preparation programs,
8 including the number of programs available and
9 geographic areas in which they are available, the
10 number of individuals who apply for a nontraditional
11 conditional license, the number of individuals
12 possessing a nontraditional conditional license who
13 apply for a provisional license, the subject areas in
14 which persons who possess nontraditional conditional
15 licenses are teaching and where they are teaching.
16 The department shall submit its findings and
17 recommendations in a report to the senate and house of
18 representatives standing committees on education by
19 December 1, 2002."
20 18. Page 4, by striking lines 12 and 13 and
21 inserting the following: "practitioner preparation
22 graduate programs. The institutions offering approved
23 practitioner preparation programs shall submit
24 information to the department as requested by the
25 department. The department shall submit its findings
26 and".
27 19. Page 4, by inserting after line 16, the
28 following:
29 "Sec. ____ PRACTITIONER PREPARATION CREDIT
30 TRANSFER STUDY. The state board of regents shall
31 conduct a study of the transfer of credits between
32 practitioner preparation institutions, both in-state
33 and out-of-state, to determine whether the transfer of
34 credits by practitioner preparation institutions is
35 fair and consistent. The state board shall collect
36 information relating to the transfer and acceptance of
37 credits from a representative sample of in-state and
38 out-of-state practitioner preparation institutions.

39 The state board shall identify actions that may be
 40 taken to improve the ability of a student to transfer
 41 credits earned in one practitioner preparation
 42 institution to another. The state board shall submit
 43 its findings and recommendations in a report to the
 44 senate and house of representatives standing
 45 committees on education by December 1, 2001."
 46 20. By renumbering as necessary.

NANCY BOETTGER

S-3408

1 Amend Senate File 528 as follows:
 2 1. Page 4, by inserting after line 18 the
 3 following:
 4 "____. To rebuild the center islands and curbing on
 5 Southeast Fourteenth street between Walnut street and
 6 Army Post road in Des Moines:
 7\$ 500,000"
 8 2. By renumbering, redesignating, and correcting
 9 internal references as necessary.

MATT McCOY

S-3409

1 Amend House File 349, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 11 and 12, and
 4 inserting the following: "company, or estate or
 5 trust".
 6 2. Page 1, by striking lines 18 and 19, and
 7 inserting the following: "or estate or trust. For".
 8 3. By striking page 1, line 31, through page 3,
 9 line 3.
 10 4. Page 5, by striking lines 16 and 17, and
 11 inserting the following: "or estate or trust".
 12 5. Page 5, by striking lines 22 through 24, and
 13 inserting the following: "corporation, limited
 14 liability company, or estate or trust."
 15 6. Page 7, by striking lines 8 through 29.
 16 7. By renumbering as necessary.

JOHN REDWINE

S-3410

1 Amend House File 696, 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 96.7, subsection 12,
 6 paragraphs a, c, and d, Code 2001, are amended to read
 7 as follows:
 8 a. An employer other than a governmental entity or
 9 a nonprofit organization, subject to this chapter,
 10 shall pay an administrative contribution surcharge
 11 equal in amount to one-tenth of one percent of federal
 12 taxable wages, as defined in section 96.19, subsection
 13 37, paragraph "b". The department shall reduce the
 14 administrative contribution surcharge established for
 15 any calendar year proportionate to any federal
 16 government funding that provides an increased
 17 allocation of moneys for workforce development
 18 offices, under the federal employment services
 19 financing reform legislation. The department shall
 20 recompute the amount as a percentage of taxable wages,
 21 as defined in section 96.19, subsection 37, and shall
 22 add the percentage surcharge to the employer's
 23 contribution rate determined under this section. The
 24 percentage surcharge shall be capped at a maximum of
 25 seven dollars per employee. The department shall
 26 adopt rules prescribing the manner in which the
 27 surcharge will be collected. Interest shall accrue on
 28 all unpaid surcharges under this subsection at the
 29 same rate as on regular contributions and shall be
 30 collectible in the same manner. Interest accrued and
 31 collected under this paragraph and interest earned and
 32 credited to the fund under paragraph "b" shall be used
 33 by the department only for the purposes set forth in
 34 paragraph "c".
 35 c. Moneys in the fund shall be used by the
 36 department only upon appropriation by the general
 37 assembly and only for personnel and nonpersonnel costs
 38 of rural and satellite departmental offices ~~in~~
 39 ~~population centers of less than twenty thousand or for~~
 40 ~~the department approved training fund funded in~~
 41 ~~section 8, subsection 2, of 1988 Iowa Acts, chapter~~
 42 ~~1274.~~ To the extent possible, the department shall
 43 colocate the rural and satellite departmental offices
 44 funded by the surcharge provided for in this
 45 subsection at available community college facilities
 46 throughout the state. Moneys in the fund shall not be
 47 used for purposes other than those identified in this
 48 paragraph or identified in the appropriation of the
 49 moneys in the fund by the general assembly.
 50 d. This subsection is repealed July 1, ~~2001~~ 2004.

Page 2

1 and the repeal is applicable to contribution rates for
 2 calendar year ~~2002~~ 2005 and subsequent calendar years.

3 Sec. 2. RURAL AND SATELLITE DEPARTMENTAL OFFICES
 4 REVIEW. The department of workforce development shall
 5 establish performance measures for each workforce
 6 development office site based on the job seeker
 7 entered employment rate, the job seeker employment
 8 retention rate, the job seeker average wage at
 9 placement, the job seeker customer satisfaction
 10 rating, the number of employers served, and the
 11 employer customer satisfaction rating, and shall
 12 conduct an annual review of the performance measures.
 13 The department, in the annual departmental offices
 14 review, shall consider the feasibility of
 15 consolidating some of the rural and satellite
 16 departmental offices to better serve the public.
 17 The department shall prepare a report of its annual
 18 departmental offices review findings. The report
 19 shall contain information gathered in the review as
 20 well as information concerning the success of
 21 colocation efforts at community colleges throughout
 22 the state, the services provided to employers with
 23 fifty or fewer employees, the rent or lease costs
 24 associated with each office site and the building
 25 square footage at each office site, and efforts to
 26 pursue other funding sources.
 27 The department shall submit a report of its annual
 28 departmental offices review to the governor and
 29 general assembly by December 21, 2001, by December 21,
 30 2002, and by December 21, 2003.
 31 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
 32 immediate importance, takes effect upon enactment."

JOHN P. KIBBIE

S-3411

1 Amend House File 271, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 5, by striking the words "and
 4 agricultural".

THOMAS FIEGEN

S-3412

1 Amend Senate File 528 as follows:
 2 1. Page 4, by inserting after line 18 the
 3 following:
 4 "____. For a two-year project to preserve, grade,
 5 and pave interstate 35 between the interstate 80
 6 interchange and the First street exit to Ankeny:

7\$ 36,000,000"

8 2. By renumbering, redesignating, and correcting
9 internal references as necessary.

MICHAEL E. GRONSTAL

S-3413

1 Amend Senate File 528 as follows:

2 1. Page 4, by inserting after line 18 the
3 following:

4 "____. To complete construction of United States
5 highway 20:

6 \$200,000,000"

7 2. By renumbering, redesignating, and correcting
8 internal references as necessary.

STEVEN D. HANSEN

S-3414

1 1. Page 4, by inserting after line 18 the
2 following:

3 "____. To complete the construction of United
4 States highway 30 in the state:

5 \$200,000,000"

6 2. By renumbering, redesignating, and correcting
7 internal references as necessary.

THOMAS FIEGEN

S-3415

1 Amend Senate File 531 as follows:

2 1. Page 17, line 32, by striking the figure
3 "815,580" and inserting the following: "1,065,580".

4 2. Page 17, by inserting after line 33 the
5 following:

6 "Of the moneys appropriated in this section,
7 \$250,000 shall be used to pay the administrative costs
8 relating to transactions of, and participation in, the
9 Iowa education savings plan trust."

10 3. Page 17, by inserting after line 35 the
11 following:

12 "Sec. ____ Section 12D.2, subsection 15, Code
13 2001, is amended by striking the subsection."

MIKE CONNOLLY

S-3416

- 1 Amend Senate File 526 as follows:
2 1. Page 1, line 6, by inserting before the word
3 "with" the following: ", in an amount of less than
4 ten dollars,".

THOMAS FIEGEN

S-3417

- 1 Amend Senate File 526 as follows:
2 1. Page 1, line 11, by inserting after the word
3 "deposits" the following: ", if the amount is less
4 than ten dollars".

MIKE CONNOLLY
THOMAS FIEGEN**S-3418**

- 1 Amend Senate File 526 as follows:
2 1. Page 1, line 10, by striking the words "
3 electronic gift cards, or" and inserting the
4 following: "and electronic gift cards with expiration
5 dates of more than one year from date of purchase and
6 does not include".
7 2. Page 1, by inserting after line 11, the
8 following:
9 "Sec. ____ Section 556.9, Code 2001, is amended to
10 read as follows:
11 556.9 MISCELLANEOUS PERSONAL PROPERTY HELD FOR
12 ANOTHER PERSON.
13 All intangible personal property, not otherwise
14 covered by this chapter, including any income or
15 increment thereon and deducting any lawful charges,
16 that is held or owing in this state in the ordinary
17 course of the holder's business and has remained
18 unclaimed by the owner for more than three years after
19 it became payable or distributable is presumed
20 abandoned. However, a gift certificate or electronic
21 gift card with an expiration date of one year or less
22 from the date of purchase is presumed abandoned on the
23 expiration date."

MARK SHEARER
THOMAS FIEGEN

S-3419

1 Amend Senate File 532 as follows:
2 1. Page 6, line 32, by inserting after the letter
3 "a." the following: "(1)".
4 2. Page 6, by striking line 35, and inserting the
5 following: "agreement."
6 3. Page 7, by inserting before line 1, the
7 following:
8 "(2) The authority shall issue tax-exempt bonds in
9 an".
10 4. Page 7, by striking line 7, and inserting the
11 following: "related to the master settlement
12 agreement."
13 5. Page 7, line 8, by inserting before the word
14 "also" the following:
15 "(3) The authority may".
16 6. Page 7, by inserting after line 10, the
17 following:
18 "(4) Notwithstanding subparagraphs (1) and (2),
19 the authority is not required to issue tax-exempt
20 bonds if the authority determines that the issuance
21 would not be in the best interest of the state due to
22 market conditions."

JEFF LAMBERTI

S-3420

1 Amend Senate File 530 as follows:
2 1. Page 2, line 31, by striking the word "GASA"
3 and inserting the following: "ODCP".
4 2. Page 12, by striking lines 6 through 12.
5 3. Page 18, by inserting after line 17 the
6 following:
7 "Sec. ____ STATE AGENCY PURCHASES FROM PRISON
8 INDUSTRIES.
9 1. As used in this section, unless the context
10 otherwise requires, "state agency" means the
11 government of the state of Iowa, including but not
12 limited to all executive branch departments, agencies,
13 boards, bureaus, and commissions, the judicial branch,
14 the general assembly and all legislative agencies,
15 institutions within the purview of the state board of
16 regents, and any corporation whose primary function is
17 to act as an instrumentality of the state.
18 2. State agencies are hereby encouraged to
19 purchase products from Iowa state industries, as
20 defined in section 904.802, when purchases are
21 required and the products are available from Iowa
22 state industries.

23 3. State agencies shall submit to the legislative
24 fiscal bureau by January 15, 2002, a report of the
25 dollar value of products and services purchased from
26 Iowa state industries by the state agency during the
27 fiscal year beginning July 1, 2000, and ending June
28 30, 2001."

29 4. Page 21, by striking lines 18 through 22 and
30 inserting the following: "Of the full-time equivalent
31 positions authorized in this subsection, the division
32 of criminal investigation may use 2.00 FTEs for the
33 establishment of an elderly crime unit if federal
34 funding is obtained. If federal funding is obtained
35 and subsequently discontinued, the 2.00 FTEs shall be
36 eliminated."

37 5. Page 26, line 34, by striking the word
38 "costs." and inserting the following: "support
39 personnel costs as defined in the United States
40 marshal's service cost sheet for detention services."

41 6. Page 27, line 2, by striking the word
42 "voucher" and inserting the following: "~~voucher~~
43 United States marshal's service cost sheet".

44 7. Page 27, by striking lines 4 through 23.

45 8. Page 28, line 1, by striking the word "costs."
46 and inserting the following: "support personnel costs
47 as defined in the United States marshal's service cost
48 sheet for detention services."

49 9. Page 28, line 2, by striking the word
50 "voucher" and inserting the following: "~~voucher~~

Page 2

1 United States marshal's service cost sheet".

2 10. Page 28, line 12, by striking the word
3 "costs." and inserting the following: "support
4 personnel costs as defined in the United States
5 marshal's service cost sheet for detention services."

6 11. Page 28, line 13, by striking the word
7 "voucher" and inserting the following: "~~voucher~~
8 United States marshal's service cost sheet".

JEFF ANGELO

S-3421

1 Amend House File 564, as passed by the House, as
2 follows:

3 1. Page 2, line 9, by striking the word and
4 figure "section 556.5" and inserting the following:
5 "sections 556.5 and 556.11".

6 2. Page 2, by inserting after line 13, the
7 following:

8 "____. Any disbursement that is retained by the

9 cooperative association shall be forfeited to the
 10 cooperative association if the cooperative association
 11 publishes at least one notice of the abandoned
 12 property in a publication regularly distributed to its
 13 membership or in a newspaper having a general
 14 circulation in the county where the cooperative
 15 association is located. The notice shall include all
 16 of the following:

17 a. The name and address of the cooperative
 18 association.
 19 b. The name of the person who has an interest in
 20 the disbursement according to the records of the
 21 cooperative association.

22 c. A brief description of the type of disbursement
 23 retained by the cooperative association.

24 d. A statement that the disbursement will be
 25 forfeited to the cooperative association unless the
 26 person files a claim for the disbursement within the
 27 period provided for in this section."

28 3. Page 2, by striking lines 25 through 29, and
 29 inserting the following: "within six months after the
 30 first date that the notice of abandoned property is
 31 first published as provided in this section, the
 32 disbursement shall be forfeited to the cooperative
 33 association."

34 4. Page 2, line 30, by striking the word
 35 "disbursement" and inserting the following:
 36 "disbursements".

37 5. Page 2, line 31, by striking the word "is" and
 38 inserting the following: "are".

39 6. Page 2, line 32, by inserting before the words
 40 "the directors" the following: "provided in this
 41 subsection. The cooperative association may authorize
 42 the payment of forfeited disbursements to persons
 43 claiming interests in forfeited disbursements as
 44 provided in the cooperative association's articles of
 45 incorporation or bylaws. Otherwise, forfeited
 46 disbursements shall be used as".

47 7. By renumbering as necessary.

EUGENE S. FRAISE
 MARK ZIEMAN

S-3422

1 Amend Senate File 530 as follows:

2 1. Page 22, line 24, by striking the figure
 3 "36.80" and inserting the following: "39.80".

JEFF ANGELO

S-3423

- 1 Amend Senate File 530 as follows:
- 2 1. Page 22, line 24, by striking the figure
- 3 "36.80" and inserting the following: "38.80".

JEFF ANGELO

S-3424

- 1 Amend Senate File 530 as follows:
- 2 1. Page 24, by striking lines 33 and 34.
- 3 2. Page 26, by striking lines 9 through 22.
- 4 3. By renumbering as necessary.

STEVE KING
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 MICHAEL E. GRONSTAL
 DENNIS H. BLACK
 PATRICK J. DELUHERY
 WALLY E. HORN
 STEVEN D. HANSEN
 JOE BOLKCOM
 BILL FINK
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 MATT McCOY
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 RICHARD F. DRAKE
 MARK ZIEMAN
 KITTY REHBERG
 JERRY BEHN
 MARK SHEARER
 BETTY A. SOUKUP
 PATRICIA HARPER
 JOHNIE HAMMOND
 JACK HOLVECK
 JOHN P. KIBBIE
 TOM FLYNN
 LARRY McKIBBEN
 JOANN JOHNSON
 PAUL McKINLEY

S-3425

HOUSE AMENDMENT TO
 SENATE JOINT RESOLUTION 3

- 1 Amend Senate Joint Resolution 3, as passed by the
- 2 Senate, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "Milwaukee" the following: "for the acquisition of

5 approximately ten acres of real property located next
 6 to the community-based correctional facility in Cedar
 7 Rapids, Iowa. The general assembly also authorizes
 8 the sixth judicial district department of correctional
 9 services, in lieu of extending the current lease-
 10 purchase agreement, to enter into a new lease-purchase
 11 agreement for a period beginning in the year 2001 and
 12 extending through June 1, 2008, for the purpose of
 13 refunding the current lease-purchase agreement and
 14 financing the acquisition of approximately ten acres
 15 of real property located next to the community-based
 16 correctional facility in Cedar Rapids, Iowa".

17 2. Page 1, line 10, by striking the words "of
 18 the" and inserting the following: "or entering into
 19 of a new".

20 3. Page 1, line 12, by striking the word "the"
 21 and inserting the following: "or enter into a new".

22 4. Title, page 1, line 2, by striking the word
 23 "a" and inserting the following: "or enter into a
 24 new".

25 5. Title, page 1, line 16, by inserting after the
 26 word "Iowa" the following: ", or is desirous to enter
 27 into a new lease-purchase agreement to refund the
 28 current lease-purchase agreement and to acquire such
 29 property".

30 6. Title, page 1, by inserting after line 18 the
 31 following:

32 "WHEREAS, if a new lease-purchase agreement is
 33 entered into, the term would commence in the year
 34 2001, and end on June 1, 2008; and".

35 7. Title, page 2, by inserting after line 1 the
 36 following:

37 "WHEREAS, the sixth judicial district department of
 38 correctional services requests authorization to enter
 39 into a new lease-purchase agreement in lieu of
 40 extending the current lease-purchase agreement if the
 41 district department so desires; and".

42 8. Title, page 2, line 6, by striking the word
 43 "the" and inserting the following: "or entering into
 44 a new".

45 9. Title, page 2, line 7, by striking the word
 46 "the" and inserting the following: "or enter into a
 47 new".

S-3426

HOUSE AMENDMENT TO SENATE FILE 81

1 Amend Senate File 81, as passed by the Senate, as
 2 follows:

3 1. Page 1, line 4, by striking the words "shall

4 give priority" and inserting the following: "may give
 5 additional consideration or additional points in the
 6 application of rating or evaluation criteria".

S-3427

HOUSE AMENDMENT TO
 SENATE FILE 84

1 Amend Senate File 84, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 24 through 27, and
 4 inserting the following: "~~hours.~~ Any person
 5 violating the provisions of this".

S-3428

1 Amend Senate File 530 as follows:
 2 1. Page 13, by striking line 18 and inserting the
 3 following:
 4 ".....\$ 9,310,263"
 5 2. Page 13, by striking line 24 and inserting the
 6 following:
 7 ".....\$ 7,407,017"
 8 3. Page 13, by striking line 30 and inserting the
 9 following:
 10 ".....\$ 4,500,354"
 11 4. Page 14, by striking line 1 and inserting the
 12 following:
 13 ".....\$ 4,240,315"
 14 5. Page 14, by striking line 7 and inserting the following:
 15 ".....\$ 12,858,098"
 16 6. Page 14, by striking line 13 and inserting the
 17 following:
 18 ".....\$ 9,380,994"
 19 7. Page 14, by striking line 19 and inserting the
 20 following:
 21 ".....\$ 5,282,938"
 22 8. Page 14, by striking line 25 and inserting the
 23 following:
 24 ".....\$ 5,264,765"
 25 9. Page 14, by striking line 30 and inserting the
 26 following:
 27 ".....\$ 79,948"

ROBERT E. DVORSKY

S-3429

- 1 Amend Senate File 530 as follows:
- 2 1. Page 23, line 13, by striking the figure
- 3 "35,760,633" and inserting the following:
- 4 "39,496,793".

THOMAS FIEGEN

S-3430

- 1 Amend Senate File 530 as follows:
- 2 1. Page 21, by striking line 16, and inserting
- 3 the following:
- 4 ".....\$ 12,507,130"
- 5 2. Page 22, by striking line 12, and inserting
- 6 the following:
- 7 ".....\$ 4,019,177"

THOMAS FIEGEN

S-3431

- 1 Amend Senate File 530 as follows:
- 2 1. Page 6, by striking line 6 and inserting the
- 3 following:
- 4 ".....\$ 30,130,652"
- 5 2. Page 6, by striking line 14 and inserting the
- 6 following:
- 7 ".....\$ 23,983,834"
- 8 3. Page 6, by striking line 24 and inserting the
- 9 following:
- 10 ".....\$ 21,823,768"
- 11 4. Page 6, by striking line 30 and inserting the
- 12 following:
- 13 ".....\$ 23,310,118"
- 14 5. Page 7, by striking line 3 and inserting the
- 15 following:
- 16 ".....\$ 21,883,802"
- 17 6. Page 7, by striking line 9 and inserting the
- 18 following:
- 19 ".....\$ 7,272,542"
- 20 7. Page 7, by striking line 15 and inserting the
- 21 following:
- 22 ".....\$ 18,142,698"
- 23 8. Page 7, by striking line 26 and inserting the
- 24 following:
- 25 ".....\$ 12,365,583"
- 26 9. Page 7, by striking line 32 and inserting the
- 27 following:
- 28 ".....\$ 25,504,865"

29 10. Page 8, by striking line 6 and inserting the
 30 following:
 31 ".....\$ 341,334"

EUGENE S. FRAISE
 MARK SHEARER
 JOHNIE HAMMOND
 ROBERT E. DVORSKY

S-3432

1 Amend Senate File 530 as follows:
 2 1. Page 4, line 16, by striking the figure
 3 "450,000" and inserting the following: "700,000".

JACK HOLVECK
 ROBERT E. DVORSKY
 MARY A. LUNDBY
 THOMAS FIEGEN
 MARK SHEARER
 TOM FLYNN
 PATRICK J. DELUHERY
 MIKE CONNOLLY
 BILL FINK
 JOE BOLKCOM
 PATRICIA HARPER
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 MATT McCOY
 EUGENE S. FRAISE
 JOHN P. KIBBIE
 STEVEN D. HANSEN
 WALLY E. HORN
 DICK L. DEARDEN
 DENNIS H. BLACK

S-3433

1 Amend House File 564, as passed by the House, as
 2 follows:
 3 1. Page 1, line 16, by inserting after the word
 4 "disbursement" the following: "with a value of ten
 5 dollars or less".
 6 2. Page 2, line 6, by inserting after the word
 7 "disbursement" the following: "with a value of ten
 8 dollars or less".

THOMAS FIEGEN

S-3434

HOUSE AMENDMENT TO
SENATE FILE 473

1 Amend Senate File 473, as passed by the Senate, as
 2 follows:
 3 1. Page 7, by inserting after line 4, the
 4 following:
 5 "Sec. ____ Section 507B.4, subsection 10B,
 6 unnumbered paragraph 1, as enacted by 2001 Iowa Acts,
 7 Senate File 500, section 7, is amended to read as
 8 follows:
 9 Failure of an insurer to pay interest at the rate
 10 of ten percent per annum on all health insurance
 11 claims that the insurer fails to timely accept and pay
 12 pursuant to section 507B.4A, subsection ~~±~~ 2, paragraph
 13 "e" "d". Interest shall accrue commencing on the
 14 thirty-first day after receipt of all properly
 15 completed proof of loss forms.
 16 Sec. ____ Section 518.16, Code 2001, is amended to
 17 read as follows:
 18 518.16 QUALIFICATION OF AGENTS.
 19 A person shall not solicit any application for
 20 insurance for an association in this state without
 21 having procured from the commissioner of insurance a
 22 license authorizing the person to act as an ~~agent~~
 23 insurance producer pursuant to chapter ~~522~~ 522B.
 24 "SUBCHAPTER 1
 25 SHORT TITLE AND DEFINITIONS
 26 Sec. ____ NEW SECTION. 523A.101 SHORT TITLE.
 27 This chapter may be cited as the "Iowa Cemetery and
 28 Funeral Merchandise and Funeral Services Act".
 29 Sec. ____ NEW SECTION. 523A.102 DEFINITIONS.
 30 For purposes of this chapter, unless the context
 31 otherwise requires:
 32 1. "Authorized to do business within this state"
 33 means a person licensed, registered, or subject to
 34 regulation by an agency of the state of Iowa or who
 35 has filed a consent to service of process with the
 36 commissioner for purposes of this chapter.
 37 2. "Beneficiary" means any natural person
 38 specified or included in a purchase agreement, upon
 39 whose future death cemetery merchandise, funeral
 40 merchandise, funeral services, or a combination
 41 thereof are to be provided under the purchase
 42 agreement.
 43 3. "Burial account" means an account established
 44 by a person with a financial institution for the
 45 purpose of funding the future purchase of cemetery
 46 merchandise, funeral merchandise, or a combination
 47 thereof without any related trust agreement.

48 4. "Burial trust fund" means an irrevocable burial
49 trust fund established by a person with a financial
50 institution for the purpose of funding the future

Page 2

1 purchase of cemetery merchandise, funeral merchandise,
2 funeral services, or a combination thereof upon the
3 death of the person named in the burial trust fund's
4 records or a related purchase agreement. "Burial
5 trust fund" does not include or imply the existence of
6 any oral or written purchase agreement for cemetery
7 merchandise, funeral merchandise, funeral services, or
8 a combination thereof between the person and a seller.

9 5. "Cemetery merchandise" means foundations, grave
10 markers, tombstones, ornamental merchandise,
11 memorials, and monuments sold under a purchase
12 agreement that does not require installation within
13 twelve months of the purchase.

14 6. "Commissioner" means the commissioner of
15 insurance or the deputy administrator authorized in
16 section 523A.801 to the extent the commissioner
17 delegates functions to the deputy administrator.

18 7. "Common business enterprise" means a group of
19 two or more business entities that share common
20 ownership in excess of fifty percent.

21 8. "Credit sale" means a sale of goods, services,
22 or an interest in land in which all of the following
23 are applicable:

24 a. Credit is granted either under a seller credit
25 card or by a seller who regularly engages as a seller
26 in credit transactions of the same kind.

27 b. The buyer is a person other than an
28 organization.

29 c. The goods, services, or interest in land are
30 purchased primarily for a personal, family, or
31 household purpose.

32 d. Either the debt is payable in installments or a
33 finance charge is made.

34 e. For goods and services, the amount financed
35 does not exceed twenty-five thousand dollars.

36 9. "Delivery" occurs when:

37 a. The cemetery merchandise, funeral merchandise,
38 or the title document establishing an easement for
39 burial rights is physically delivered to the purchaser
40 or installed, except that burial of any item at the
41 site of its ultimate use shall not constitute delivery
42 for purposes of this chapter.

43 b. If authorized by a purchaser under a purchase
44 agreement, cemetery merchandise has been permanently
45 identified with the name of the purchaser or the
46 beneficiary and delivered to a bonded warehouse or

47 storage facility approved by the commissioner and both
48 title to the merchandise and a warehouse receipt have
49 been delivered to the purchaser or beneficiary and a
50 copy of the warehouse receipt has been delivered to

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1 the establishment for retention in its files.
2 c. If authorized by a purchaser under a purchase
3 agreement, a polystyrene or polypropylene outer burial
4 container has been permanently identified with the
5 name of the purchaser or the beneficiary and delivered
6 to a bonded warehouse or storage facility approved by
7 the commissioner and both title to the merchandise and
8 a warehouse receipt have been delivered to the
9 purchaser or beneficiary and a copy of the warehouse
10 receipt has been delivered to the establishment for
11 retention in its files.

12 10. "Doing business in this state" means issuing
13 or performing wholly or in part any term of a purchase
14 agreement executed within the state of Iowa.

15 11. "Establishment" means each business
16 establishment that advertises, sells, promotes, or
17 offers cemetery merchandise, funeral merchandise,
18 funeral services, or a combination thereof prior to
19 the death of the person named or implied in a purchase
20 agreement.

21 12. "Financial institution" means a state or
22 federally insured bank, savings and loan association,
23 credit union, trust department thereof, or a trust
24 company authorized to do business within this state
25 and which has been granted trust powers under the laws
26 of this state or the United States, which holds funds
27 under a trust agreement. "Financial institution" does
28 not include:

29 a. A seller.

30 b. Anyone employed by or directly involved with
31 the seller in the seller's cemetery merchandise,
32 funeral merchandise, or funeral services business.

33 13. "Funeral merchandise" means personal property
34 used for the final disposition of a dead human body,
35 including but not limited to clothing, caskets,
36 vaults, urns, and interment receptacles. "Funeral
37 merchandise" does not include easements for burial
38 rights in a completed space or cemetery merchandise.

39 14. "Funeral services" means services provided for
40 the final disposition of a dead human body, including
41 but not limited to services necessarily or customarily
42 provided for a funeral, or for the interment,
43 entombment, or cremation of a dead human body, or any
44 combination thereof. "Funeral services" does not
45 include perpetual care or maintenance.

46 15. "Inner burial container" means a container in
47 which human remains are placed for burial or
48 entombment. Where only one container is used for
49 burial or entombment, "inner burial container"
50 includes a container serving as a burial vault, urn

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1 vault, grave box, grave liner, or lawn crypt.
2 16. "Insolvent" means the inability to pay debts
3 as they become due in the usual course of business.
4 17. "Interest or income" means unrealized net
5 appreciation or loss in the fair value of cemetery
6 merchandise, funeral merchandise, and funeral services
7 trust assets for which a market value may be
8 determined with reasonable certainty, plus the return
9 in money or property derived from the use of trust
10 principal or income, net of investment losses, taxes,
11 and expenses incurred in the sale of trust assets, any
12 cost of the operation of the trust, and any annual
13 audit fee. "Interest or income" includes but is not
14 limited to:
15 a. Rent of real or personal property, including
16 sums received for cancellation or renewal of a lease
17 and any royalties.
18 b. Interest on money lent, including sums received
19 as consideration for prepayment of principal.
20 c. Cash dividends paid on corporate stock.
21 d. Interest paid on deposit funds or debt
22 obligations.
23 e. Gain realized from the sale of trust assets.
24 18. "Next of kin" means the surviving spouse and
25 heirs at law of the deceased.
26 19. "Nonguaranteed" means that the price of the
27 merchandise and services selected has not been fixed
28 or guaranteed and will be determined by existing
29 prices at the time the merchandise and services are
30 delivered or provided.
31 20. "Outer burial container" means a container
32 used for the burial of human remains that is used
33 exclusively to surround or enclose an inner burial
34 container and to support the earth above the
35 container, commonly known as a burial vault, urn
36 vault, grave box, or grave liner, but not including a
37 lawn crypt.
38 21. "Parent company" means a corporation that has
39 a controlling interest in an establishment.
40 22. "Person" means an individual, business,
41 corporation, trust, firm, partnership, association, or
42 any other legal entity.
43 23. "Personal representative" means a personal
44 representative as defined in section 633.3.

45 24. "Provider" means a person that provides
46 funeral services, funeral merchandise, or cemetery
47 merchandise purchased in a purchase agreement.
48 25. "Purchase agreement" means an agreement to
49 furnish cemetery merchandise, funeral merchandise,
50 funeral services, or a combination thereof when

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1 performance or delivery may be more than one hundred
2 twenty days following the initial payment on the
3 account.

4 26. "Purchase price" means the negotiated price
5 for the item of merchandise or service, if itemized in
6 the purchase agreement, or the price of the item
7 listed in the seller's general price list at the time
8 the purchase agreement is signed.

9 27. "Purchaser" means a person who purchases
10 cemetery merchandise, funeral merchandise, funeral
11 services, or a combination thereof. The purchaser
12 need not be a beneficiary of the agreement.

13 28. "Seller" means a person doing business within
14 this state, including a person doing business within
15 this state who sells insurance, who advertises, sells,
16 promotes, or offers to furnish cemetery merchandise,
17 funeral merchandise, funeral services, or a
18 combination thereof when performance or delivery may
19 be more than one hundred twenty days following the
20 initial payment on the account whether the transaction
21 is completed or offered in person, through the mail,
22 over the telephone, by the internet, or through any
23 other means of commerce. "Seller" includes any person
24 performing any term of a purchase agreement executed
25 within this state, and any person identified under a
26 burial account as the provider of cemetery
27 merchandise, funeral merchandise, funeral services, or
28 a combination thereof.

29 29. "Total purchase price" means the aggregate
30 amount the purchaser is obligated to pay for
31 merchandise or services pursuant to the purchase
32 agreement, excluding any taxes, administrative
33 charges, or financing charges.

34 SUBCHAPTER 2

35 ESTABLISHMENT OF TRUSTS, DEPOSIT, INVESTMENT, 36 AND REPORTING REQUIREMENTS

37 Sec. ____ NEW SECTION. 523A.201 ESTABLISHMENT OF 38 TRUST FUNDS.

39 Unless proceeding under section 523A.401, 523A.402,
40 or 523A.403, a seller must establish a trust fund
41 prior to advertising, selling, promoting, or offering
42 cemetery merchandise, funeral merchandise, funeral
43 services, or a combination thereof in this state as

44 follows:

- 45 1. The trust fund must be established at a
46 financial institution.
- 47 2. If a seller agrees to furnish cemetery
48 merchandise, funeral merchandise, funeral services, or
49 a combination thereof and performance or delivery may
50 be more than one hundred twenty days following the

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- 1 initial payment on the account, a minimum of eighty
2 percent of all payments made under the purchase
3 agreement shall be placed and remain in trust until
4 the person for whose benefit the funds were paid dies.
- 5 3. If a purchase agreement for cemetery
6 merchandise, funeral merchandise, funeral services, or
7 a combination thereof provides that payments are to be
8 made in installments, the seller shall deposit eighty
9 percent of each payment in the trust fund until the
10 full amount required to be placed in trust has been
11 deposited. If the purchase agreement is financed with
12 or sold to a financial institution, the purchase
13 agreement shall be considered paid in full and the
14 trust requirements shall be satisfied within fifteen
15 days after the close of the month in which the seller
16 receives funds from the financial institution.
- 17 4. A seller shall not invade the trust principal
18 for any purpose.
- 19 5. A seller who lacks insurance coverage which
20 protects against the loss of purchaser payments not
21 placed in trust within the time period required by
22 this section and section 523A.202 shall not commingle
23 these payments with any other seller funds. A seller
24 who lacks insurance coverage may use one or more of
25 the following methods to dispose of these payments:
- 26 a. Deposit purchaser funds into an escrow account
27 until the required amount has been deposited into a
28 trust account at a financial institution.
- 29 b. Make a prior delivery or warehouse cemetery or
30 funeral merchandise or a combination thereof as
31 provided by this chapter.
- 32 c. Make a prior filing of a surety bond in lieu of
33 establishing a trust fund as required by this section.
- 34 d. Make a simultaneous, same-day deposit of the
35 purchaser's payments into the seller's bank account
36 and the required amount into the seller's trust fund.
- 37 6. Payments otherwise subject to this section are
38 not exempt merely because they are held in
39 certificates of deposit.
- 40 7. Commingling of trust funds with other funds of
41 the seller is prohibited.
- 42 8. Interest or income earned on amounts deposited

43 in trust shall remain in trust under the same terms
44 and conditions as payments made under the purchase
45 agreement, except that the seller may withdraw so much
46 of the interest or income as represents the difference
47 between the amount needed to adjust the trust funds
48 for inflation as set by the commissioner based on the
49 consumer price index and the interest or income earned
50 during the preceding year not to exceed fifty percent

Page 7

1 of the total interest or income on a calendar-year
2 basis. The early withdrawal of interest or income
3 under this provision does not affect the purchaser's
4 right to a credit of such interest or income in the
5 event of a nonguaranteed price agreement,
6 cancellation, or nonperformance by the seller.
7 9. The commissioner may require amendments to a
8 trust agreement not in accord with the provisions of
9 this chapter.

10 10. If a seller voluntarily or involuntarily
11 ceases doing business and the seller's obligation to
12 provide merchandise or services has not been assumed
13 by another establishment holding a current
14 establishment permit, all trust funds, including
15 accrued interest or income, shall be repaid to the
16 purchaser within one hundred twenty days following the
17 seller's cessation of business or, in the event of
18 circumstances where a payment is not possible within
19 one hundred twenty days, as soon as is reasonably
20 practicable.

21 Sec. ____ **NEW SECTION. 523A.202 TRUST FUND**
22 **DEPOSIT REQUIREMENTS.**

23 1. All funds held in trust pursuant to section
24 523A.201 shall be deposited in a financial
25 institution, within fifteen days after the close of
26 the month a seller receives the funds. The financial
27 institution shall hold the funds for the designated
28 beneficiary until released.

29 2. All funds required to be deposited by the
30 purchaser for a purpose described in section 523A.201
31 shall be deposited consistent with one of the
32 following methods:

33 a. The payments shall be deposited directly into
34 an interest-bearing burial account in the purchaser's
35 name.

36 b. The purchaser shall deposit payments directly
37 into a separate trust account in the purchaser's name.
38 The account may be made payable to the seller upon the
39 death of the purchaser or the designated beneficiary,
40 provided that, until death, the purchaser retains the
41 exclusive power to hold, manage, pledge, and invest

42 the trust account funds and may revoke the trust and
43 withdraw the funds, in whole or in part, at any time
44 during the term of the agreement.

45 c. The purchaser or the seller shall deposit
46 payments directly into a separate trust account in the
47 name of the purchaser, as trustee, for the named
48 beneficiary, to be held, invested, and administered as
49 a trust account for the benefit and protection of the
50 beneficiary. The depositor shall notify the financial

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1 institution of the existence and terms of the trust,
2 including at a minimum, the name of each party to the
3 agreement, the name and address of the trustee, and
4 the name and address of the beneficiary. The account
5 may be made payable to the seller upon the
6 beneficiary's death.

7 d. The payments shall be deposited in the name of
8 the trustee, as trustee, under the terms of a master
9 trust agreement and the trustee may invest, reinvest,
10 exchange, retain, sell, and otherwise manage the trust
11 fund for the benefit and protection of the named
12 beneficiary.

13 3. The commissioner may by rule authorize other
14 methods of deposit upon a finding that such methods
15 provide equivalent safety of the principal and
16 interest or income and the seller lacks access to the
17 proceeds prior to performance.

18 4. This section does not prohibit moving trust
19 funds from one financial institution to another.

20 Sec. ____ NEW SECTION. 523A.203 FINANCIAL
21 INSTITUTION TRUSTEE QUALIFICATION AND INVESTMENT
22 REQUIREMENTS.

23 1. A financial institution may serve as a trustee
24 if granted those powers under the laws of this state
25 or of the United States. A financial institution
26 acting as a trustee of trust funds under this chapter
27 shall invest the funds in accordance with applicable
28 law.

29 2. A financial institution acting as a trustee of
30 trust funds under this chapter has a fiduciary duty to
31 make reasonable investment decisions and to properly
32 oversee and manage the funds entrusted to it. The
33 trustee shall use the judgment and care under the
34 circumstances then prevailing that persons of
35 prudence, discretion, and intelligence exercise in the
36 management of their own affairs, not in regard to
37 speculation but in regard to the permanent disposition
38 of their funds, considering the probable income as
39 well as the probable safety of their capital. The
40 commissioner may take enforcement action against a

41 financial institution in its capacity as trustee for a
42 breach of fiduciary duty proven under this chapter.
43 3. Moneys deposited under a master trust agreement
44 may be commingled by the financial institution for
45 investment purposes if each deposit includes a
46 detailed listing of the amount deposited in trust for
47 each beneficiary and maintenance of a separate
48 accounting of each purchaser's principal, interest,
49 and income.
50 4. Subject to a master trust agreement, the seller

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1 may appoint an independent investment adviser to
2 advise the financial institution about investment of
3 the trust funds.
4 5. Subject to agreement between the parties, the
5 financial institution may receive a reasonable fee
6 from the trust funds for services rendered as trustee.
7 The trust shall pay the trust operation costs and any
8 annual audit fees.
9 6. The seller or any officer, director, agent,
10 employee, or affiliate of the seller shall not serve
11 as trustee. A financial institution holding trust
12 funds shall not do any of the following:
13 a. Be owned, under the control of, or affiliated
14 with a seller.
15 b. Use any funds required to be held in trust
16 under this chapter or chapter 566A to purchase an
17 interest in any contract or agreement to which a
18 seller is a party.
19 c. Otherwise invest, directly or indirectly, in a
20 seller's business operations.
21 Sec. ____ NEW SECTION. 523A.204 ESTABLISHMENT
22 ANNUAL REPORTING REQUIREMENTS.
23 1. An establishment shall file with the
24 commissioner not later than March 1 of each year an
25 annual report on a form prescribed by the commissioner
26 containing all of the following:
27 a. The seller's name and address and the name and
28 address of the establishment that will provide the
29 cemetery merchandise, funeral merchandise, funeral
30 services, or a combination thereof.
31 b. The balance of each trust account as of the end
32 of the preceding calendar year, identified by
33 purchaser or beneficiary name.
34 c. A report of any amounts withdrawn from the
35 trust account including the reason for each
36 withdrawal.
37 d. A detailed listing of the insurance funding
38 outstanding at the end of the preceding calendar year,
39 identified by the name of the purchaser or the

40 beneficiary.

41 e. A complete inventory of the cemetery
42 merchandise, funeral merchandise, or a combination
43 thereof delivered in lieu of trust fund requirements
44 under section 523A.401, including the following:

45 (1) The location of the merchandise.

46 (2) Merchandise serial numbers or warehouse
47 receipt numbers identified by the name of the
48 purchaser or the beneficiary.

49 (3) A verified statement of a certified public
50 accountant on a form prescribed by the commissioner

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1 that all of the following have occurred:

2 (a) A physical inventory of the cemetery
3 merchandise or funeral merchandise has been conducted.

4 (b) Each item of that merchandise is in the
5 seller's possession at the specified location.

6 f. The purchaser and beneficiary names, the amount
7 of each purchase agreement made in the preceding year,
8 and the date the purchase agreement was made.

9 g. A summary of any purchase agreements converted
10 from trust-funded benefits to insurance-funded or
11 annuity benefits during the preceding year which shall
12 include, as of the conversion date, the following
13 information, as well as aggregated totals for each of
14 the following categories of information, if
15 appropriate:

16 (1) Insured's name.

17 (2) Insured's policy number.

18 (3) Original prepaid purchase agreement amount.

19 (4) Amount paid in.

20 (5) Unpaid balance of the prepaid purchase
21 agreement.

22 (6) Unpaid balance of the purchase agreement.

23 (7) Amount retained by the establishment.

24 (8) Amount applied to the purchase of the

25 insurance policy or annuity.

26 (9) Initial cash surrender value and initial death
27 benefit under the insurance policy.

28 The establishment shall include a notarized
29 statement attesting that the insurance policies or
30 annuities have been issued and funded on behalf of the
31 purchasers listed in the summary and that all notices
32 required under this section have been given.

33 h. A summary of any purchase agreements converted
34 from trust-funded benefits to a surety bond during the
35 preceding year which shall include, as of the
36 conversion date, the following information, as well as
37 aggregated totals for each of the following categories
38 of information, if appropriate:

- 39 (1) Name of the purchaser and beneficiary.
40 (2) Original prepaid purchase agreement amount.
41 (3) Amount paid in.
42 (4) Unpaid balance of the prepaid purchase
43 agreement.
44 (5) Unpaid balance of the purchase agreement.
45 (6) Amount retained by the establishment.
46 (7) Amount applied to the purchase of the surety
47 bond.
48 (8) A description of the surety bond and the
49 applicable amount of coverage.
50 i. Any other information the commissioner deems

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- 1 necessary for the administration of this chapter.
2 2. A person holding multiple establishment permits
3 may elect to file only one annual report after noting
4 all establishments on the report.
5 3. An establishment shall make a good faith effort
6 to complete the annual report. The establishment
7 shall note on the annual report any information not
8 reasonably available to the establishment as an
9 exception or variance. Account balances within twelve
10 months of the date of the filing of the annual report
11 shall be accepted if the actual date of the account
12 balances is noted.
13 4. In lieu of the annual report form described in
14 subsection 1, the commissioner may authorize an
15 establishment to file a short form annual report on a
16 form prescribed by the commissioner. The short form
17 annual report may incorporate by reference information
18 readily available to the establishment. The
19 commissioner may certify and decertify establishments
20 authorized to file the short form based upon:
21 a. The establishment's recordkeeping system.
22 b. The number of purchase agreements which the
23 establishment has sold that are subject to regulation
24 under chapter 523A.
25 c. The availability and accessibility of
26 information at the establishment for purchase
27 agreements subject to regulation.
28 d. Whether the establishment places one hundred
29 percent of funds received pursuant to its purchase
30 agreements in trust.
31 e. The findings of the commissioner concerning
32 audits and consumer complaints.
33 The commissioner shall retain the authority to
34 require establishments permitted to file the short
35 form annual report to provide all of the information
36 required in the annual report form required by
37 subsection 1 for audit purposes or otherwise.

38 5. An establishment filing an annual report shall
39 pay a filing fee of ten dollars per purchase agreement
40 sold during the year covered by the report. The fee
41 does not apply to any of the following:
42 a. A purchase agreement where the beneficiary dies
43 in the same year the agreement was sold.
44 b. Any modifications or additions, such as
45 payments, for an existing purchase agreement sold in a
46 previous year.
47 c. An additional agreement purchased and already
48 reported to the commissioner by the purchaser.
49 d. A purchase agreement canceled or revoked in the
50 same year it was sold.

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1 All purchase agreement changes for which a filing
2 fee is not required must be reported to the
3 commissioner on the annual report for the year
4 covered.
5 6. As part of the annual filing with the
6 commissioner, an establishment shall file an
7 authorization for the commissioner or a designee to
8 investigate, audit, and verify all funds, accounts,
9 safe deposit boxes, and other evidence of
10 establishment trust funds held by or in a financial
11 institution.
12 7. Forms may be obtained at cost from the
13 commissioner upon request. The commissioner may
14 accept annual reports submitted in an electronic
15 format, including but not limited to computer
16 diskettes.
17 8. Notwithstanding chapter 22, all records
18 maintained by the commissioner under this section
19 shall be confidential and shall not be made available
20 for inspection or copying except upon approval of the
21 commissioner or the attorney general.
22 Sec. ____ NEW SECTION. 523A.205 FINANCIAL
23 INSTITUTION ANNUAL REPORTING REQUIREMENTS.
24 1. A financial institution shall file with the
25 commissioner not later than March 1 of each year an
26 annual report on a form prescribed by the commissioner
27 showing all funds deposited by an establishment under
28 a trust agreement during the previous year. Each
29 report shall contain all information requested.
30 2. Forms may be obtained from the commissioner
31 upon request. The commissioner may accept annual
32 reports submitted in an electronic format, including
33 but not limited to computer diskettes.
34 3. Notwithstanding chapter 22, all records
35 maintained by the commissioner under this section
36 shall be confidential and shall not be made available

37 for inspection or copying except upon approval of the
 38 commissioner or the attorney general.
 39 Sec. ____ NEW SECTION. 523A.206 AUDITS.
 40 1. The commissioner may make audits of the
 41 establishment and of the records of a seller, at the
 42 times and in the scope the commissioner determines.
 43 The audits may be made without prior notice to the
 44 seller. The commissioner may copy all records the
 45 commissioner feels are necessary to conduct the audit.
 46 The commissioner may require an audit of a seller or
 47 other person by a certified public accountant to
 48 verify compliance with this chapter, implementing
 49 rules, or orders.
 50 2. A seller or other person shall pay for the

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1 audit unless the commissioner waives this requirement.
 2 The cost of an audit involving multiple sellers or
 3 other persons shall be prorated among them upon any
 4 reasonable basis as determined by the commissioner.
 5 The accountant shall deliver the audit report to the
 6 commissioner and to the seller or other persons.
 7 3. The commissioner shall not make public the
 8 information obtained in the course of an audit, except
 9 when a duty under this chapter requires the
 10 commissioner to take action against a seller or to
 11 cooperate with another enforcement or regulatory
 12 agency, or except when the commissioner is called as a
 13 witness in a civil or criminal proceeding.

14 SUBCHAPTER 3

15 DISBURSEMENT OF REMAINING BURIAL ACCOUNT FUNDS, 16 BURIAL TRUST FUNDS, AND INSURANCE OR ANNUITY PROCEEDS 17 UNDER THE REQUIREMENTS OF SECTION 249A.5

18 Sec. ____ NEW SECTION. 523A.301 DEFINITION.

19 As used in sections 523A.302 and 523A.303,
 20 "director" means the director of human services.

21 Sec. ____ NEW SECTION. 523A.302 IDENTIFICATION
 22 OF MERCHANDISE AND SERVICE PROVIDER.

23 If a burial trust fund identifies, either in the
 24 trust fund records or in a related purchase agreement,
 25 the seller who will provide the cemetery merchandise,
 26 funeral merchandise, funeral services or a combination
 27 thereof, the trust fund records or the related
 28 purchase agreements must contain a statement signed by
 29 an authorized representative of the seller agreeing to
 30 furnish the cemetery merchandise, funeral merchandise,
 31 funeral services, or a combination thereof upon the
 32 death of the beneficiary. The burial trust fund shall
 33 not identify a specific seller as payee unless the
 34 trust fund records or the related purchase agreements,
 35 if any, contain the signature of an authorized

36 representative of the seller and, if the agreement is
37 for funeral services as defined in chapter 156, the
38 name of a funeral director licensed to deliver those
39 services. A person may enter into agreements
40 authorizing the establishment of more than one burial
41 trust fund and agreeing to furnish the applicable
42 merchandise and services.

43 Sec. __. NEW SECTION. 523A.303 DISBURSEMENT OF
44 REMAINING FUNDS.

45 1. If funds remain in a nonguaranteed irrevocable
46 burial trust fund or from the proceeds of an insurance
47 policy or annuity made payable or assigned to the
48 seller or a provider after the payment of funeral and
49 burial expenses in accordance with the conditions and
50 terms of the purchase agreement for cemetery

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1 merchandise, funeral merchandise, or funeral services,
2 the seller shall comply with all of the following:

3 a. The seller shall provide written notice by mail
4 to the director under subsection 2.

5 b. At least sixty days after mailing notice to the
6 director, the seller shall disburse any remaining
7 funds from the burial trust fund as follows:

8 (1) If within the sixty-day period the seller
9 receives a claim from the personal representative of
10 the deceased, any remaining funds shall be disbursed
11 to the personal representative, notwithstanding any
12 claim by the director.

13 (2) If within the sixty-day period the seller has
14 not received a claim from the personal representative
15 of the deceased but receives a claim from the
16 director, the seller shall disburse the remaining
17 funds up to the amount of the claim to the director.

18 (3) Any remaining funds not disposed of pursuant
19 to subparagraphs (1) and (2) shall be disbursed to any
20 person who is identified as the next of kin of the
21 deceased in an affidavit submitted in accordance with
22 subsection 5.

23 2. The notice mailed to the director shall meet
24 all of the following requirements and is subject to
25 all of the following conditions:

26 a. The notice shall be mailed with postage
27 prepaid.

28 b. If the notice is sent by regular mail, the
29 sixty-day period for receipt of a response is deemed
30 to commence three days following the date of mailing.

31 c. If the notice is sent by certified mail, the
32 sixty-day period for receipt of a response is deemed
33 to commence on the date of mailing.

34 d. The notice shall provide all of the following

35 information:

36 (1) Current name, address, and telephone number of
37 the seller.

38 (2) Full name of the deceased.

39 (3) Date of the deceased's death.

40 (4) Amount of funds remaining in the burial trust
41 fund.

42 (5) Statement that any claim by the director must
43 be received by the seller within sixty days after the
44 date of mailing of the notice.

45 e. A notice in substantially the following form
46 complies with this subsection:

47 "TO: THE DIRECTOR OF HUMAN SERVICES

48 FROM: (SELLER'S NAME, CURRENT ADDRESS, AND

49 TELEPHONE NUMBER)

50 YOU ARE HEREBY NOTIFIED THAT (NAME OF DECEASED),

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1 WHO HAD AN IRREVOCABLE BURIAL TRUST FUND, HAS DIED,
2 THAT FINAL PAYMENT FOR CEMETERY MERCHANDISE, FUNERAL
3 MERCHANDISE, AND FUNERAL SERVICES HAS BEEN MADE, AND
4 THAT (REMAINING AMOUNT) REMAINS IN THE IRREVOCABLE
5 BURIAL TRUST FUND.

6 THE ABOVE-NAMED SELLER MUST RECEIVE A WRITTEN
7 RESPONSE REGARDING ANY CLAIM BY THE DIRECTOR WITHIN
8 SIXTY DAYS AFTER THE MAILING OF THIS NOTICE TO THE
9 DIRECTOR.

10 IF THE ABOVE-NAMED SELLER DOES NOT RECEIVE A
11 WRITTEN RESPONSE REGARDING A CLAIM BY THE DIRECTOR
12 WITHIN SIXTY DAYS AFTER THE MAILING OF THIS NOTICE,
13 THE SELLER MAY DISPOSE OF THE REMAINING FUNDS IN
14 ACCORDANCE WITH SECTION 523A.303, CODE OF IOWA."

15 3. Upon receipt of the seller's written notice,
16 the director shall determine if a debt is due the
17 department of human services pursuant to section
18 249A.5. If the director determines that a debt is
19 owing, the director shall provide a written response
20 to the seller within sixty days after the mailing of
21 the seller's notice. If the director does not respond
22 with a claim within the sixty-day period, any claim
23 made by the director shall not be enforceable against
24 the seller, the trust, or a trustee.

25 4. A personal representative who wishes to make a
26 claim shall send written notice of the claim to the
27 seller. If the seller does not receive any claim from
28 a personal representative within the sixty-day period
29 provided for response by the director regarding a
30 claim, the claim of the personal representative shall
31 not be enforceable against the seller, the trust, or a
32 trustee.

33 5. Any person other than a personal representative

34 or the director claiming an interest in the remaining
 35 funds shall submit an affidavit claiming an interest
 36 which provides the following information:
 37 a. Full name, current address, and telephone
 38 number of the claimant.
 39 b. Claimant's relationship to the deceased.
 40 c. Name of any surviving next of kin of the
 41 deceased, and the relationship of any named surviving
 42 next of kin.
 43 d. That the claimant has no knowledge of the
 44 existence of a personal representative for the
 45 deceased's estate.
 46 6. The seller may retain not more than fifty
 47 dollars of the remaining funds in the burial trust
 48 fund for the administrative expenses associated with
 49 the requirements of this section.
 50 7. If the funds remaining in a burial trust fund

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1 are disbursed under the requirements of this section,
 2 the seller, the provider, the burial trust fund, and
 3 any trustee shall not be liable to the director, the
 4 estate of the deceased, any personal representative,
 5 or any other interested person for the remaining funds
 6 and any lien imposed by the director shall be
 7 unenforceable against the seller, the burial trust
 8 fund, or any trustee.

9 SUBCHAPTER 4

10 TRUSTING ALTERNATIVES

11 Sec. ____ NEW SECTION. 523A.401 PURCHASE
 12 AGREEMENTS FUNDED BY INSURANCE PROCEEDS.

13 1. A purchase agreement may be funded by insurance
 14 proceeds derived from a new or existing insurance
 15 policy issued by an insurance company authorized to do
 16 business and doing business within this state.
 17 2. Such funding may be in lieu of the trusting
 18 requirements of this chapter when the purchaser
 19 assigns the proceeds of an existing insurance policy.
 20 3. Such funding may be in lieu of the trusting
 21 requirements of this chapter when a new insurance
 22 policy is purchased to fund the purchase agreement,
 23 with a face amount equal to or greater than the
 24 current retail price of the cemetery merchandise,
 25 funeral merchandise, and funeral services to be
 26 delivered under the purchase agreement or, if less, a
 27 face amount equal to the total of all payments to be
 28 submitted by the purchaser pursuant to the purchase
 29 agreement.
 30 4. The premiums of any new insurance policy shall
 31 be fully paid within thirty days after execution of
 32 the purchase agreement or, with respect to a purchase

33 agreement that provides for periodic payments, the
34 premiums shall be paid directly by the purchaser to
35 the insurance company issuing the policy.

36 5. Any new insurance policy shall satisfy the
37 following conditions:

38 a. Except as necessary and appropriate to satisfy
39 the requirements regarding burial trust funds under
40 Title XIX of the federal Social Security Act, the
41 policy shall not be owned by the establishment, the
42 policy shall not be irrevocably assigned to the
43 establishment, and the assignment of proceeds from the
44 insurance policy to the establishment shall be limited
45 to the establishment's interests as they appear in the
46 purchase agreement, and conditioned on the
47 establishment's delivery of cemetery merchandise,
48 funeral merchandise, and funeral services pursuant to
49 a purchase agreement.

50 b. The policy shall provide that any assignment of

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1 benefits is contingent upon the establishment's
2 delivery of cemetery merchandise, funeral merchandise,
3 and funeral services pursuant to a purchase agreement.

4 c. The policy shall have an increasing death
5 benefit or similar feature that provides some means
6 for increasing the funding as the cost of funeral and
7 cemetery goods and services increases.

8 6. With the written consent of the purchaser, an
9 existing prepaid purchase agreement with trust-funded
10 benefits may be converted to a prepaid purchase
11 agreement with insurance-funded benefits provided the
12 establishment and the insurance benefits comply with
13 the following provisions:

14 a. The transfer of the trust funds to the
15 insurance company must be at least equal to the full
16 sum required to be deposited as trust principal under
17 the trust-funded prepaid purchase agreement plus all
18 net earnings accumulated with respect thereto, as of
19 the transfer date. Commissions, allowances, surrender
20 charges or other forms of compensation or expense
21 loads, premium expense, administrative charges or
22 expenses, or policy fees shall not be deducted from
23 the trust funds transferred pursuant to the
24 conversion.

25 b. The face amount of any insurance policy issued
26 on an individual must be no less than the amount of
27 principal and interest transferred for that individual
28 to the insurance company, and any supplemental
29 insurance policy issued to cover the unfunded portion
30 of the purchase agreement must have a face amount that
31 is at least as great as the unfunded principal

32 balance. The face amount of the insurance purchased
33 shall not, under any circumstances, be less than the
34 total of all payments made by the purchaser pursuant
35 to the agreement plus all net earnings accumulated
36 with respect thereto, as of the transfer date.

37 c. The insurance policy shall not allow for
38 contesting coverage, limit death benefits in the case
39 of suicide, refer to physical examination, or
40 otherwise operate as an exclusion, limitation, or
41 condition other than requiring submission of proof of
42 death or surrender of policy at the time the prepaid
43 purchase agreement is funded, matures, or is canceled,
44 as the case may be.

45 d. The establishment shall maintain a copy of any
46 prepaid trust-funded purchase agreement that was
47 converted to a prepaid insurance-funded purchase
48 agreement and retain the payment history records for
49 each converted purchase agreement prior to conversion,
50 until the cemetery merchandise, funeral merchandise,

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1 and funeral services have been delivered.

2 7. The seller of a purchase agreement subject to
3 this chapter which is to be funded by insurance
4 proceeds shall obtain all permits required to be
5 obtained and comply with all reporting requirements
6 under this chapter.

7 8. An insurance company issuing policies funding
8 purchase agreements subject to this chapter shall file
9 an annual report with the commissioner on a form
10 prescribed by the commissioner. The report shall list
11 the applicable insurance policies outstanding for each
12 establishment. Computer printouts may be submitted so
13 long as each legibly provides the same information
14 required in the prescribed form.

15 Sec. ____ NEW SECTION. 523A.402 PURCHASE
16 AGREEMENTS FUNDED BY ANNUITY PROCEEDS.

17 1. A purchase agreement may be funded by proceeds
18 derived from a new or existing annuity issued by an
19 insurance company authorized to do business and doing
20 business within this state.

21 2. Such funding may be in lieu of the trust
22 requirements of this chapter when the purchaser
23 assigns the proceeds of an existing annuity.

24 3. Such funding may be in lieu of the trust
25 requirements of this chapter when a new annuity is
26 purchased to fund the purchase agreement, with a face
27 amount equal to or greater than the current retail
28 price of the cemetery merchandise, funeral
29 merchandise, and funeral services to be delivered
30 under the purchase agreement or, if less, a face

31 amount equal to the total of all payments to be
32 submitted by the purchaser pursuant to the purchase
33 agreement.

34 4. The premiums of any new annuity shall be fully
35 paid within thirty days after execution of the
36 purchase agreement or, with respect to a purchase
37 agreement that provides for periodic payments, the
38 premiums shall be paid directly by the purchaser to
39 the insurance company issuing the annuity.

40 5. The annuity shall satisfy the following
41 conditions:

42 a. Except as necessary and appropriate to satisfy
43 the requirements regarding burial trust funds under
44 Title XIX of the federal Social Security Act, the
45 annuity shall not be owned by the establishment or
46 irrevocably assigned and any designation of the
47 establishment as a beneficiary shall not be made
48 irrevocable.

49 b. The annuity shall provide that any assignment
50 of benefits is contingent upon the establishment's

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1 delivery of cemetery merchandise, funeral merchandise,
2 and funeral services pursuant to a purchase agreement.
3 c. The annuity shall have an increasing death
4 benefit or similar feature that provides some means
5 for increasing the funding as the cost of cemetery
6 merchandise, funeral merchandise, and funeral services
7 increases.

8 6. With the written consent of the purchaser, an
9 existing prepaid purchase agreement with trust-funded
10 benefits may be converted to a prepaid purchase
11 agreement with annuity-funded benefits provided the
12 establishment and the annuity benefits comply with the
13 following provisions:

14 a. The transfer of the trust funds to the
15 insurance company must be at least equal to the full
16 sum required to be deposited as trust principal under
17 the trust-funded prepaid purchase agreement plus all
18 net earnings accumulated with respect thereto, as of
19 the transfer date. Commissions, allowances, surrender
20 charges or other forms of compensation or expense
21 loads, premium expense, administrative charges or
22 expenses, or fees shall not be deducted from the trust
23 funds transferred pursuant to the conversion.

24 b. The face amount of any annuity issued on an
25 individual must be no less than the amount of
26 principal and interest transferred for that individual
27 to the insurance company, and any supplemental annuity
28 issued to cover the unfunded portion of the purchase
29 agreement must have a face amount that is at least as

30 great as the unfunded principal balance. The face
31 amount of the annuity purchased shall not, under any
32 circumstances, be less than the total of all payments
33 made by the purchaser pursuant to the agreement plus
34 all net earnings accumulated with respect thereto, as
35 of the transfer date.

36 c. The annuity shall not allow for contesting
37 coverage, limit death benefits in the case of suicide,
38 refer to physical examination, or otherwise operate as
39 an exclusion, limitation, or condition other than
40 requiring submission of proof of death or surrender of
41 the annuity at the time the prepaid purchase agreement
42 is funded, matures, or is canceled, as the case may
43 be.

44 d. The establishment shall maintain a copy of any
45 prepaid trust-funded purchase agreement that was
46 converted to a prepaid annuity-funded purchase
47 agreement and retain the payment history records for
48 each converted purchase agreement prior to conversion
49 until the cemetery merchandise, funeral merchandise,
50 and funeral services have been delivered.

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1 7. The seller of a purchase agreement subject to
2 this chapter which is to be funded by annuity proceeds
3 shall obtain all permits required to be obtained and
4 comply with all reporting requirements under this
5 chapter.

6 8. An insurance company issuing annuities funding
7 purchase agreements subject to this chapter shall file
8 an annual report with the commissioner on a form
9 prescribed by the commissioner. The report shall list
10 the applicable annuities outstanding for each
11 establishment. Computer printouts may be submitted so
12 long as each legibly provides the same information
13 required in the prescribed form.

14 Sec. ____ NEW SECTION. 523A.403 PURCHASE
15 AGREEMENTS FUNDED BY CERTIFICATES OF DEPOSIT.

16 1. A purchase agreement may be funded by proceeds
17 derived from a certificate of deposit in the name of
18 the purchaser made payable to the seller upon the
19 purchaser's death.

20 2. The seller of a purchase agreement subject to
21 this chapter which is to be funded by a certificate of
22 deposit shall obtain all permits required to be
23 obtained and comply with all reporting requirements
24 under this chapter, implementing rules, and orders.

25 Sec. ____ NEW SECTION. 523A.404 MERCHANDISE
26 DELIVERED TO THE PURCHASER OR WAREHOUSED.

27 1. Trust requirements do not apply to payments for
28 outer burial containers made of either polystyrene or

29 polypropylene or cemetery merchandise delivered to the
30 purchaser or stored in an independent third-party
31 storage facility not owned or controlled by the seller
32 when approved by the commissioner. The seller or the
33 storage facility must demonstrate that they will do
34 all of the following:

- 35 a. Issue a receipt of ownership in the name of the
- 36 purchaser and deliver it to the purchaser.
- 37 b. Insure the merchandise against loss.
- 38 c. Protect the merchandise against damage.
- 39 d. Transfer title to the purchaser.
- 40 e. Appropriately identify and describe the
- 41 merchandise in a manner that it can be distinguished
- 42 from other similar items.
- 43 f. Use a method of storage that allows for visual
- 44 audits of the merchandise.
- 45 g. Have adequate, computerized, recordkeeping
- 46 systems in place to identify, describe, and count each
- 47 item in storage, including the ownership of each item,
- 48 and provide an aggregate listing with numerical
- 49 totals.
- 50 h. File a consent to be audited and inspected by

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1 the commissioner.

- 2 i. Provide reports to the commissioner, annually,
- 3 by an independent certified public accountant, which
- 4 shall include a physical count of merchandise held in
- 5 storage and a review of information, including the
- 6 seller's revenue and sales records, as necessary to
- 7 verify the adequacy of the number of items held at the
- 8 storage facility.
- 9 j. Satisfy the annual reporting requirements of
- 10 section 523A.204.

11 2. Lawn crypts may be delivered in lieu of

12 trusting. For this purpose, delivery means

13 installation in a grave owned by the purchaser. The

14 seller shall do all of the following:

- 15 a. Notify the administrator before the lawn crypts
- 16 are installed.
- 17 b. Identify the intended location of the lawn
- 18 crypts within the cemetery.
- 19 c. Provide documentation adequately demonstrating
- 20 delivery has occurred. Adequate documentation
- 21 includes but is not limited to photographs and third-
- 22 party certifications.
- 23 3. Cemetery merchandise and funeral merchandise
- 24 shall not be deemed delivered to the purchaser or
- 25 warehoused if the merchandise is subject to a lien or
- 26 security interest by any party other than the seller.
- 27 4. An establishment is prohibited from requiring

28 delivery as a condition of the sale.

29 5. A seller shall provide services necessary for
30 the installation or burial of outer burial containers
31 sold by the seller. This subsection shall not require
32 the seller to provide for the opening or closing of
33 the interment or entombment space, unless the purchase
34 agreement provides otherwise.

35 Sec. __. NEW SECTION. 523A.405 BOND IN LIEU OF
36 TRUST FUND.

37 1. In lieu of trust requirements, a seller may
38 file with the commissioner a surety bond issued by a
39 surety company authorized to do business and doing
40 business within this state. The bond must be
41 conditioned upon the seller's faithful performance of
42 purchase agreements subject to this chapter. The
43 surety's liability extends to each such agreement
44 executed while the bond is in force and until
45 performance or rescision of the purchase agreement. To
46 the extent expressly agreed to in writing by the
47 surety, the surety's liability extends to each such
48 agreement subject to this chapter executed prior to
49 the time the bond was in force and until performance
50 or rescision of the agreement. A purchaser aggrieved

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1 by a breach of a condition of the bond covering the
2 purchaser's agreement may maintain an action against
3 the bond. If, at the time of the breach, the
4 purchaser is aware of the purchaser's rights under the
5 bond and how to file a claim against the bond, the
6 surety shall not be liable for any breach of condition
7 unless the surety receives notice of a claim within
8 sixty days following discovery of the acts, omissions,
9 or conditions constituting the breach of condition,
10 except as otherwise provided in this section. A
11 surety bond shall not be canceled by a surety except
12 upon a written notice of cancellation given by the
13 surety to the commissioner by restricted certified
14 mail, and not prior to the expiration of sixty days
15 after receipt of the notice by the commissioner. The
16 surety's liability shall extend to each purchase
17 agreement subject to this chapter executed prior to
18 cancellation of the surety bond until the seller has
19 complied with section 3.

20 2. If a seller becomes insolvent or otherwise
21 ceases to engage in business prior to or within sixty
22 days after cancellation of a bond, the seller shall be
23 deemed to have breached the bond conditions for
24 outstanding agreements under this chapter as of the
25 day prior to cancellation of the bond. The
26 commissioner shall mail written notice by restricted

27 certified mail to the purchaser under each outstanding
28 purchase agreement of the seller that a claim against
29 the bond must be filed with the surety company within
30 sixty days after the mailing date of the notice. The
31 surety shall cease to be liable for all purchase
32 agreements except those for which claims are filed
33 with the surety company within sixty days after the
34 date the commissioner mails the notices.

35 3. If a surety bond is canceled by a surety under
36 any conditions other than those specified in
37 subsection 2, the seller shall comply with all of the
38 following:

39 a. The seller shall comply with the trust
40 requirements of section 523A.201 for all purchase
41 agreements subject to this chapter executed on or
42 after the effective date of cancellation of the surety
43 bond. In the alternative, the seller may submit a
44 substitute surety bond meeting the requirements of
45 subsection 1, but the seller must comply with section
46 523A.201 for any purchase agreements executed on or
47 after the effective cancellation date of the earlier
48 surety bond and prior to the effective date of the
49 later surety bond.

50 b. Within sixty days after the effective

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1 cancellation date of the surety bond, the seller shall
2 submit to the commissioner an undertaking by another
3 surety company that a substitute surety bond meeting
4 the requirements of subsection 1 is in effect and that
5 the liability of the substitute surety bond extends to
6 all outstanding purchase agreements of the seller that
7 were executed but not performed or extinguished prior
8 to the effective date of the substitute surety bond,
9 or the seller shall submit to the commissioner a
10 financial statement accompanied by an unqualified
11 opinion based upon an audit performed by a certified
12 public accountant licensed in this state certifying
13 the total amount of outstanding liabilities of the
14 seller on purchase agreements subject to this chapter
15 and proof of deposit by the seller in trust under
16 section 523A.201 of either the amount specified in
17 section 523A.201, including interest as set by the
18 commissioner based on the interest which would have
19 been earned had the funds been maintained in trust,
20 with respect to all of those outstanding purchase
21 agreements or, where applicable, that delivery of
22 merchandise has been made in compliance with section
23 523A.404. The surety may require such security as is
24 necessary to comply with this section. Upon
25 compliance by the seller with this paragraph, the

26 surety company canceling the surety bond shall cease
27 to be liable with respect to any outstanding purchase
28 agreements of the seller except those purchase
29 agreements with respect to which a breach of condition
30 occurred prior to cancellation and for which timely
31 claims were filed.

32 4. Section 523A.202, and, to the extent it is
33 applicable, section 523A.206, apply to sellers whose
34 purchase agreements are covered by a surety bond
35 maintained under this section, and section 523A.202
36 continues to apply to any purchase agreements of those
37 sellers that are not covered by a surety bond
38 maintained under this section.

39 5. Upon receiving a notice of cancellation of a
40 surety bond, the commissioner shall notify the seller
41 of the requirements of this chapter resulting from
42 cancellation of the bond. The notice may be in the
43 form of a copy of this section and sections 523A.201
44 and 523A.202.

45 6. Upon receiving a notice of cancellation, unless
46 the seller has complied with the requirements of this
47 section, the attorney general shall seek an injunction
48 to prohibit the seller from making further purchase
49 agreements subject to this chapter. The attorney
50 general shall commence an action to attach and levy

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1 execution upon property of the seller when the seller
2 fails to perform a purchase agreement subject to this
3 chapter, to the extent necessary to secure compliance
4 with this chapter. The county attorney may bring
5 criminal charges under subchapter 7.

6 7. The surety under this section shall not be
7 owned, under the control of, or affiliated with the
8 seller.

9 8. The amount of the surety bond shall equal
10 eighty percent of the payments received pursuant to
11 purchase agreements, or the applicable portion
12 thereof, for cemetery merchandise, funeral
13 merchandise, funeral services, or a combination
14 thereof and the amount needed to adjust the amount of
15 the surety bond for inflation as set by the
16 commissioner based on the consumer price index. The
17 seller shall review the amount of the surety bond no
18 less than annually and shall increase the bond as
19 necessary to reflect additional payments. The amount
20 needed to adjust for inflation shall be added annually
21 to the surety bond during the first quarter of the
22 establishment's fiscal year.

23 9. With the consent of the purchaser, an existing
24 prepaid purchase agreement with trust-funded benefits

25 may be converted to a prepaid purchase agreement
 26 funded by a surety bond provided the establishment and
 27 the surety bond comply with the following provisions:
 28 a. The amount of the trust funds transferred to
 29 the surety company must be at least equal to the full
 30 sum required to be deposited as trust principal under
 31 the trust-funded prepaid purchase agreement plus all
 32 net earnings accumulated with respect thereto, as of
 33 the transfer date. Commissions, allowances, surrender
 34 charges or other forms of compensation or expense
 35 loads, premium expense, administrative charges or
 36 expenses, or fees shall not be deducted from the trust
 37 funds transferred pursuant to the conversion.
 38 b. The face amount of the surety bond issued on an
 39 individual must be no less than the amount of
 40 principal and interest transferred for that individual
 41 to the surety company, and any supplemental surety
 42 bond issued to cover the unfunded portion of the
 43 purchase agreement must have a face amount that is at
 44 least as great as the unfunded principal balance. The
 45 face amount of the surety bond purchased shall not,
 46 under the circumstances, be less than the total of all
 47 payments made by the purchaser pursuant to the
 48 agreement plus all net earnings accumulated with
 49 respect thereto, as of the transfer date.
 50 c. The establishment shall maintain a copy of any

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1 prepaid trust-funded agreement that was converted to a
 2 prepaid purchase agreement funded by a surety bond and
 3 retain the payment history records for each converted
 4 purchase agreement prior to conversion until the
 5 cemetery merchandise, funeral merchandise, and funeral
 6 services have been delivered.

7 SUBCHAPTER 5

8 PERMIT REQUIREMENTS FOR SELLERS OF CEMETERY 9 MERCHANDISE, FUNERAL MERCHANDISE, FUNERAL SERVICES, 10 OR A COMBINATION THEREOF

11 Sec. ____ NEW SECTION. 523A.501 ESTABLISHMENT
 12 PERMITS.

13 1. A person shall not advertise, sell, promote, or
 14 offer to furnish cemetery merchandise, funeral
 15 merchandise, funeral services, or a combination
 16 thereof when performance or delivery may be more than
 17 one hundred twenty days following the initial payment
 18 on the account without an establishment permit. Each
 19 establishment must have an establishment permit.
 20 2. An application for an establishment permit
 21 shall be filed on a form prescribed by the
 22 commissioner, be accompanied by a fifty dollar filing
 23 fee, and include a copy of each purchase agreement the

24 person will use for sales of cemetery merchandise,
25 funeral merchandise, funeral services, or a
26 combination thereof.

27 3. The application shall contain:

28 a. The name and address of the establishment.

29 b. The name and address of any additional provider
30 of cemetery merchandise, funeral merchandise, funeral
31 services, or a combination thereof.

32 c. The name and address of each owner, officer, or
33 other official of the establishment, including when
34 relevant the chief executive officer and the members
35 of the board of directors.

36 d. A description of any common business enterprise
37 or parent company.

38 e. The types of cemetery merchandise, funeral
39 merchandise, funeral services, or a combination
40 thereof to be sold.

41 f. The types of trust or trust alternatives
42 utilized by the establishment and a list of the
43 financial institutions, storage facilities, surety
44 companies, and insurance companies utilized by the
45 establishment on a regular basis.

46 4. A permit holder shall inform the commissioner
47 of changes in the information required to be provided
48 by subsection 3 within thirty days of the change.

49 5. An establishment permit is not assignable or
50 transferable. A permit holder selling all or part of

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1 an establishment shall cancel the permit and the
2 purchaser shall apply for a new permit in the
3 purchaser's name within thirty days of the sale.

4 6. The commissioner shall grant or deny a permit
5 application within thirty days after receipt, but the
6 commissioner's failure to act within that time period
7 shall not be deemed approval of the application. If
8 the commissioner does not grant the permit, the
9 commissioner shall notify the person in writing of the
10 reasons for the denial. The permit shall disclose on
11 its face the permit holder's employer or the
12 establishment on whose behalf the applicant will be
13 making or attempting to make sales, the permit number,
14 and the expiration date.

15 7. An initial permit is valid for two years from
16 the date the application is filed. A permit may be
17 renewed for two years by filing the form prescribed by
18 the commissioner under subsection 2, accompanied by a
19 ten dollar renewal fee. Submission of purchase
20 agreements is not required for renewals unless the
21 purchase agreements have been modified since the last
22 filing.

23 8. The commissioner may by rule create or accept a
24 multijurisdiction establishment permit. If the
25 establishment permit is issued by another
26 jurisdiction, the rules shall require the filing of an
27 application or notice form and payment of the
28 applicable filing fee of fifty dollars for an initial
29 application and ten dollars for a renewal application.
30 The application or notice form utilized and the
31 effective dates and terms of the permit may vary from
32 the provisions set forth in subsections 2, 3, and 7.
33 Sec. ____. NEW SECTION. 523A.502 SALES PERMITS.
34 1. A person shall not advertise, sell, promote, or
35 offer to furnish cemetery merchandise, funeral
36 merchandise, funeral services, or a combination
37 thereof when performance or delivery may be more than
38 one hundred twenty days following initial payment on
39 the account without a sales permit. A permit holder
40 must be an employee or agent of a person holding an
41 establishment permit who can deliver the cemetery
42 merchandise, funeral merchandise, funeral services, or
43 a combination thereof being sold. A person must have
44 a sales permit for each establishment at which the
45 person works. However, a person may apply for a sales
46 permit covering multiple establishments, if the
47 establishments have common ownership. The
48 establishment permit holder is liable for the acts of
49 its employees and agents performed in advertising,
50 selling, promoting, or offering to furnish, upon the

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1 future death of a person named or implied in a
2 purchase agreement, cemetery merchandise, funeral
3 merchandise, funeral services, or a combination
4 thereof.
5 2. This chapter does not permit a person to
6 practice mortuary science without a license. A person
7 holding a current sales permit may advertise, sell,
8 promote, or offer to furnish a funeral director's
9 services as an employee or agent of a funeral
10 establishment furnishing the funeral services under
11 chapter 156.
12 3. An application for a sales permit shall be
13 filed on a form prescribed by the commissioner and be
14 accompanied by a five dollar filing fee.
15 4. The application shall contain:
16 a. The name and address of the person.
17 b. The name and address of the person's employer
18 and each establishment on whose behalf the person will
19 be advertising, selling, promoting, or offering to
20 furnish cemetery merchandise, funeral merchandise,
21 funeral services, or a combination thereof.

22 c. The name and address of the provider who will
23 provide the cemetery merchandise, funeral merchandise,
24 funeral services, or a combination thereof if
25 different from the person's employer.

26 5. An initial permit expires one year from the
27 date the application is filed. The permit may be
28 renewed for four years by filing the form prescribed
29 by the commissioner under subsection 3, accompanied by
30 a twenty dollar filing fee.

31 6. A permit holder shall inform the commissioner
32 of changes in the information required to be provided
33 by subsection 4 within thirty days of the change.

34 7. A sales permit is not assignable or
35 transferable. A permit holder selling all or part of
36 a business shall cancel the permit and the purchaser
37 shall apply for a new permit in the purchaser's name
38 within thirty days of the sale.

39 8. The commissioner shall grant or deny a permit
40 application within thirty days after receipt, but the
41 commissioner's failure to act within that time period
42 shall not be deemed approval of the application. If
43 the commissioner does not grant the permit, the
44 commissioner shall notify the applicant in writing of
45 the reasons for the denial.

46 9. The commissioner may by rule create or accept a
47 multijurisdiction sales permit. If the sales permit
48 is issued by another jurisdiction, the rules shall
49 require the filing of an application or notice form
50 and payment of the applicable filing fee of five

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1 dollars for each year. The application or notice form
2 utilized and the effective dates and terms of the
3 permit may vary from the provisions set forth in
4 subsections 3 and 5.

5 Sec. ____ NEW SECTION. 523A.503 DENIAL,
6 SUSPENSION, REVOCATION, AND SURRENDER OF PERMITS.

7 1. The commissioner may, pursuant to chapter 17A,
8 deny any permit application or immediately suspend or
9 revoke any permit issued under this chapter for
10 several reasons, including but not limited to:

11 a. Committing a fraudulent act, engaging in a
12 fraudulent practice, or violating any provision of
13 this chapter or, any implementing rule or order issued
14 under this chapter.

15 b. Violating any other state or federal law
16 applicable to the conduct of the applicant's or permit
17 holder's business.

18 c. Insolvency or financial condition.

19 d. The permit holder, for the purpose of avoiding
20 the trust requirement for funeral services, attributes

21 amounts paid under the purchase agreement to cemetery
 22 merchandise or funeral merchandise that is delivered
 23 under section 523A.404 rather than to funeral services
 24 sold to the purchaser. The sale of funeral services
 25 at a lower price when the sale is made in conjunction
 26 with the sale of cemetery merchandise or funeral
 27 merchandise to be delivered under section 523A.404
 28 than the services are regularly and customarily sold
 29 for when not sold in conjunction with cemetery
 30 merchandise or funeral merchandise is evidence that
 31 the permit holder is acting with the purpose of
 32 avoiding the trust requirement for funeral services
 33 under section 523A.201.

34 e. Engaging in a deceptive act or practice or
 35 deliberately misrepresenting or omitting a material
 36 fact regarding the sale of cemetery merchandise,
 37 funeral merchandise, funeral services, or a
 38 combination thereof under this chapter.

39 f. Conviction of a criminal offense involving
 40 dishonesty or a false statement.

41 g. Inability to provide the cemetery merchandise,
 42 funeral merchandise, funeral services, or a
 43 combination thereof which the applicant or permit
 44 holder purports to sell.

45 h. The applicant or permit holder sells the
 46 business without filing a prior notice of sale with
 47 the commissioner. The permit shall be revoked thirty
 48 days following such sale.

49 i. Selling by a person who is not an employee or
 50 agent of the applicant or permit holder.

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1 2. The commissioner may, for good cause shown,
 2 suspend any permit for a period not exceeding thirty
 3 days, pending investigation.

4 3. Except as provided in subsection 2, a permit
 5 shall not be revoked or suspended except after notice
 6 and hearing under chapter 17A.

7 4. Any permit holder may surrender a permit by
 8 delivering to the commissioner written notice that the
 9 permit holder surrenders the permit, but the surrender
 10 shall not affect the permit holder's civil or criminal
 11 liability for acts committed before the surrender.

12 5. Denial, revocation, suspension, or surrender of
 13 a permit does not impair or affect the obligation of
 14 any preexisting lawful agreement between the permit
 15 holder and any person.

16 SUBCHAPTER 6

17 PURCHASE AGREEMENT REQUIREMENTS

18 Sec. ____ NEW SECTION. 523A.601 DISCLOSURES.

19 1. A purchase agreement for cemetery merchandise,

20 funeral merchandise, funeral services, or a
21 combination thereof shall be written in clear,
22 understandable language, and shall be printed or typed
23 in an easy-to-read font, size, and style, and shall:

24 a. Identify the seller, the salesperson's permit
25 and establishment name and permit number, the
26 expiration date of the salesperson's permit, the
27 purchaser, and the person for whom the cemetery
28 merchandise, funeral merchandise, funeral services, or
29 a combination thereof is purchased, if other than the
30 purchaser.

31 b. Specify the cemetery merchandise, funeral
32 merchandise, funeral services, or a combination
33 thereof, to be provided, and the cost of each
34 merchandise item or service.

35 c. State clearly the conditions upon which
36 substitution will be allowed.

37 d. State the total purchase price and the terms
38 under which it is to be paid.

39 e. State clearly whether the purchase agreement is
40 a guaranteed price agreement or a nonguaranteed price
41 agreement. A nonguaranteed price agreement shall
42 contain in twelve point bold-faced type an explanation
43 of the consequences of such agreement in substantially
44 the following language:

45 THE PRICES OF MERCHANDISE AND SERVICES UNDER THIS
46 AGREEMENT ARE SUBJECT TO CHANGE IN THE FUTURE. ANY
47 FUNDS PAID UNDER THIS AGREEMENT ARE ONLY A DEPOSIT TO
48 BE APPLIED, TOGETHER WITH ACCRUED INCOME, TOWARD THE
49 FINAL COSTS OF THE MERCHANDISE OR SERVICES AGREED
50 UPON. ADDITIONAL CHARGES MAY BE INCURRED WHEN

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1 ADDITIONAL MERCHANDISE OR SERVICES OR BOTH ARE
2 PROVIDED OR WHEN PRICES HAVE INCREASED MORE THAN
3 ACCRUED INCOME.

4 f. State that the purchase of the cemetery
5 merchandise, funeral merchandise, and funeral services
6 is revocable and specify the damages for cancellation,
7 if any.

8 g. State clearly who has the authority to cancel,
9 amend, or revoke the purchase agreement to purchase
10 cemetery merchandise, funeral merchandise, and funeral
11 services.

12 h. State clearly that the purchaser is entitled to
13 rescind the purchase agreement under terms and
14 conditions specified by section 523A.602.

15 i. Include an explanation of regulatory oversight
16 by the insurance division in twelve point bold-faced
17 type, in substantially the following language:

18 THIS AGREEMENT IS SUBJECT TO RULES ADMINISTERED BY

19 THE IOWA INSURANCE DIVISION. YOU MAY CALL THE
 20 INSURANCE DIVISION AT (____) _____. WRITTEN
 21 INQUIRIES OR COMPLAINTS SHOULD BE MAILED TO THE IOWA
 22 SECURITIES BUREAU, (STREET ADDRESS), (CITY), IOWA (ZIP
 23 CODE).

24 2. A purchase agreement that is funded by a trust
 25 shall also:

26 a. State the percentage of money to be placed in
 27 trust.

28 b. Explain the disposition of the income generated
 29 from investments and include a statement of the
 30 purchaser's responsibility for income taxes owed on
 31 the income if applicable.

32 c. State that if, after all payments are made
 33 under the conditions and terms of the purchase
 34 agreement for cemetery merchandise, funeral
 35 merchandise, funeral services, or a combination
 36 thereof, any funds remain in the nonguaranteed
 37 irrevocable burial trust fund, the seller shall
 38 disburse the remaining funds according to law.

39 d. State clearly the terms of the funeral and
 40 burial trust agreement and whether it is revocable or
 41 irrevocable.

42 e. State clearly that the purchaser is entitled to
 43 transfer the trust funding, insurance funding, or
 44 other trust assets or select another establishment to
 45 receive the trust funding, insurance funding, or any
 46 other trust assets.

47 f. State clearly who has the authority to amend or
 48 revoke the trust agreement, if revocable, and who has
 49 the authority to appoint successor trustees if the
 50 purchase agreement is canceled.

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1 3. The commissioner may adopt rules establishing
 2 disclosure and format requirements to promote consumer
 3 understanding of the merchandise and services
 4 purchased and the available funding mechanisms for a
 5 purchase agreement under this chapter.

6 4. A purchase agreement shall be signed by the
 7 purchaser, the seller, and if the agreement is for
 8 funeral services as defined in chapter 156, a person
 9 licensed to deliver funeral services.

10 5. The seller shall disclose the following
 11 information prior to accepting the initial payment
 12 under a purchase agreement:

13 a. The specific method or methods (trust deposits,
 14 certificates of deposit, life insurance or an annuity,
 15 a surety bond, or warehousing) that will be used to
 16 fund the purchase agreement.

17 b. The relationship between the soliciting agent

18 or agents, the provider of the cemetery merchandise,
19 funeral merchandise, or funeral services, or
20 combination thereof, the commissioner, and any other
21 person.

22 c. The relationship of the life insurance policy
23 or other trust assets to the funding of the purchase
24 agreement and the nature and existence of any
25 guarantees regarding the purchase agreement.

26 d. The impact on the purchase agreement of the
27 following:

28 (1) Changes in the funding, including but not
29 limited to changes in the assignment, beneficiary
30 designation, trustee, or use of proceeds.

31 (2) Any penalties to be incurred by the purchaser
32 as a result of the failure to make any additional
33 payments required.

34 (3) Penalties to be incurred upon cancellation.

35 e. A list of cemetery merchandise, funeral
36 merchandise, and funeral services which are agreed
37 upon under the purchase agreement and all relevant
38 information concerning the price of the cemetery
39 merchandise, funeral merchandise, funeral services, or
40 a combination thereof, including a statement that the
41 purchase price is either guaranteed at the time of
42 purchase or to be determined at the time of need.

43 f. All relevant information concerning what occurs
44 and whether any entitlements or obligations arise if
45 there is a difference between the funding and the
46 amount actually needed to fund the purchase agreement.

47 g. Any penalties or restrictions including but not
48 limited to geographic restrictions or the inability of
49 the provider to perform, upon delivery of cemetery
50 merchandise, funeral merchandise, or funeral services,

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1 or the purchase agreement guarantee.

2 h. If the funding is being transferred from
3 another establishment, any material facts related to
4 the revocation of the prior purchase agreement and the
5 transfer of the existing trust funds.

6 Sec. ____ NEW SECTION. 523A.602 CONSUMER
7 PRECISION, CANCELLATION, AND REFUND RIGHTS, AND
8 PURCHASE AGREEMENT COMPLIANCE WITH OTHER LAWS.

9 1. A seller shall furnish the purchaser with a
10 completed copy of a purchase agreement pertaining to
11 the sale at the time the purchase agreement is signed.

12 The seller shall comply with the following terms:

13 a. The same language shall be used in both the
14 oral sales representation and the written purchase
15 agreement.

16 b. The seller shall give notice in the purchase

17 agreement of the purchaser's right to rescind after
18 signing the purchase agreement. The rescision period
19 must be but may be greater than three business days
20 after the date of the purchase agreement. The notice
21 must:

22 (1) Be located close to the signature line.

23 (2) Be printed in twelve point bold-faced type.

24 (3) State that "YOU, THE PURCHASER, HAVE THE RIGHT
25 TO RESCIND THIS AGREEMENT AT ANY TIME PRIOR TO
26 MIDNIGHT OF THE (INSERT RELEVANT NUMBER, NOT LESS THAN
27 THREE) BUSINESS DAYS AFTER THE DATE OF THIS
28 AGREEMENT."

29 c. All moneys shall be refunded without penalty
30 within ten days after rescision.

31 2. CANCELLATION REFUND.

32 a. A purchase agreement must include a statement
33 that the purchaser has the right to cancel the
34 agreement for the purchase of cemetery merchandise,
35 funeral merchandise, and funeral services upon written
36 demand and designate or appoint a trustee to hold,
37 manage, invest, and distribute the trust assets.

38 b. If a purchase agreement is canceled, a
39 purchaser requests a transfer of the trust assets upon
40 cancellation of a purchase agreement, or another
41 establishment provides merchandise or services
42 designated in a purchase agreement, the seller shall
43 refund or transfer within thirty days of receiving a
44 written demand no less than the purchase price of the
45 applicable cemetery merchandise, funeral merchandise,
46 and funeral services adjusted for inflation, using the
47 consumer price index amounts announced by the
48 commissioner annually, less any cancellation penalty
49 set forth in the purchase agreement. The amount of
50 the cancellation penalty shall not exceed ten percent

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1 of the purchase price of the applicable cemetery
2 merchandise, funeral merchandise, and funeral
3 services. The seller may also deduct the value of the
4 cemetery merchandise, funeral merchandise, and funeral
5 services already received by, delivered to, or
6 warehoused for the purchaser.

7 c. A purchase agreement must include a statement
8 that the purchaser is entitled to a refund of the
9 purchase price of the applicable funeral merchandise
10 adjusted for inflation, using the consumer price index
11 amounts announced by the commissioner annually for any
12 item of funeral merchandise that cannot be delivered
13 to the location specified in the purchase agreement
14 within forty-eight hours of notice of the individual's
15 death, unless the delay is caused by weather

16 conditions or a natural disaster. The seller must
 17 return such refund to the purchaser within thirty days
 18 of receiving the written demand.

19 3. This section does not prohibit a purchaser who
 20 is or may become eligible for benefits under Title XIX
 21 of the federal Social Security Act from making a
 22 guaranteed price purchase agreement irrevocable to the
 23 extent that federal law or regulations require that
 24 such an agreement be irrevocable for purposes of a
 25 purchaser's eligibility for benefits under Title XIX
 26 of the federal Social Security Act, as permitted under
 27 federal law. The seller of credit sale agreements
 28 shall comply with the requirements of chapter 537, the
 29 Iowa consumer credit code, and is subject to the
 30 remedies and penalties provided in that chapter for
 31 noncompliance.

32 SUBCHAPTER 7

33 FRAUDULENT PRACTICES

34 Sec. ____ NEW SECTION. 523A.701 MISLEADING
 35 FILINGS.

36 It is unlawful for a person to make or cause to be
 37 made, in any document filed with the commissioner, or
 38 in any proceeding under this chapter, any statement of
 39 material fact which is, at the time and in the light
 40 of the circumstances under which it is made, false or
 41 misleading, or, in connection with such statement, to
 42 omit to state a material fact necessary in order to
 43 make the statements made, in the light of the
 44 circumstances under which they are made, not
 45 misleading.

46 Sec. ____ NEW SECTION. 523A.702
 47 MISREPRESENTATIONS OF GOVERNMENT APPROVAL.

48 It is unlawful for a seller under this chapter to
 49 represent or imply in any manner that the seller has
 50 been sponsored, recommended, or approved, or that the

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1 seller's abilities or qualifications have in any
 2 respect been passed upon by the commissioner.
 3 Sec. ____ NEW SECTION. 523A.703 FRAUDULENT
 4 PRACTICES.

5 A person who commits any of the following acts
 6 commits a fraudulent practice and is punishable as
 7 provided in chapter 714:

8 1. Knowingly fails to comply with any requirement
 9 of this chapter.

10 2. Knowingly makes, causes to be made, or
 11 subscribes to a false statement or representation in a
 12 report or other document required under this chapter,
 13 implementing rules, or orders, or renders such a
 14 report or document misleading through the deliberate

15 omission of information properly belonging in the
16 report or document.

17 3. Conspires to defraud in connection with the
18 sale of cemetery merchandise, funeral merchandise,
19 funeral services, or a combination thereof under this
20 chapter.

21 4. Fails to deposit funds under sections 523A.201
22 and 523A.202 or withdraws any funds in a manner
23 inconsistent with this chapter.

24 5. Knowingly sells or offers cemetery merchandise,
25 funeral merchandise, funeral services, or a
26 combination thereof without an establishment permit.

27 6. Deliberately misrepresents or omits a material
28 fact relative to the sale of cemetery merchandise,
29 funeral merchandise, funeral services, or a
30 combination thereof under this chapter. When selling
31 cemetery merchandise or funeral merchandise, a seller
32 shall not exclude the funeral services necessary for
33 the delivery, use, or installation of the cemetery
34 merchandise or funeral merchandise at the time of the
35 funeral or burial unless the purchase agreement
36 expressly provides otherwise.

37 SUBCHAPTER 8

38 ADMINISTRATION AND ENFORCEMENT

39 Sec. ____ NEW SECTION. 523A.801 ADMINISTRATION.

40 1. This chapter shall be administered by the
41 commissioner. The deputy administrator appointed
42 pursuant to section 502.601 shall be the principal
43 operations officer responsible to the commissioner for
44 the routine administration of this chapter and
45 management of the administrative staff. In the
46 absence of the commissioner, whether because of
47 vacancy in the office due to absence, physical
48 disability, or other cause, the deputy administrator
49 shall, for the time being, have and exercise the
50 authority conferred upon the commissioner. The

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1 commissioner may by order from time to time delegate
2 to the deputy administrator any or all of the
3 functions assigned to the commissioner in this
4 chapter. The deputy administrator shall employ
5 officers, attorneys, accountants, and other employees
6 as needed for administering this chapter.

7 2. It is unlawful for the commissioner or any
8 administrative staff to use for personal benefit any
9 information which is filed with or obtained by the
10 commissioner and which is not made public. This
11 chapter does not authorize the commissioner or any
12 such staff member to disclose any such information
13 except among themselves or to other cemetery and

14 funeral administrators, regulatory authorities, or
15 governmental agencies, or when necessary and
16 appropriate in a proceeding or investigation under
17 this chapter or as required by chapter 22. This
18 chapter neither creates nor derogates any privileges
19 that exist at common law or otherwise when documentary
20 or other evidence is sought under a subpoena directed
21 to the commissioner or any administrative staff.

22 Sec. ____ NEW SECTION. 523A.802 SCOPE.

23 1. This chapter applies to any advertisement,
24 sale, promotion, or offer made by a person to furnish,
25 upon the future death of a person named or implied in
26 a purchase agreement, cemetery merchandise, funeral
27 merchandise, funeral services, or a combination
28 thereof. Burial accounts and insurance policies are
29 included if the account records or related documents
30 identify the establishment that will provide the
31 cemetery merchandise, funeral merchandise, funeral
32 services, or a combination thereof.

33 2. This chapter applies when a purchase agreement
34 is executed within this state or an advertisement,
35 promotion, or offer to furnish is made or accepted
36 within this state. An offer to furnish is made within
37 this state, whether or not either party is then
38 present in this state, when the offer originates from
39 this state or is directed by the offeror to this state
40 and received by the offeree in this state through the
41 mail, over the telephone, by the internet, or through
42 any other means of commerce.

43 3. If a foreign person does not have a registered
44 agent or agents in the state of Iowa, doing business
45 within this state shall constitute the person's
46 appointment of the secretary of state of the state of
47 Iowa to be its true and lawful attorney upon whom may
48 be served all lawful process of original notice in
49 actions or proceedings arising or growing out of any
50 contract or tort.

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1 Sec. ____ NEW SECTION. 523A.803 INVESTIGATIONS
2 AND SUBPOENAS.

3 1. The commissioner may, for the purpose of
4 discovering violations of this chapter, implementing
5 rules, or orders issued under this chapter:
6 a. Make such public or private investigations
7 within or outside of this state as the commissioner
8 deems necessary to determine whether any person has
9 violated or is about to violate this chapter,
10 implementing rules, or orders issued under this
11 chapter, or to aid in enforcement of this chapter or
12 in the prescribing of rules and forms under this

13 chapter.

14 b. Require or permit any person to file a
15 statement in writing, under oath or otherwise as the
16 commissioner or attorney general determines, as to all
17 the facts and circumstances concerning the matter to
18 be investigated.

19 c. Notwithstanding chapter 22, keep confidential
20 the information obtained in the course of an
21 investigation. However, if the commissioner
22 determines that it is necessary or appropriate in the
23 public interest or for the protection of the public,
24 the commissioner may share information with other
25 administrators, regulatory authorities, or
26 governmental agencies, or may publish information
27 concerning a violation of this chapter, implementing
28 rules, or orders issued under this chapter.

29 d. Investigate the establishment and examine the
30 books, accounts, papers, correspondence, memoranda,
31 purchase agreements, files, or other documents or
32 records used by every applicant and permit holder
33 under this chapter.

34 e. Administer oaths and affirmations, subpoena
35 witnesses, compel their attendance, take evidence, and
36 require the production of any books, accounts, papers,
37 correspondence, memoranda, purchase agreements, files,
38 or other documents or records which the commissioner
39 deems relevant or material to any investigation or
40 proceeding under this chapter and implementing rules,
41 all of which may be enforced under chapter 17A.

42 f. Apply to the district court for an order
43 requiring a person's appearance before the
44 commissioner or attorney general, or a designee of
45 either or both, in cases where the person has refused
46 to obey a subpoena issued by the commissioner or
47 attorney general. The person may also be required to
48 produce documentary evidence germane to the subject of
49 the investigation. Failure to obey a court order
50 under this subsection constitutes contempt of court.

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1 2. The commissioner may issue and bring an action
2 in district court to enforce subpoenas within this
3 state at the request of an agency or administrator of
4 another state, if the activity constituting an alleged
5 violation for which the information is sought would be
6 a violation of this chapter had the activity occurred
7 in this state.

8 Sec. ____ NEW SECTION. 523A.804 MEDIATION.
9 The commissioner may order an establishment to
10 participate in mediation in any dispute regarding a
11 purchase agreement. Mediation performed under this

12 section shall be conducted by a mediator appointed by
13 the commissioner and shall comply with the provisions
14 of chapter 679C.

15 Mediation of these disputes shall include
16 attendance at a mediation session with the mediator
17 and the parties to the dispute, listening to the
18 mediator's explanation of the mediation process,
19 presentation of one party's view of the dispute, and
20 listening to the response of the other party.

21 Participation in mediation does not require that the
22 parties reach a mediation agreement.

23 Parties to the mediation shall have the right to
24 advice and presence of counsel at all times. The
25 parties to the mediation shall present any mediation
26 agreement reached through the mediation to the
27 commissioner. If a mediation agreement is not
28 reached, the mediator shall file a report with the
29 commissioner. The costs of the mediation shall be
30 approved by the commissioner and shall be borne by the
31 insurance division's regulatory fund.

32 Sec. ____ NEW SECTION. 523A.805 CEASE AND DESIST
33 ORDERS -- INJUNCTIONS.

34 If it appears to the commissioner that a person has
35 engaged or is about to engage in an act or practice
36 constituting a violation of this chapter, implementing
37 rules, or orders issued under this chapter, the
38 commissioner or the attorney general may do either or
39 both of the following:

40 1. Issue a summary order directed at the person
41 requiring the person to cease and desist from engaging
42 in such act or practice. A person may request a
43 hearing within thirty days of issuance of the summary
44 order. If a hearing is not timely requested, the
45 summary order shall become final by operation of law.
46 The order shall remain effective from the date of
47 issuance until the date the order becomes final by
48 operation of law or is overturned by a presiding
49 officer following a request for hearing. Section
50 17A.18A is inapplicable to summary cease and desist

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1 orders issued under this section.
2 2. Bring an action in the district court in any
3 county of the state for an injunction to restrain a
4 person subject to this chapter and any agents,
5 employees, or associates of the person from engaging
6 in conduct or practices deemed contrary to the public
7 interest. In any proceeding for an injunction, the
8 commissioner or attorney general may apply to the
9 court for a subpoena to require the appearance of a
10 defendant and the defendant's agents and for any

11 books, accounts, papers, correspondence, memoranda,
 12 purchase agreements, files, or other documents or
 13 records germane to the hearing upon the petition for
 14 an injunction. Upon a proper showing, a permanent or
 15 temporary injunction, restraining order, or writ of
 16 mandamus shall be granted and a receiver may be
 17 appointed for the defendant or the defendant's assets.
 18 The commissioner or attorney general shall not be
 19 required to post a bond.

20 Sec. ____ NEW SECTION. 523A.806 COURT ACTION FOR
 21 FAILURE TO COOPERATE.

22 If a person fails or refuses to file any statement
 23 or report or to produce any books, accounts, papers,
 24 correspondence, memoranda, purchase agreements, files,
 25 or other documents or records, or to obey any subpoena
 26 issued by the commissioner, the commissioner may refer
 27 the matter to the attorney general, who may apply to a
 28 district court to enforce compliance. The court may
 29 order any or all of the following:

30 1. Injunctive relief, restricting or prohibiting
 31 the offer or sale of cemetery merchandise, funeral
 32 merchandise, funeral services, or a combination
 33 thereof.
 34 2. Revocation or suspension of any permit issued
 35 under this chapter.
 36 3. Production of documents or records including
 37 but not limited to books, accounts, papers,
 38 correspondence, memoranda, purchase agreements, files,
 39 or other documents or records.

40 4. Such other relief as may be required.
 41 Such an order shall be effective until the person
 42 files the statement or report or produces the
 43 documents requested, or obeys the subpoena.

44 Sec. ____ NEW SECTION. 523A.807 PROSECUTION FOR
 45 VIOLATIONS OF LAW.

46 1. A violation of this chapter or rules adopted or
 47 orders issued under this chapter is a violation of
 48 section 714.16, subsection 2, paragraph "a". The
 49 remedies and penalties provided by section 714.16,
 50 including but not limited to injunctive relief and

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1 penalties, apply to violations of this chapter.
 2 2. If the commissioner believes that grounds exist
 3 for the criminal prosecution of persons subject to
 4 this chapter for violations of this chapter or any
 5 other law of this state, the commissioner may forward
 6 to the attorney general or the county attorney the
 7 grounds for the belief, including all evidence in the
 8 commissioner's possession, so that the attorney
 9 general or the county attorney may proceed with the

10 matter as deemed appropriate.

11 Sec. ____ NEW SECTION. 523A.808 COOPERATION WITH
12 OTHER AGENCIES.

13 1. To encourage uniform interpretation and
14 administration of this chapter and effective
15 regulation of the sale of cemetery merchandise,
16 funeral merchandise, and funeral services, the
17 commissioner may cooperate with any governmental law
18 enforcement or regulatory agency.

19 2. This cooperation includes but is not limited
20 to:

- 21 a. Making a joint examination or investigation.
- 22 b. Holding a joint administrative hearing.
- 23 c. Filing and prosecuting a joint civil or
24 administrative proceeding.
- 25 d. Sharing and exchanging personnel.
- 26 e. Sharing and exchanging relevant information and
27 documents.
- 28 f. Formulating, in accordance with chapter 17A,
29 rules or proposed rules on matters such as statements
30 of policy, regulatory standards, guidelines, and
31 interpretive opinions.

32 Sec. ____ NEW SECTION. 523A.809 RULES, FORMS,
33 AND ORDERS.

34 1. Under chapter 17A, the commissioner may from
35 time to time make, amend, and rescind such rules,
36 forms, and orders as are necessary or appropriate for
37 the protection of purchasers and the public and to
38 administer the provisions of this chapter, its
39 implementing rules, and orders issued under this
40 chapter.

41 2. A rule, form, or order shall not be made,
42 amended, or rescinded unless the commissioner finds
43 that the action is necessary or appropriate in the
44 public interest or for the protection of purchasers
45 and consistent with the purposes fairly intended by
46 the policies and provisions of this chapter, its
47 implementing rules, and orders issued under this
48 chapter.

49 3. A provision of this chapter imposing any
50 liability does not apply to any act done or omitted in

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1 good faith in conformity with any rules, form, or
2 order of the commissioner, notwithstanding that the
3 rule, form, or order may later be amended or rescinded
4 or be determined by judicial or other authority to be
5 invalid for any reason.

6 Sec. ____ NEW SECTION. 523A.810 DATE OF FILING
7 AND INTERPRETIVE OPINIONS.

8 1. A document is filed when it is received by the

9 commissioner.

10 2. Requests for interpretive opinions may be
11 granted in the commissioner's discretion.

12 Sec. ____ NEW SECTION. 523A.811 RECEIVERSHIPS.

13 1. The commissioner shall notify the attorney
14 general of the potential need for establishment of a
15 receivership if the commissioner finds that a seller
16 subject to this chapter meets one or more of the
17 following conditions:

18 a. Is insolvent.

19 b. Has utilized trust funds for personal or
20 business purposes in a manner inconsistent with this
21 chapter.

22 c. The amount of funds currently held in trust for
23 cemetery merchandise, funeral merchandise, and funeral
24 services is less than eighty percent of all payments
25 made under the purchase agreements referred to in
26 section 523A.201.

27 d. Has refused to pay any just claim or demand
28 based on a purchase agreement referred to in section
29 523A.201.

30 e. The commissioner finds upon investigation that
31 a seller is unable to pay any claim or demand based on
32 a purchase agreement which has been legally determined
33 to be just and outstanding.

34 2. The commissioner or attorney general may apply
35 to the district court in any county of the state for
36 the establishment of a receivership. Upon proof of
37 any of the grounds for a receivership described in
38 this section, the court may grant a receivership.

39 Sec. ____ NEW SECTION. 523A.812 INSURANCE
40 DIVISION'S REGULATORY FUND.

41 The insurance division may authorize the creation
42 of a special revenue fund in the state treasury, to be
43 known as the insurance division regulatory fund. The
44 commissioner shall allocate annually from the fees
45 paid pursuant to section 523A.204, two dollars for
46 each purchase agreement reported on an establishment
47 permit holder's annual report for deposit to the
48 regulatory fund. The remainder of the fees collected
49 pursuant to section 523A.204 shall be deposited into
50 the general fund of the state. The moneys in the

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1 regulatory fund shall be retained in the fund. The
2 moneys are appropriated and, subject to authorization
3 by the commissioner, may be used to pay auditors,
4 audit expenses, investigative expenses, the expenses
5 of mediation ordered by the commissioner, consumer
6 education expenses, the expenses of a toll-free
7 telephone line to receive consumer complaints, and the

8 expenses of receiverships established under section
9 523A.811. An annual allocation to the regulatory fund
10 shall not be imposed if the current balance of the
11 fund exceeds two hundred thousand dollars.

12 Sec. ____ NEW SECTION. 523A.813 LICENSE
13 REVOCATION -- RECOMMENDATION BY COMMISSIONER TO BOARD
14 OF MORTUARY SCIENCE EXAMINERS.

15 Upon a determination by the commissioner that
16 grounds exist for an administrative license revocation
17 or suspension action by the board of mortuary science
18 examiners under chapter 156, the commissioner may
19 forward to the board the grounds for the
20 determination, including all evidence in the
21 possession of the commissioner, so that the board may
22 proceed with the matter as deemed appropriate.

23 SUBCHAPTER 9

24 LIQUIDATION PROCEDURES

25 Sec. ____ NEW SECTION. 523A.901 LIQUIDATION.
26 1. GROUNDS FOR LIQUIDATION. The commissioner may
27 petition the district court for an order directing the
28 commissioner to liquidate an establishment on either
29 of the following grounds:

30 a. The establishment did not deposit funds
31 pursuant to section 523A.201 or withdrew funds in a
32 manner inconsistent with this chapter and is
33 insolvent.

34 b. The establishment did not deposit funds
35 pursuant to section 523A.201 or withdrew funds in a
36 manner inconsistent with this chapter and the
37 condition of the establishment is such that further
38 transaction of business would be hazardous,
39 financially or otherwise, to purchasers or the public.

40 2. LIQUIDATION ORDER.

41 a. An order to liquidate the business of an
42 establishment shall appoint the commissioner as
43 liquidator and shall direct the liquidator to
44 immediately take possession of the assets of the
45 establishment and to administer them under the general
46 supervision of the court. The liquidator is vested
47 with the title to the property, contracts, and rights
48 of action and the books and records of the
49 establishment ordered liquidated, wherever located, as
50 of the entry of the final order of liquidation. The

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1 filing or recording of the order with the clerk of
2 court and the recorder of deeds of the county in which
3 its principal office or place of business is located,
4 or, in the case of real estate with the recorder of
5 deeds of the county where the property is located, is
6 notice as a deed, bill of sale, or other evidence of

7 title duly filed or recorded with the recorder of
8 deeds.

9 b. Upon issuance of an order, the rights and
10 liabilities of an establishment and of the
11 establishment's creditors, purchasers, owners, and
12 other persons interested in the establishment's estate
13 shall become fixed as of the date of the entry of the
14 order of liquidation, except as provided in subsection
15 14.

16 c. At the time of petitioning for an order of
17 liquidation, or at any time after the time of
18 petitioning, the commissioner, after making
19 appropriate findings of an establishment's insolvency,
20 may petition the court for a declaration of
21 insolvency. After providing notice and hearing as it
22 deems proper, the court may make the declaration.

23 d. An order issued under this section shall
24 require accounting to the court by the liquidator.
25 Accountings, at a minimum, must include all funds
26 received or disbursed by the liquidator during the
27 current period. An accounting shall be filed within
28 one year of the liquidation order and at such other
29 times as the court may require.

30 e. Within five days after the initiation of an
31 appeal of an order of liquidation, which order has not
32 been stayed, the commissioner shall present for the
33 court's approval a plan for the continued performance
34 of the establishment's obligations during the pendency
35 of an appeal. The plan shall provide for the
36 continued performance of purchase agreements in the
37 normal course of events, notwithstanding the grounds
38 alleged in support of the order of liquidation
39 including the ground of insolvency. If the defendant
40 establishment's financial condition, in the judgment
41 of the commissioner, will not support the full
42 performance of all obligations during the appeal
43 pendency period, the plan may prefer the claims of
44 certain purchasers and claimants over creditors and
45 interested parties as well as other purchasers and
46 claimants, as the commissioner finds to be fair and
47 equitable considering the relative circumstances of
48 such purchasers and claimants. The court shall
49 examine the plan submitted by the commissioner and if
50 it finds the plan to be in the best interests of the

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1 parties, the court shall approve the plan. An action
2 shall not lie against the commissioner or any of the
3 commissioner's deputies, agents, clerks, assistants,
4 or attorneys by any party based on preference in an
5 appeal pendency plan approved by the court.

6 3. POWERS OF LIQUIDATOR.

7 a. The liquidator may do any of the following:

8 (1) Appoint a special deputy to act for the
9 liquidator under this chapter, and determine the
10 special deputy's reasonable compensation. The special
11 deputy shall have all the powers of the liquidator
12 granted by this section. The special deputy shall
13 serve at the pleasure of the liquidator.

14 (2) Hire employees and agents, legal counsel,
15 accountants, appraisers, consultants, and other
16 personnel as the commissioner may deem necessary to
17 assist in the liquidation.

18 (3) With the approval of the court, fix reasonable
19 compensation of employees and agents, legal counsel,
20 accountants, appraisers, and consultants.

21 (4) Pay reasonable compensation to persons
22 appointed and defray from the funds or assets of the
23 establishment all expenses of taking possession of,
24 conserving, conducting, liquidating, disposing of, or
25 otherwise dealing with the business and property of
26 the establishment. If the property of the
27 establishment does not contain sufficient cash or
28 liquid assets to defray the costs incurred, the
29 commissioner may advance the costs so incurred out of
30 the insurance division regulatory fund. Amounts so
31 advanced for expenses of administration shall be
32 repaid to the insurance division regulatory fund for
33 the use of the division out of the first available
34 moneys of the establishment.

35 (5) Hold hearings, subpoena witnesses, and compel
36 their attendance, administer oaths, examine a person
37 under oath, and compel a person to subscribe to the
38 person's testimony after it has been correctly reduced
39 to writing, and in connection to the proceedings
40 require the production of books, accounts, papers,
41 correspondence, memoranda, purchase agreements, files,
42 or other documents or records which the liquidator
43 deems relevant to the inquiry.

44 (6) Collect debts and moneys due and claims
45 belonging to the establishment, wherever located.
46 Pursuant to this subparagraph, the liquidator may do
47 any of the following:

48 (a) Institute timely action in other jurisdictions
49 to forestall garnishment and attachment proceedings
50 against debts.

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1 (b) Perform acts as are necessary or expedient to
2 collect, conserve, or protect its assets or property,
3 including the power to sell, compound, compromise, or
4 assign debts for purposes of collection upon terms and

5 conditions as the liquidator deems best.
6 (c) Pursue any creditor's remedies available to
7 enforce claims.
8 (7) Conduct public and private sales of the
9 property of the establishment.
10 (8) Use assets of the establishment under a
11 liquidation order to transfer obligations of purchase
12 agreements to a solvent establishment, if the transfer
13 can be accomplished without prejudice to the
14 applicable priorities under subsection 18.
15 (9) Acquire, hypothecate, encumber, lease,
16 improve, sell, transfer, abandon, or otherwise dispose
17 of or deal with property of the establishment at its
18 market value or upon terms and conditions as are fair
19 and reasonable. The liquidator shall also have power
20 to execute, acknowledge, and deliver deeds,
21 assignments, releases, and other instruments necessary
22 to effectuate a sale of property or other transaction
23 in connection with the liquidation.
24 (10) Borrow money on the security of the
25 establishment's assets or without security and execute
26 and deliver documents necessary to that transaction
27 for the purpose of facilitating the liquidation.
28 Money borrowed pursuant to this subparagraph shall be
29 repaid as an administrative expense and shall have
30 priority over any other class 1 claims under the
31 priority of distribution established in subsection 18.
32 (11) Enter into contracts as necessary to carry
33 out the order to liquidate and affirm or disavow
34 contracts to which the establishment is a party.
35 (12) Continue to prosecute and to institute in the
36 name of the establishment or in the liquidator's own
37 name any and all suits and other legal proceedings, in
38 this state or elsewhere, and to abandon the
39 prosecution of claims the liquidator deems
40 unprofitable to pursue further.
41 (13) Prosecute an action on behalf of the
42 creditors, purchasers, or owners against an officer of
43 the establishment or any other person.
44 (14) Remove records and property of the
45 establishment to the offices of the commissioner or to
46 other places as may be convenient for the purposes of
47 efficient and orderly execution of the liquidation.
48 (15) Deposit in one or more banks in this state
49 sums as are required for meeting current
50 administration expenses and distributions.

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- 1 (16) Unless the court orders otherwise, invest
- 2 funds not currently needed.
- 3 (17) File necessary documents for recording in the

4 office of the recorder of deeds or record office in
5 this state or elsewhere where property of the
6 establishment is located.

7 (18) Assert defenses available to the
8 establishment against third persons including statutes
9 of limitations, statutes of fraud, and the defense of
10 usury. A waiver of a defense by the establishment
11 after a petition in liquidation has been filed shall
12 not bind the liquidator.

13 (19) Exercise and enforce the rights, remedies,
14 and powers of a creditor, purchaser, or owner,
15 including the power to avoid transfer or lien that may
16 be given by the general law and that is not included
17 within subsections 7 through 9.

18 (20) Intervene in a proceeding wherever instituted
19 that might lead to the appointment of a receiver or
20 trustee, and act as the receiver or trustee whenever
21 the appointment is offered.

22 (21) Exercise powers now held or later conferred
23 upon receivers by the laws of this state which are not
24 inconsistent with this chapter.

25 b. This subsection does not limit the liquidator
26 or exclude the liquidator from exercising a power not
27 listed in paragraph "a" that may be necessary or
28 appropriate to accomplish the purposes of this
29 chapter.

30 4. NOTICE TO CREDITORS AND OTHERS.

31 a. Unless the court otherwise directs, the
32 liquidator shall give notice of the liquidation order
33 as soon as possible by doing both of the following:

34 (1) Mailing notice, by first-class mail, to all
35 persons known or reasonably expected to have claims
36 against the establishment, including purchasers, at
37 their last known address as indicated by the records
38 of the establishment.

39 (2) Publication of notice in a newspaper of
40 general circulation in the county in which the
41 establishment has its principal place of business and
42 in other locations as the liquidator deems
43 appropriate.

44 b. Notice to potential claimants under paragraph
45 "a" shall require claimants to file with the
46 liquidator their claims together with proper proofs of
47 the claim under subsection 13 on or before a date the
48 liquidator shall specify in the notice. Claimants
49 shall keep the liquidator informed of their changes of
50 address, if any.

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1 c. If notice is given pursuant to this subsection,
2 the distribution of assets of the establishment under

3 this chapter shall be conclusive with respect to
4 claimants, whether or not a claimant actually received
5 notice.

6 5. ACTIONS BY AND AGAINST LIQUIDATOR.

7 a. After issuance of an order appointing a
8 liquidator of an establishment, an action at law or
9 equity shall not be brought against the establishment
10 within this state or elsewhere, and existing actions
11 shall not be maintained or further presented after
12 issuance of the order. Whenever in the liquidator's
13 judgment, protection of the estate of the
14 establishment necessitates intervention in an action
15 against the establishment that is pending outside this
16 state, the liquidator may intervene in the action.
17 The liquidator may defend, at the expense of the
18 estate of the establishment, an action in which the
19 liquidator intervenes under this section.

20 b. Within two years or such additional time as
21 applicable law may permit, the liquidator, after the
22 issuance of an order for liquidation, may institute an
23 action or proceeding on behalf of the estate of the
24 establishment upon any cause of action against which
25 the period of limitation fixed by applicable law has
26 not expired at the time of the filing of the petition
27 upon which the order is entered. If a period of
28 limitation is fixed by agreement for instituting a
29 suit or proceeding upon a claim, or for filing a
30 claim, proof of claim, proof of loss, demand, notice,
31 or the like, or if in a proceeding, judicial or
32 otherwise, a period of limitation is fixed in the
33 proceeding or pursuant to applicable law for taking an
34 action, filing a claim or pleading, or doing an act,
35 and if the period has not expired at the date of the
36 filing of the petition, the liquidator may, for the
37 benefit of the estate, take any action or do any act,
38 required of or permitted to the establishment, within
39 a period of one hundred eighty days subsequent to the
40 entry of an order for liquidation, or within a further
41 period as is shown to the satisfaction of the court
42 not to be unfairly prejudicial to the other party.

43 c. A statute of limitations or defense of laches
44 shall not run with respect to an action against an
45 establishment between the filing of a petition for
46 liquidation against the establishment and the denial
47 of the petition. An action against the establishment
48 that might have been commenced when the petition was
49 filed may be commenced for at least sixty days after
50 the petition is denied.

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1 6. COLLECTION AND LIST OF ASSETS.

2 a. As soon as practicable after the liquidation
3 order but not later than one hundred twenty days after
4 such order, the liquidator shall prepare in duplicate
5 a list of the establishment's assets. The list shall
6 be amended or supplemented as the liquidator may
7 determine. One copy shall be filed in the office of
8 the clerk of court, and one copy shall be retained for
9 the liquidator's files. Amendments and supplements
10 shall be similarly filed.

11 b. The liquidator shall reduce the assets to a
12 degree of liquidity that is consistent with the
13 effective execution of the liquidation.

14 c. A submission of a proposal to the court for
15 distribution of assets in accordance with subsection
16 11 fulfills the requirements of paragraph "a".

17 7. FRAUDULENT TRANSFERS PRIOR TO PETITION.

18 a. A transfer made and an obligation incurred by
19 an establishment within one year prior to the filing
20 of a successful petition for liquidation under this
21 chapter is fraudulent as to then existing and future
22 creditors if made or incurred without fair
23 consideration, or with actual intent to hinder, delay,
24 or defraud either existing or future creditors. A
25 fraudulent transfer made or an obligation incurred by
26 an establishment ordered to be liquidated under this
27 chapter may be avoided by the liquidator, except as to
28 a person who in good faith is a purchaser, lienor, or
29 obligee for a present fair equivalent value. A
30 purchaser, lienor, or obligee, who in good faith has
31 given a consideration less than present fair
32 equivalent value for such transfer, lien, or
33 obligation, may retain the property, lien, or
34 obligation as security for repayment. The court may,
35 on due notice, order any such transfer, lien, or
36 obligation to be preserved for the benefit of the
37 estate, and in that event, the receiver shall succeed
38 to and may enforce the rights of the purchaser,
39 lienor, or obligee.

40 b. (1) A transfer of property other than real
41 property is made when it becomes perfected so that a
42 subsequent lien obtainable by legal or equitable
43 proceedings on a simple contract could not become
44 superior to the rights of the transferee under
45 subsection 9, paragraph "c".

46 (2) A transfer of real property is made when it
47 becomes perfected so that a subsequent bona fide
48 purchaser from the establishment could not obtain
49 rights superior to the rights of the transferee.

50 (3) A transfer which creates an equitable lien is

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1 not perfected if there are available means by which a
2 legal lien could be perfected.

3 (4) A transfer not perfected prior to the filing
4 of a petition for liquidation is deemed to be made
5 immediately before the filing of the successful
6 petition.

7 (5) This subsection applies whether or not there
8 are or were creditors who might have obtained a lien
9 or persons who might have become bona fide purchasers.

10 8. FRAUDULENT TRANSFER AFTER PETITION.

11 a. After a petition for liquidation has been
12 filed, a transfer of real property of the
13 establishment made to a person acting in good faith is
14 valid against the liquidator if made for a present
15 fair equivalent value. If the transfer is not made
16 for a present fair equivalent value, then the transfer
17 is valid to the extent of the present consideration
18 actually paid for which amount the transferee shall
19 have a lien on the property transferred. The
20 commencement of a proceeding in liquidation is
21 constructive notice upon the recording of a copy of
22 the petition for or order of liquidation with the
23 recording or deeds in the county where any real
24 property in question is located. The exercise by a
25 court of the United States or a state or jurisdiction
26 to authorize a judicial sale of real property of the
27 establishment within a county in a state shall not be
28 impaired by the pendency of a proceeding unless the
29 copy is recorded in the county prior to the
30 consummation of the judicial sale.

31 b. After a petition for liquidation has been filed
32 and before either the liquidator takes possession of
33 the property of the establishment or an order of
34 liquidation is granted:

35 (1) A transfer of the property, other than real
36 property, of the establishment made to a person acting
37 in good faith is valid against the liquidator if made
38 for a present fair equivalent value. If the transfer
39 was not made for a present fair equivalent value, then
40 the transfer is valid to the extent of the present
41 consideration actually paid for which amount the
42 transferee shall have a lien on the property
43 transferred.

44 (2) If acting in good faith, a person indebted to
45 the establishment or holding property of the
46 establishment may pay the debt or deliver the
47 property, or any part of the property, to the
48 establishment or upon the establishment's order as if
49 the petition were not pending.

50 (3) A person having actual knowledge of the

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1 pending liquidation is not acting in good faith.

2 (4) A person asserting the validity of a transfer
3 under this subsection has the burden of proof. Except
4 as provided in this subsection, a transfer by or on
5 behalf of the establishment after the date of the
6 petition for liquidation by any person other than the
7 liquidator is not valid against the liquidator.

8 c. A person receiving any property from the
9 establishment or any benefit of the property of the
10 establishment which is a fraudulent transfer under
11 paragraph "a" is personally liable for the property or
12 benefit and shall account to the liquidator.

13 d. This chapter does not impair the negotiability
14 of currency or negotiable instruments.

15 9. VOIDABLE PREFERENCES AND LIENS.

16 a. (1) A preference is a transfer of the property
17 of an establishment to or for the benefit of a
18 creditor for an antecedent debt made or suffered by
19 the establishment within one year before the filing of
20 a successful petition for liquidation under this
21 chapter, the effect of which transfer may be to enable
22 the creditor to obtain a greater percentage of this
23 debt than another creditor of the same class would
24 receive. If a liquidation order is entered while the
25 establishment is already subject to a receivership,
26 then the transfers are preferences if made or suffered
27 within one year before the filing of the successful
28 petition for the receivership, or within two years
29 before the filing of the successful petition for
30 liquidation, whichever time is shorter.

31 (2) A preference may be avoided by the liquidator
32 if any of the following exist:

33 (a) The establishment was insolvent at the time of
34 the transfer.

35 (b) The transfer was made within four months
36 before the filing of the petition.

37 (c) At the time the transfer was made, the
38 creditor receiving it or to be benefited by the
39 transfer or the creditor's agent acting with reference
40 to the transfer had reasonable cause to believe that
41 the establishment was insolvent or was about to become
42 insolvent.

43 (d) The creditor receiving the transfer was an
44 officer, or an employee, attorney, or other person who
45 was in fact in a position of comparable influence in
46 the establishment to an officer whether or not the
47 person held the position of an officer, owner, or
48 other person, firm, corporation, association, or
49 aggregation of persons with whom the establishment did
50 not deal at arm's length.

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1 (3) Where the preference is voidable, the
2 liquidator may recover the property. If the property
3 has been converted, the liquidator may recover its
4 value from a person who has received or converted the
5 property. However, if a bona fide purchaser or lienor
6 has given less than the present fair equivalent value,
7 the purchaser or lienor shall have a lien upon the
8 property to the extent of the consideration actually
9 given. Where a preference by way of lien or security
10 interest is voidable, the court may on due notice
11 order the lien or security interest to be preserved
12 for the benefit of the estate, in which event the lien
13 or title shall pass to the liquidator.

14 b. (1) A transfer of property other than real
15 property is made when it becomes perfected so that a
16 subsequent lien obtainable by legal or equitable
17 proceedings on a simple contract could not become
18 superior to the rights of the transferee.

19 (2) A transfer of real property is made when it
20 becomes perfected so that a subsequent bona fide
21 purchaser from the establishment could not obtain
22 rights superior to the rights of the transferee.

23 (3) A transfer which creates an equitable lien is
24 not perfected if there are available means by which a
25 legal lien could be created.

26 (4) A transfer not perfected prior to the filing
27 of a petition for liquidation is deemed to be made
28 immediately before the filing of the successful
29 petition.

30 (5) This subsection applies whether or not there
31 are or were creditors who might have obtained liens or
32 persons who might have become bona fide purchasers.

33 c. (1) A lien obtainable by legal or equitable
34 proceedings upon a simple contract is one arising in
35 the ordinary course of the proceedings upon the entry
36 or docketing of a judgment or decree, or upon
37 attachment, garnishment, execution, or like process,
38 whether before, upon, or after judgment or decree and
39 whether before or upon levy. It does not include
40 liens which under applicable law are given a special
41 priority over other liens which are prior in time.

42 (2) A lien obtainable by legal or equitable
43 proceedings may become superior to the rights of a
44 transferee, or a purchaser may obtain rights superior
45 to the rights of a transferee within the meaning of
46 paragraph "b", if such consequences follow only from
47 the lien or purchase itself, or from the lien or
48 purchase followed by a step wholly within the control
49 of the respective lienholder or purchaser, with or
50 without the aid of ministerial action by public

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1 officials. However, a lien could not become superior
2 and a purchase could not create superior rights for
3 the purpose of paragraph "b" through an act subsequent
4 to the obtaining of a lien or subsequent to a purchase
5 which requires the agreement or concurrence of any
6 third party or which requires further judicial action
7 or ruling.

8 d. A transfer of property for or on account of a
9 new and contemporaneous consideration, which is under
10 paragraph "b" made or suffered after the transfer
11 because of delay in perfecting it, does not become a
12 transfer for or on account of an antecedent debt if
13 any acts required by the applicable law to be
14 performed in order to perfect the transfer as against
15 liens or a bona fide purchaser's rights are performed
16 within twenty-one days or any period expressly allowed
17 by the law, whichever is less. A transfer to secure a
18 future loan, if a loan is actually made, or a transfer
19 which becomes security for a future loan, shall have
20 the same effect as a transfer for or on account of a
21 new and contemporaneous consideration.

22 e. If a lien which is voidable under paragraph
23 "a", subparagraph (2), has been dissolved by the
24 furnishing of a bond or other obligation, the surety
25 of which has been indemnified directly or indirectly
26 by the transfer or the creation of a lien upon
27 property of an establishment before the filing of a
28 petition under this chapter which results in the
29 liquidation order, the indemnifying transfer or lien
30 is also voidable.

31 f. The property affected by a lien voidable under
32 paragraphs "a" and "e" is discharged from the lien.
33 The property and any of the indemnifying property
34 transferred to or for the benefit of a surety shall
35 pass to the liquidator. However, the court may on due
36 notice order a lien to be preserved for the benefit of
37 the estate and the court may direct that the
38 conveyance be executed to evidence the title of the
39 liquidator.

40 g. The court shall have summary jurisdiction of a
41 proceeding by a liquidator to hear and determine the
42 rights of the parties under this section. Reasonable
43 notice of hearing in the proceeding shall be given to
44 all parties in interest, including the obligee of a
45 releasing bond or other like obligation. Where an
46 order is entered for the recovery of indemnifying
47 property in kind or for the avoidance of an
48 indemnifying lien, upon application of any party in
49 interest, the court shall in the same proceeding
50 ascertain the value of the property or lien. If the

1 value is less than the amount for which the property
2 is indemnified or less than the amount of the lien,
3 the transferee or lienholder may elect to retain the
4 property or lien upon payment of its value, as
5 ascertained by the court, to the liquidator within the
6 time as fixed by the court.

7 h. The liability of a surety under a releasing
8 bond or other like obligation is discharged to the
9 extent of the value of the indemnifying property
10 recovered or the indemnifying lien nullified and
11 avoided by the liquidator. Where the property is
12 retained under paragraph "g", the liability of the
13 surety is discharged to the extent of the amount paid
14 to the liquidator.

15 i. If a creditor has been preferred for property
16 which becomes a part of the establishment's estate,
17 and afterward in good faith gives the establishment
18 further credit without security of any kind, the
19 amount of the new credit remaining unpaid at the time
20 of the petition may be set off against the preference
21 which would otherwise be recoverable from the
22 creditor.

23 j. If within four months before the filing of a
24 successful petition for liquidation under this
25 chapter, or at any time in contemplation of a
26 proceeding to liquidate, an establishment, directly or
27 indirectly, pays money or transfers property to an
28 attorney for services rendered or to be rendered, the
29 transaction may be examined by the court on its own
30 motion or shall be examined by the court on petition
31 of the liquidator. The payment or transfer shall be
32 held valid only to the extent of a reasonable amount
33 to be determined by the court. The excess may be
34 recovered by the liquidator for the benefit of the
35 estate. However, where the attorney is in a position
36 of influence in the establishment or an affiliate,
37 payment of any money or the transfer of any property
38 to the attorney for services rendered or to be
39 rendered shall be governed by the provisions of
40 paragraph "a", subparagraph (2), subparagraph
41 subdivision (d).

42 k. (1) An officer, manager, employee,
43 shareholder, subscriber, attorney, or other person
44 acting on behalf of the establishment who knowingly
45 participates in giving any preference when the person
46 has reasonable cause to believe the establishment is
47 or is about to become insolvent at the time of the
48 preference is personally liable to the liquidator for
49 the amount of the preference. There is an inference
50 that reasonable cause exists if the transfer was made

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1 within four months before the date of filing of this
2 successful petition for liquidation.

3 (2) A person receiving property from the
4 establishment or the benefit of the property of the
5 establishment as a preference voidable under paragraph
6 "a" is personally liable for the property and shall
7 account to the liquidator.

8 (3) This subsection shall not prejudice any other
9 claim by the liquidator against any person.

10 10. CLAIMS OF HOLDER OF VOID OR VOIDABLE RIGHTS.

11 a. A claim of a creditor who has received or
12 acquired a preference, lien, conveyance, transfer,
13 assignment, or encumbrance, voidable under this
14 chapter, shall not be allowed unless the creditor
15 surrenders the preference, lien, conveyance, transfer,
16 assignment, or encumbrance. If the avoidance is
17 effected by a proceeding in which a final judgment has
18 been entered, the claim shall not be allowed unless
19 the money is paid or the property is delivered to the
20 liquidator within thirty days from the date of the
21 entering of the final judgment. However, the court
22 having jurisdiction over the liquidation may allow
23 further time if there is an appeal or other
24 continuation of the proceeding.

25 b. A claim allowable under paragraph "a" by reason
26 of a voluntary or involuntary avoidance, preference,
27 lien, conveyance, transfer, assignment, or encumbrance
28 may be filed as an excused late filing under
29 subsection 12, if filed within thirty days from the
30 date of the avoidance or within the further time
31 allowed by the court under paragraph "a".

32 11. LIQUIDATOR'S PROPOSAL TO DISTRIBUTE ASSETS.

33 a. From time to time as assets become available,
34 the liquidator shall make application to the court for
35 approval of a proposal to disburse assets out of
36 marshaled assets.

37 b. The proposal shall at least include provisions
38 for all of the following:

39 (1) Reserving amounts for the payment of all the
40 following:

41 (a) Expenses of administration.

42 (b) To the extent of the value of the security
43 held, the payment of claims of secured creditors.

44 (c) Claims falling within the priorities
45 established in subsection 18, paragraphs "a" and "b".

46 (2) Disbursement of the assets marshaled to date
47 and subsequent disbursement of assets as they become
48 available.

49 c. Action on the application may be taken by the
50 court provided that the liquidator's proposal complies

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1 with paragraph "b".

2 12. FILING OF CLAIMS.

3 a. Proof of all claims shall be filed with the
4 liquidator in the form required by subsection 13 on or
5 before the last day for filing specified in the notice
6 required under subsection 4.

7 b. The liquidator may permit a claimant making a
8 late filing to share in distributions, whether past or
9 future, as if the claimant were not late, to the
10 extent that the payment will not prejudice the orderly
11 administration of the liquidation under any of the
12 following circumstances:

13 (1) The existence of the claim was not known to
14 the claimant and the claimant filed the claim as
15 promptly as reasonably possible after learning of it.

16 (2) A transfer to a creditor was avoided under
17 subsections 7 through 9, or was voluntarily
18 surrendered under subsection 10, and the filing
19 satisfies the conditions of subsection 10.

20 (3) The valuation under subsection 17 of security
21 held by a secured creditor shows a deficiency, which
22 is filed within thirty days after the valuation.

23 c. The liquidator may consider any claim filed
24 late and permit the claimant to receive distributions
25 which are subsequently declared on any claims of the
26 same or lower priority if the payment does not
27 prejudice the orderly administration of the
28 liquidation. The late-filing claimant shall receive
29 at each distribution the same percentage of the amount
30 allowed on the claim as is then being paid to
31 claimants of any lower priority. This shall continue
32 until the claim has been paid in full.

33 13. PROOF OF CLAIM.

34 a. Proof of claim shall consist of a statement
35 signed by the claimant that includes all of the
36 following that are applicable:

37 (1) The particulars of the claim, including the
38 consideration given for it.

39 (2) The identity and amount of the security on the
40 claim.

41 (3) The payments, if any, made on the debt.

42 (4) A statement that the sum claimed is justly
43 owing and that there is no setoff, counterclaim, or
44 defense to the claim.

45 (5) Any right of priority of payment or other
46 specific right asserted by the claimant.

47 (6) A copy of the written instrument which is the
48 foundation of the claim.

49 (7) The name and address of the claimant and the
50 attorney who represents the claimant, if any.

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1 b. A claim need not be considered or allowed if it
2 does not contain all the information identified in
3 paragraph "a" which is applicable. The liquidator may
4 require that a prescribed form be used and may require
5 that other information and documents be included.

6 c. At any time the liquidator may request the
7 claimant to present information or evidence
8 supplementary to that required under paragraph "a",
9 and may take testimony under oath, require production
10 of affidavits or depositions, or otherwise obtain
11 additional information or evidence.

12 d. A judgment or order against an establishment
13 entered after the date of filing of a successful
14 petition for liquidation, or a judgment or order
15 against the establishment entered at any time by
16 default or by collusion need not be considered as
17 evidence of liability or of the amount of damages. A
18 judgment or order against an establishment before the
19 filing of the petition need not be considered as
20 evidence of liability or of the amount of damages.

21 14. SPECIAL CLAIMS.

22 a. A claim may be allowed even if contingent, if
23 it is filed pursuant to subsection 12. The claim may
24 be allowed and the claimant may participate in all
25 distributions declared after it is filed to the extent
26 that it does not prejudice the orderly administration
27 of the liquidation.

28 b. Claims that are due except for the passage of
29 time shall be treated as absolute claims are treated.
30 However, the claims may be discounted at the legal
31 rate of interest.

32 c. Claims made under employment contracts by
33 directors, principal officers, or persons in fact
34 performing similar functions or having similar powers
35 are limited to payment for services rendered prior to
36 the issuance of an order of liquidation under
37 subsection 2.

38 15. DISPUTED CLAIMS.

39 a. If a claim is denied in whole or in part by the
40 liquidator, written notice of the determination shall
41 be given to the claimant or the claimant's attorney by
42 first-class mail at the address shown in the proof of
43 claim. Within sixty days from the mailing of the
44 notice, the claimant may file objections with the
45 liquidator. Unless a filing is made, the claimant
46 shall not further object to the determination.

47 b. If objections are filed with the liquidator and
48 the liquidator does not alter the denial of the claim
49 as a result of the objections, the liquidator shall
50 ask the court for a hearing as soon as practicable and

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1 give notice of the hearing by first-class mail to the
2 claimant or the claimant's attorney and to any other
3 persons directly affected. The notice shall be given
4 not less than ten nor more than thirty days before the
5 date of hearing. The matter shall be heard by the
6 court or by a court-appointed referee. The referee
7 shall submit findings of fact along with a
8 recommendation.

9 16. CLAIMS OF OTHER PERSON. If a creditor, whose
10 claim against an establishment is secured in whole or
11 in part by the undertaking of another person, fails to
12 prove and file that claim, then the other person may
13 do so in the creditor's name and shall be subrogated
14 to the rights of the creditor, whether the claim has
15 been filed by the creditor or by the other person in
16 the creditor's name to the extent that the other
17 person discharges the undertaking. However, in the
18 absence of an agreement with the creditor to the
19 contrary, the other person is not entitled to any
20 distribution until the amount paid to the creditor on
21 the undertaking plus the distributions paid on the
22 claim from the establishment's estate to the creditor
23 equal the amount of the entire claim of the creditor.
24 An excess received by the creditor shall be held by
25 the creditor in trust for the other person.

26 17. SECURED CREDITOR'S CLAIMS.

27 a. The value of the security held by a secured
28 creditor shall be determined in one of the following
29 ways, as the court may direct:

30 (1) By converting the security into money
31 according to the terms of the agreement pursuant to
32 which the security was delivered to the creditors.

33 (2) By agreement, arbitration, compromise, or
34 litigation between the creditor and the liquidator.

35 b. The determination shall be under the
36 supervision and control of the court with due regard
37 for the recommendation of the liquidator. The amount
38 so determined shall be credited upon the secured
39 claim. A deficiency shall be treated as an unsecured
40 claim. If the claimant surrenders the security to the
41 liquidator, the entire claim shall be allowed as if
42 unsecured.

43 18. PRIORITY OF DISTRIBUTION. The priority of
44 distribution of claims from the establishment's estate
45 shall be in accordance with the order in which each
46 class of claims is set forth. Claims in each class
47 shall be paid in full or adequate funds retained for
48 the payment before the members of the next class
49 receive any payment. Subclasses shall not be
50 established within a class. The order of distribution

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1 of claims is as follows:

2 a. CLASS 1. The costs and expenses of
3 administration, including but not limited to the
4 following:

5 (1) Actual and necessary costs of preserving or
6 recovering the assets of the establishment.

7 (2) Compensation for all authorized services
8 rendered in the liquidation.

9 (3) Necessary filing fees.

10 (4) Fees and mileage payable to witnesses.

11 (5) Authorized reasonable attorney fees and other
12 professional services rendered in the liquidation.

13 b. CLASS 2. Reasonable compensation to employees
14 for services performed to the extent that they do not
15 exceed two months of monetary compensation and
16 represent payment for services performed within one
17 year before the filing of the petition for
18 liquidation. Officers and directors are not entitled
19 to the benefit of this priority. The priority is in
20 lieu of other similar priority which may be authorized
21 by law as to wages or compensation of employees.

22 c. CLASS 3. Claims under purchase agreements.

23 d. CLASS 4. Claims of general creditors.

24 e. CLASS 5. Claims of the federal or of any state
25 or local government. Claims, including those of a
26 governmental body for a penalty or forfeiture, are
27 allowed in this class only to the extent of the
28 pecuniary loss sustained from the act, transaction, or
29 proceeding out of which the penalty or forfeiture
30 arose, with reasonable and actual costs incurred. The
31 remainder of such claims shall be postponed to the
32 class of claims under paragraph "g".

33 f. CLASS 6. Claims filed late or any other claims
34 other than claims under paragraph "g".

35 g. CLASS 7. The claims of shareholders or other
36 owners.

37 19. LIQUIDATOR'S RECOMMENDATIONS TO THE COURT.

38 a. The liquidator shall review claims duly filed
39 in the liquidation and shall make further
40 investigation as necessary. The liquidator may
41 compound, compromise, or in any other manner negotiate
42 the amount for which claims will be recommended to the
43 court except where the liquidator is required by law
44 to accept claims as settled by a person or
45 organization. Unresolved disputes shall be determined
46 under subsection 15. As soon as practicable, the
47 liquidator shall present to the court a report of the
48 claims against the establishment with the liquidator's
49 recommendations. The report shall include the name
50 and address of each claimant and the amount of the

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1 claim finally recommended.

2 b. The court may approve, disapprove, or modify
3 the report on claims by the liquidator. Reports not
4 modified by the court within sixty days following
5 submission by the liquidator shall be treated by the
6 liquidator as allowed claims, subject to later
7 modification or to rulings made by the court pursuant
8 to subsection 15. A claim under a policy of insurance
9 shall not be allowed for an amount in excess of the
10 applicable policy limits.

11 20. DISTRIBUTION OF ASSETS. Under the direction
12 of the court, the liquidator shall pay distributions
13 in a manner that will ensure the proper recognition of
14 priorities and a reasonable balance between the
15 expeditious completion of the liquidation and the
16 protection of unliquidated and undetermined claims,
17 including third-party claims. Distribution of assets
18 in kind may be made at valuations set by agreement
19 between the liquidator and the creditor and approved
20 by the court.

21 21. UNCLAIMED AND WITHHELD FUNDS.

22 a. Unclaimed funds subject to distribution
23 remaining in the liquidator's hands when the
24 liquidator is ready to apply to the court for
25 discharge, including the amount distributable to a
26 creditor, owner, or other person who is unknown or
27 cannot be found, shall be deposited with the treasurer
28 of the state, and shall be paid without interest,
29 except as provided in subsection 18, to the person
30 entitled or to the person's legal representative upon
31 proof satisfactory to the treasurer of state of the
32 right to the funds. Any amount on deposit not claimed
33 within six years from the discharge of the liquidator
34 is deemed to have been abandoned and shall become the
35 property of the state without formal escheat
36 proceedings and be transferred to the insurance
37 division regulatory fund.

38 b. Funds withheld under subsection 14 and not
39 distributed shall upon discharge of the liquidator be
40 deposited with the treasurer of state and paid
41 pursuant to subsection 18. Sums remaining which under
42 subsection 18 would revert to the undistributed assets
43 of the establishment shall be transferred to the
44 insurance division regulatory fund and become the
45 property of the state as provided under paragraph "a",
46 unless the commissioner in the commissioner's
47 discretion petitions the court to reopen the
48 liquidation pursuant to subsection 23.

49 c. Notwithstanding any other provision of this
50 chapter, funds as identified in paragraph "a", with

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1 the approval of the court, shall be made available to
2 the commissioner for use in the detection and
3 prevention of future insolvencies. The commissioner
4 shall hold these funds in the insurance division
5 regulatory fund and shall pay without interest, except
6 as provided in subsection 18, to the person entitled
7 to the funds or to the person's legal representative
8 upon proof satisfactory to the commissioner of the
9 person's right to the funds. The funds shall be held
10 by the commissioner for a period of two years at which
11 time the rights and duties to the unclaimed funds
12 shall vest in the commissioner.

13 22. TERMINATION OF PROCEEDINGS.

14 a. When all assets justifying the expense of
15 collection and distribution have been collected and
16 distributed under this chapter, the liquidator shall
17 apply to the court for discharge. The court may grant
18 the discharge and make any other orders, including an
19 order to transfer remaining funds that are
20 uneconomical to distribute, as appropriate.

21 b. Any other person may apply to the court at any
22 time for an order under paragraph "a". If the
23 application is denied, the applicant shall pay the
24 costs and expenses of the liquidator in resisting the
25 application, including a reasonable attorney fee.
26 23. REOPENING LIQUIDATION. At any time after the
27 liquidation proceeding has been terminated and the
28 liquidator discharged, the commissioner or other
29 interested party may petition the court to reopen the
30 proceedings for good cause including the discovery of
31 additional assets. The court shall order the
32 proceeding reopened if it is satisfied that there is
33 justification for the reopening.

34 24. DISPOSITION OF RECORDS DURING AND AFTER
35 TERMINATION OF LIQUIDATION. If it appears to the
36 commissioner that the records of an establishment in
37 the process of liquidation or completely liquidated
38 are no longer useful, the commissioner may recommend
39 to the court and the court shall direct what records
40 shall be retained for future reference and what
41 records shall be destroyed.

42 25. EXTERNAL AUDIT OF LIQUIDATOR'S BOOKS. The
43 court may order audits to be made of the books of the
44 commissioner relating to a liquidation established
45 under this chapter, and a report of each audit shall
46 be filed with the commissioner and with the court.
47 The books, records, and other documents of the
48 liquidation shall be made available to the auditor at
49 any time without notice. The expense of an audit
50 shall be considered a cost of administration of the

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1 liquidation.

2 Sec. ____ Section 537A.10, subsection 1, paragraph
3 c, subparagraph (3), Code 2001, is amended to read as
4 follows:

5 (3) "Franchise" also does not include any contract
6 under which a petroleum retailer or petroleum
7 distributor is authorized or permitted to occupy
8 leased marketing premises, which premises are to be
9 employed in connection with the sale, consignment, or
10 distribution of motor fuel under a trademark which is
11 owned or controlled by a refiner which is regulated by
12 the federal Petroleum Marketing Practices Act, 15
13 U.S.C. } 2801 et seq. The term "refiner" means any
14 person engaged in the refining of crude oil to produce
15 motor fuel, and includes any affiliate of such person.
16 "Franchise" also does not include a contract entered
17 into by any person regulated under chapter 123, 322,
18 322A, 322B, 322C, 322D, 322F, ~~522~~ 522B, or 543B, or a
19 contract establishing a franchise relationship with
20 respect to the sale of construction equipment, lawn or
21 garden equipment, or real estate.

22 Sec. ____ 2001 Iowa Acts, Senate File 500, section
23 39, is amended to read as follows:

24 SEC. 39. EFFECTIVE DATE. Sections 4, 5, 7 through
25 11, 13 through 22, 34, and 38 of this Act take effect
26 January 1, 2002.

27 Sec. ____ Chapters 523A and 523E, Code 2001, are
28 repealed."

29 ____ Title page, line 1, by inserting after the
30 word "Act" the following: "concerning regulated
31 industries under the jurisdiction of the commissioner
32 of insurance relating to various issues relating to
33 insurance,".

34 3. Title page, line 7, by inserting after the
35 word "requirements" the following: ", and relating to
36 cemetery and funeral merchandise and funeral services,
37 establishing permit and purchase agreement
38 requirements, establishing and appropriating fees, and
39 providing administration, enforcement, and liquidation
40 procedures, and penalties".

41 4. By renumbering as necessary.

S-3435

1 Amend House File 707, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 12, the
4 following:

5 "Sec. ____ Section 422.45, Code 2001, amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 60. The gross receipts from the
 8 sale, lease, or rental of computers, racks, shelves,
 9 conveyors, machinery, and equipment, including
 10 replacement parts, and materials used to construct or
 11 self-construct computers, racks, shelves, conveyors,
 12 machinery, and equipment if such items are directly
 13 used by an interstate distributor.

14 For purposes of this subsection, "interstate
 15 distributor" means a business that owns and operates a
 16 distribution center whose size is fifty thousand
 17 square feet or greater, whose new construction was
 18 completed on or after July 1, 2001, is located on
 19 property zoned for industrial purposes, and employs
 20 ten or more new employees at that site, and over
 21 fifty percent of the total value of products shipped
 22 annually from that site are to a destination outside
 23 the borders of Iowa. This exemption does not apply to
 24 an interstate distributor which closes or
 25 substantially reduces its operations in one area of
 26 this state and relocates substantially the same
 27 operation in another area of the state."

28 2. Title page, line 3, by inserting after the
 29 word "purposes" the following: "and exempting the
 30 sale, lease, or rental of certain property to an
 31 interstate distributor from sales and use taxes".

JOHN REDWINE

S-3436

HOUSE AMENDMENT TO SENATE FILE 336

1 Amend Senate File 336, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 15, by striking the words "second
 4 or subsequent".

5 2. Page 1, line 23, by inserting after the figure
 6 "279.13," the following: "In addressing the failure
 7 of a practitioner to fulfill contractual obligations,
 8 the board shall consider factors beyond the
 9 practitioner's control."

S-3437

1 Amend the amendment, S-3318, to House File 643, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. By striking page 1, line 35 through page 2,
5 line 8.

WALLY E. HORN

S-3438

HOUSE AMENDMENT TO
SENATE FILE 470

- 1 Amend Senate File 470, as passed by the Senate, as
2 follows:
3 1. Page 3, by inserting after line 26, the
4 following:
5 "Sec. ____ NEW SECTION. 163.53 PRIVATE CAUSES OF
6 ACTION.
7 This chapter does not prevent a person from
8 commencing a civil cause of action based on any right
9 that the person may assert under statute or common
10 law."
11 2. By renumbering as necessary.

S-3439

- 1 Amend Senate File 530 as follows:
2 1. Page 13, line 30, by striking the figure
3 "4,033,736" and inserting the following: "4,213,736".

STEVEN D. HANSEN

S-3440

- 1 Amend Senate File 516 as follows:
2 1. Page 1, by striking lines 10 through 12 and
3 inserting the following:
4 "Sec. ____ EFFECTIVE AND RETROACTIVE APPLICABILITY
5 PROVISION. This Act takes effect only if the revenue
6 estimating conference estimates that, as a result of
7 the enactment of federal income tax legislation prior
8 to January 1, 2002, Iowa income tax receipts for the
9 fiscal year beginning July 1, 2001, will be increased
10 by \$7.9 million or more over the amount of Iowa income
11 tax receipts which would have been realized in the
12 absence of the enactment of such federal income tax
13 legislation. If this Act takes effect, this Act
14 applies retroactively to January 1, 2001, for tax
15 years beginning on or after that date."
16 2. Title page, line 4, by striking the word "a"
17 and inserting the following: "an effective and".

LARRY McKIBBEN

S-3441

1 Amend Senate File 514 as follows:

2 1. Page 10, by inserting after line 4, the

3 following:

4 "___." "County affected by tax increment financing"

5 means a county where both of the following apply:

6 (1) The board of supervisors certified a general
7 fund levy for the fiscal year beginning July 1, 2001,
8 on or before March 15, 2001, that was less than three
9 dollars and fifty cents per thousand dollars of
10 taxable valuation times the taxable valuation for the
11 general fund for that fiscal year.

12 (2) A city or community college established a tax
13 increment financing district on property against which
14 the county levied general fund property taxes in the
15 fiscal year beginning July 1, 2000."

16 2. Page 10, by inserting after line 30, the
17 following:

18 "(___) A municipality dividing tax revenues in an
19 urban renewal area as provided in section 403.19 which
20 is located in a county affected by tax increment
21 financing, to the extent of the amount of incremental
22 valuation on property newly constructed on or after
23 July 1, 2001. The amount computed under this
24 subparagraph shall not exceed the dollar equivalent of
25 three hundred fifty hundred thousandths multiplied by
26 the taxable valuation for the general fund for the
27 budget year, minus the greater of the current year's
28 tentative maximum property tax dollars for general
29 county services or the general fund property tax
30 dollars certified for the fiscal year beginning July
31 1, 2001."

32 3. Page 21, by inserting after line 27, the
33 following:

34 "Sec. 100. Section 425A.2, subsection 4, paragraph
35 d, Code 2001, is amended to read as follows:

36 d. If the owner is an authorized farm corporation,
37 a shareholder who owns at least ~~fifty-one~~ fifty
38 percent of the stock of the authorized farm
39 corporation or the shareholder's spouse.

40 Sec. 101. Section 425A.2, subsection 4, paragraph
41 e, Code 2001, is amended to read as follows:

42 e. If the owner is an individual who leases the
43 tract to a family farm corporation, a shareholder of
44 the corporation if the combined stock of the family
45 farm corporation owned by the owner of the tract and
46 persons related to the owner as enumerated in
47 paragraph "a" is equal to at least ~~fifty-one~~ fifty
48 percent of the stock of the family farm corporation.

49 Sec. 102. Section 425A.2, subsection 4, paragraph
50 f, Code 2001, is amended to read as follows:

Page 2

1 f. If the owner is an individual who leases the
 2 tract to a partnership, a partner if the combined
 3 partnership interest owned by a designated person as
 4 defined in paragraph "a" is equal to at least ~~fifty-~~
 5 ~~one~~ fifty percent of the ownership interest of the
 6 partnership.
 7 Sec. 200. Section 427.1, subsection 19, Code 2001,
 8 is amended by adding the following new unnumbered
 9 paragraph after unnumbered paragraph 8:
 10 NEW UNNUMBERED PARAGRAPH. Pollution-control
 11 property used for purposes relating to the care and
 12 feeding of livestock as defined in section 169C.1
 13 shall be limited to the first two hundred thousand
 14 dollars in assessed value per taxpayer, unless an
 15 owner of the pollution-control property is any of the
 16 following:
 17 a. The owner of agricultural land which is
 18 eligible for the family farm property tax credit as
 19 provided in chapter 425A.
 20 b. Actively engaged in farming as defined in
 21 section 10.1.
 22 c. A networking farmers entity as defined in
 23 section 10.1 or a member of a networking farmers
 24 entity."
 25 4. Page 21, by striking line 29, and inserting
 26 the following:
 27 "Sec. ____ . APPLICABILITY DATES. Sections 100
 28 through 102 of this Act apply to credits applied for
 29 on or after July 1, 2001. Section 200 of this Act
 30 applies to exemptions first applied for on or after
 31 July 1, 2001. The remainder of this Act applies to
 32 the".
 33 5. By renumbering, redesignating, and correcting
 34 internal references as necessary.

COMMITTEE ON WAY AND MEANS
 LARRY MCKIBBEN, Chair

S-3442

1 Amend Senate File 521 as follows:
 2 1. Page 5, by striking lines 6 through 9 and
 3 inserting the following:
 4 "Sec. ____ . EFFECTIVE AND RETROACTIVE APPLICABILITY
 5 PROVISION. This Act takes effect only if the revenue
 6 estimating conference estimates that, as a result of
 7 the enactment of federal income tax legislation prior
 8 to January 1, 2002, Iowa income tax receipts for the
 9 fiscal year beginning July 1, 2001, will be increased
 10 by \$7.9 million or more over the amount of Iowa income

11 tax receipts which would have been realized in the
12 absence of the enactment of such federal income tax
13 legislation. If this Act takes effect, this Act
14 applies retroactively to January 1, 2001, for tax
15 years beginning on or after that date."

LARRY McKIBBEN

S-3443

HOUSE AMENDMENT TO
SENATE FILE 466

1 Amend Senate File 466, as passed by the Senate, as
2 follows:

3 1. Page 1, line 11, by striking the word "made,"
4 and inserting the following: "made".

5 2. Page 1, by striking lines 15 through 21 and
6 inserting the following:

7 "b. If a person with a controlling interest in a
8 child care home or facility or an employee of a child
9 care home or facility assigned financial management
10 responsibilities for the child care home or facility
11 has been found in a criminal proceeding to have
12 obtained by fraudulent means, public funding for the
13 provision of child care by the home or facility in an
14 amount equal to or in excess of the minimum amount
15 necessary to constitute a fraudulent practice in the
16 second degree under section 714.10, subsection 1, the
17 following shall apply:

18 (1) For a first offense, for a period of one year,
19 any child care home or facility in which the offender
20 continues to have a controlling interest or at which
21 the offender remains employed as a financial manager
22 shall be ineligible to receive public funding for the
23 provision of child care.

24 (2) For a second offense committed by the same
25 offender or by an employee assigned financial
26 management responsibilities employed at the same child
27 care home or facility at which a first offense
28 occurred, for a period of five years, the child care
29 home or facility at which the second offense occurred
30 shall be ineligible to receive public funding for the
31 provision of child care.

32 (3) For a third offense committed by the same
33 offender or by an employee assigned financial
34 management responsibilities employed at the same child
35 care home or facility at which a first and second
36 offense occurred, the child care home or facility at
37 which the third offense occurred shall be ineligible
38 to receive public funding for provision of child care.
39 The department shall adopt rules to administer this

40 subsection and the rules shall provide for a
41 transition period before applying the requirements of
42 this subsection in order to allow the ownership or
43 employment prohibitions to be addressed without
44 interrupting the provision of child care and for
45 requiring, as a condition of providing public funding,
46 that a child care home or facility at which an offense
47 described in this paragraph "b" occurred must submit
48 periodic financial audits to the department."
49 3. Page 1, by inserting after line 31, the
50 following:

Page 2

1 "d. If the director determines that the
2 ineligibility of a child care home or facility to
3 receive public funding pursuant to paragraph "b" will
4 cause the provision of child care services by that
5 home or facility to be interrupted or to become no
6 longer available, the director may file a verified
7 application in the district court of the county in
8 which the child care home or facility is located,
9 requesting that an individual nominated by the
10 director be appointed as receiver for the child care
11 home or facility until continuation of the child care
12 services is assured.

13 (1) The court shall expeditiously hold a hearing
14 on the application, at which the director shall
15 present evidence in support of the application. The
16 owner of the child care home or facility against which
17 the application is filed may also present evidence,
18 and both parties may subpoena witnesses. The court
19 may appoint a receiver for the child care home or
20 facility in advance of the hearing if the director's
21 verified application states that an emergency exists
22 in which closure of the child care home or facility is
23 imminent. If the owner against whose facility the
24 receivership application is filed informs the court at
25 or before the time set for the hearing that the owner
26 does not object to the application, the court shall
27 waive the hearing and at once appoint a receiver for
28 the child care home or facility.

29 (2) The court, on the basis of the verified
30 application and evidence presented at the hearing, may
31 order the child care home or facility placed under
32 receivership, and if so ordered, the court shall
33 direct either that the receiver assume the duties of
34 administrator of the child care home or facility or
35 that the receiver supervise the child care home's or
36 facility's administrator in conducting the day-to-day
37 business of the child care home or facility. The
38 receiver shall be empowered to control the child care

39 home's or facility's financial resources and to apply
40 its revenues as the receiver deems necessary to
41 continue the operation of the child care home or
42 facility in compliance with this chapter and the rules
43 adopted under this chapter, but shall be accountable
44 to the court for management of the child care home's
45 or facility's financial resources.

46 (3) A receivership established under this
47 paragraph "d" may be terminated by the district court
48 which established it, after a hearing upon an
49 application for termination.

50 (4) Payment of the expenses of a receivership

Page 3

1 established under this paragraph "d" is the
2 responsibility of the child care home or facility for
3 which the receiver is appointed, unless the court
4 directs otherwise. The expenses include, but are not
5 limited to:

6 (a) Salary of the receiver.

7 (b) Expenses incurred for the continued child care
8 services.

9 (c) Expenses incurred for the maintenance of
10 buildings and grounds of the child care home or
11 facility.

12 (d) Expenses incurred in the ordinary course of
13 business, such as employee salaries and accounts
14 payable.

15 (5) The receiver is not personally liable for the
16 expenses of the child care home or facility during the
17 receivership. The receiver is an employee of the
18 state as defined in section 669.2, subsection 4, only
19 for the purpose of defending a claim filed against the
20 receiver. Chapter 669 applies to all suits filed
21 against the receiver.

22 (6) This lettered paragraph "d" does not do any of
23 the following:

24 (a) Preclude the sale or lease of a child care
25 home or facility while the child care home or facility
26 is in receivership, provided these actions are not
27 taken without approval of the receiver.

28 (b) Affect the civil or criminal liability of the
29 owner of the child care home or facility placed in
30 receivership, for any acts or omissions of the owner
31 which occurred before the receiver was appointed.

32 Sec. ____. SUBSEQUENT OFFENSES. For the purposes
33 of administering section 237A.29, subsection 2, as
34 enacted by this Act, if a person with a controlling
35 interest in a child care home or facility or an
36 employee of a child care home or facility assigned
37 financial management responsibilities for the child

38 care home or facility was found in a criminal
 39 proceeding to have obtained by fraudulent means during
 40 the two-year period preceding July 1, 2001, public
 41 funding for the child care home or facility in an
 42 amount equal to or in excess of the minimum amount
 43 necessary to constitute fraudulent practice in the
 44 second degree under section 714.10, subsection 1, the
 45 department of human services shall consider the first
 46 subsequent offense for obtaining by fraudulent means
 47 public funding for child care in such an amount and
 48 committed by such person or by such an employee of
 49 such home or facility on or after July 1, 2001, as
 50 found in a criminal proceeding, to be a second offense

Page 4

- 1 and a second or greater subsequent offense to be a
- 2 third offense under section 237A.29, subsection 2."
- 3 4. Title page, by striking lines 1 and 2, and
- 4 inserting the following: "An Act relating to the
- 5 eligibility of certain child care providers connected
- 6 with the commitment of a fraudulent act involving
- 7 public child care funding to receive further public
- 8 funding."
- 9 5. By renumbering as necessary.

S-3444

HOUSE AMENDMENT TO SENATE FILE 209

- 1 Amend Senate File 209, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 11, the
- 4 following:
- 5 "___." "Infected" means infected with
- 6 paratuberculosis as provided in section 165A.3."
- 7 2. Page 1, line 28, by striking the figure
- 8 "165A.4." and inserting the following: "165A.5."
- 9 3. Page 1, by inserting after line 29, the
- 10 following:
- 11 "Sec. ___. NEW SECTION. 165A.3 DETERMINATION OF
- 12 INFECTION.
- 13 The department shall adopt rules providing methods
- 14 and procedures to determine whether cattle are
- 15 infected, which may include detection and analysis of
- 16 paratuberculosis using techniques approved by the
- 17 United States department of agriculture."
- 18 4. Page 1, line 30, by striking the figure
- 19 "165A.3" and inserting the following: "165A.4".
- 20 5. Page 1, line 32, by striking the letter ""J""
- 21 and inserting the following: ""C"".

- 22 6. Page 1, line 33, by inserting after the word
23 "department." the following: "A person shall not sell
24 infected cattle other than directly to a slaughtering
25 establishment or to a concentration point for sale
26 directly to a slaughtering establishment, for
27 immediate slaughter. Cattle marked with a letter "C"
28 that are kept at a concentration point must be kept
29 separate and apart."
30 7. Page 1, line 34, by striking the figure
31 "165A.4" and inserting the following: "165A.5".
32 8. Page 2, by inserting after line 10, the
33 following:
34 "____. This section does not prevent a person from
35 commencing a civil cause of action based on any right
36 that the person may assert under statute or common
37 law."
38 9. Page 2, by inserting after line 13, the
39 following:
40 "____. "Dairy cattle" means cattle belonging to a
41 breed that is used to produce milk for human
42 consumption, including but not limited to holstein and
43 jersey breeds."
44 10. Page 2, line 18, by striking the words "sale
45 barn or".
46 11. Page 2, line 27, by striking the word
47 "LIVESTOCK" and inserting the following: "DAIRY
48 CATTLE".
49 12. Page 2, line 28, by striking the words
50 "livestock upon" and inserting the following: "dairy

Page 2

- 1 cattle upon express written".
2 13. Page 2, line 29, by striking the word
3 "livestock" and inserting the following: "dairy
4 cattle".
5 14. Page 2, line 30, by striking the word
6 "livestock" and inserting the following: "dairy
7 cattle".
8 15. Page 2, by striking lines 31 and 32, and
9 inserting the following: "directly to slaughter until
10 sold to a packer. A person shall not knowingly sell
11 the dairy cattle to a purchaser other than to a packer
12 at the livestock market. A person other than a packer
13 shall not knowingly purchase the dairy cattle at the
14 livestock market."
15 16. Page 3, by striking lines 3 and 4, and
16 inserting the following:
17 "1. The department with assistance by the attorney
18 general shall have the same authority to enforce this
19 chapter as it does under chapter 165A. A person who
20 violates section 172E.2 is subject to the same

21 penalties as provided in section 165A.5.

22 2. This section does not prevent a person from
23 commencing a civil cause of action based on any right
24 that the person may assert under statute or common
25 law."

26 17. Page 3, line 7, by striking the word
27 "determining" and inserting the following: "advising
28 the department regarding the administration of chapter
29 165A as enacted in this Act, including the adoption of
30 rules providing methods and procedures to determine
31 whether cattle are infected. The task force shall
32 study".

33 18. Page 3, by striking lines 13 through 23, and
34 inserting the following:

35 "2. The task force shall be composed of all of the
36 following:

37 a. Persons who represent the department of
38 agriculture and land stewardship. One person shall be
39 the state veterinarian who shall serve as the
40 chairperson of the committee. The secretary of
41 agriculture may appoint up to two more persons if
42 necessary who shall be knowledgeable regarding the
43 control of diseases affecting cattle.

44 b. Persons representing the college of veterinary
45 medicine at Iowa state university who shall be the
46 dean of the college or the dean's designee, the head
47 of serology for the veterinary diagnostic laboratory,
48 the head of the department of veterinary diagnostic
49 and production animal medicine, and the chair of the
50 department of veterinary microbiology and preventive

Page 3

1 medicine.

2 c. A person who is a member or officer of the Iowa
3 veterinary medical association who is appointed by the
4 association.

5 d. Persons actively engaged in the cattle or dairy
6 industry, including a person actively engaged in
7 producing milk who is appointed by the Iowa dairy
8 products association, a person who is actively engaged
9 in producing dairy products who is appointed by the
10 Iowa dairy products association, a person who is
11 actively engaged in producing beef cattle who is
12 appointed by the Iowa cattlemen's association, and a
13 person actively engaged in marketing cattle who is
14 appointed by the livestock marketing association."

15 19. By renumbering as necessary.

S-3445

1 Amend Senate File 530 as follows:
2 1. Page 29, by inserting after line 4 the
3 following:
4 "Sec. ____ LEGISLATIVE STUDY -- INVOLUNTARY
5 HOSPITALIZATION AND INVOLUNTARY COMMITMENT
6 PROCEEDINGS. The legislative council is requested to
7 establish a study committee during the 2001 interim on
8 issues relating to involuntary hospitalization
9 including, but not limited to, both inpatient and
10 outpatient commitment proceedings and advanced
11 directives. The study committee shall consist of
12 legislator members of both political parties from both
13 houses of the general assembly, representatives of the
14 judicial branch and the department of corrections,
15 counties, law enforcement personnel, including police
16 officers and sheriffs, mental health consumers, mental
17 health advocacy groups, including, but not limited to,
18 representatives from the alliance for the mentally ill
19 and mental health advocates, representatives from the
20 Iowa department of public health, and representatives
21 from the psychiatric and psychological services
22 community."

JACK HOLVECK
O. GENE MADDOX

S-3446

1 Amend House File 564, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 31, the
4 following:
5 "Sec. ____ Section 499.30, subsection 5, Code
6 2001, is amended to read as follows:
7 5. Notwithstanding an association's articles of
8 incorporation, for each taxable year of the
9 association, the association shall allocate all
10 remaining net earnings to the account of each member,
11 including subscribers described in section 499.16,
12 ratably in proportion to the business the member did
13 with the association during that year. The directors
14 shall determine, or the articles of incorporation or
15 bylaws of the association may specify, the percentage
16 or the amount of the allocation to be currently paid
17 in cash. However, for notwithstanding a cooperative
18 association's articles of incorporation or bylaws if a
19 cooperative association provides for the reversion of
20 disbursements pursuant to section 499.30A, the
21 cooperative association shall pay all dividends in

22 cash to the account of each member, upon a declaration
 23 of a dividend by the board of directors. For a
 24 cooperative association other than a public utility as
 25 defined in section 476.1, the amount to be currently
 26 payable in cash shall not exceed twenty percent of the
 27 allocation during any period when unpaid local
 28 deferred patronage dividends of deceased members for
 29 prior years are outstanding. Notwithstanding the
 30 twenty percent allocation limitation, the directors of
 31 a cooperative association or the articles of
 32 incorporation or bylaws of the association may specify
 33 any percentage or amount to be currently paid in cash
 34 to the estates of deceased natural persons who were
 35 members. All the remaining allocation not paid in
 36 cash shall be transferred to a revolving fund as
 37 provided in section 499.33 and credited to the members
 38 and subscribers. The credits in the revolving fund
 39 are referred to in this chapter as deferred patronage
 40 dividends."

41 2. By renumbering as necessary.

THOMAS FIEGEN

S-3447

1 Amend Senate File 535 as follows:

2 1. Page 16, by inserting after line 30 the
 3 following:

4 " . Agricultural health and safety programs
 5 For agricultural health and safety programs:

6\$ 267,385"

7 2. By renumbering as necessary.

JOE BOLKCOM

S-3448

1 Amend House File 502, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 16 the
 4 following:

5 " . This section does not apply to a licensed
 6 veterinarian practicing veterinary medicine as
 7 provided in chapter 169."

8 2. By renumbering as necessary.

SANDRA GREINER

S-3449

1 Amend Senate File 535 as follows:

2 1. Page 11, by inserting after line 11 the
3 following:

4 " . AMERICORPS AFTER-SCHOOL INITIATIVE

5 For purposes of the americorps after-school
6 initiative:

7\$ 208,621"

8 2. By renumbering as necessary.

MIKE CONNOLLY
JOE BOLKCOM
PATRICK J. DELUHERY
TOM FLYNN
JACK HOLVECK
BETTY A. SOUKUP
MATT McCOY
PATRICIA HARPER
ROBERT E. DVORSKY

S-3450

1 Amend Senate File 535 as follows:

2 1. Page 24, by striking lines 4 and 5, and
3 inserting the following: "~~eight forty-seven~~ million
4 ~~eight seven~~ hundred ~~thirty forty-eight~~ thousand
5 ~~seventy-five~~ one hundred thirty-one dollars for
6 tuition".

TOM FLYNN
STEVEN D. HANSEN
BILL FINK
JACK HOLVECK
THOMAS FIEGEN
MATT McCOY
DENNIS H. BLACK
PATRICK J. DELUHERY
MIKE CONNOLLY
ROBERT E. DVORSKY
JOHN P. KIBBIE

S-3451

1 Amend Senate File 535 as follows:

2 1. Page 16, by inserting after line 30 the
3 following:

4 " . Agricultural health and safety programs

5 For agricultural health and safety programs and for
6 not more than the following full-time equivalent
7 positions:

8\$ 267,385

9 FTEs 3.48"
10 2. By renumbering as necessary.

JOE BOLKCOM
PATRICK J. DELUHERY
TOM FLYNN
MATT McCOY
JACK HOLVECK
THOMAS FIEGEN
BETTY A. SOUKUP
DENNIS H. BLACK
PATRICIA HARPER
JOHNIE HAMMOND
ROBERT E. DVORSKY

S-3452

1 Amend Senate File 535 as follows:
2 1. Page 11, by inserting after line 11 the
3 following:
4 "___ JOBS FOR AMERICA'S GRADUATES
5 For school districts to provide direct services to
6 the most at-risk senior high school students enrolled
7 in school districts through direct intervention for a
8 "jobs for America's graduates" specialist:
9\$ 314,348"
10 2. By renumbering as necessary.

MIKE CONNOLLY
JOE BOLKCOM
PATRICK J. DELUHERY
TOM FLYNN
JACK HOLVECK
THOMAS FIEGEN
BETTY A. SOUKUP
MATT McCOY
DENNIS H. BLACK
PATRICIA HARPER
JOHNIE HAMMOND
ROBERT E. DVORSKY
JOHN P. KIBBIE

S-3453

1 Amend Senate File 535 as follows:
2 1. Page 23, by striking lines 23 through 34.
3 2. By renumbering as necessary.

STEVEN D. HANSEN
ROBERT E. DVORSKY
JOHN P. KIBBIE

S-3454

1 Amend Senate File 535 as follows:

2 1. Page 9, by striking line 10, and inserting the

3 following:

4 ".....\$ 15,600,000"

5 2. By striking page 9, line 29 through page 10,

6 line 3.

7 3. By renumbering as necessary.

JOHNIE HAMMOND
 PATRICIA HARPER
 MATT McCOY
 MIKE CONNOLLY
 JOE BOLKCOM
 PATRICK J. DELUHERY
 JACK HOLVECK
 BETTY A. SOUKUP

S-3455

1 Amend Senate File 535 as follows:

2 1. Page 11, by striking lines 18 through 35, and

3 inserting the following:

4 ".....\$ 150,077,403

5 The funds appropriated in this subsection shall be

6 allocated as follows:

7 a. Merged Area I\$ 7,202,305

8 b. Merged Area II\$ 8,460,077

9 c. Merged Area III\$ 7,859,218

10 d. Merged Area IV\$ 3,841,420

11 e. Merged Area V\$ 8,036,723

12 f. Merged Area VI\$ 7,445,871

13 g. Merged Area VII\$ 10,743,403

14 h. Merged Area IX\$ 13,213,608

15 i. Merged Area X\$ 20,737,098

16 j. Merged Area XI\$ 22,009,520

17 k. Merged Area XII\$ 8,671,108

18 l. Merged Area XIII\$ 8,916,516

19 m. Merged Area XIV\$ 3,887,223

20 n. Merged Area XV\$ 12,231,726

21 o. Merged Area XVI\$ 6,821,587

22 Sec. ____ DISTRIBUTION OF FUNDS APPROPRIATED. For

23 the fiscal year beginning July 1, 2001, and ending

24 June 30, 2002, moneys appropriated by the general

25 assembly from the general fund of the state to the

26 department of education for community colleges for a

27 fiscal year shall be allocated to each community

28 college by the department of education in the

29 following manner:

30 1. BASE FUNDING. The base funding for a fiscal

31 year shall be equal to the amount each community
32 college received as an allocation from appropriations
33 made from the general fund of the state in the most
34 recent fiscal year.

35 2. DISTRIBUTION FOR INFLATION. First priority
36 shall be to give each college an increase based upon
37 inflation. The inflation increase shall be not less
38 than 2 percent. However, the inflation increase shall
39 be equal to the national inflation rate, if it exceeds
40 2 percent, if the amount of state aid appropriated is
41 equal to or greater than the national inflation rate.

42 3. DISTRIBUTION BASED ON PROPORTIONAL SHARE OF
43 ENROLLMENT. The balance of the growth in state aid
44 appropriations, once the inflation increase has been
45 satisfied, shall be distributed based on each
46 college's proportional share of enrollment. However,
47 a minimum of one percent of the total growth shall be
48 distributed in this manner.

49 4. If the total appropriation made by the general
50 assembly is less than 2 percent growth, the entire

Page 2

1 increase shall be distributed as inflation."

JOHN P. KIBBIE
STEVEN D. HANSEN
ROBERT E. DVORSKY
DENNIS H. BLACK

S-3456

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 590

1 Amend the Senate Amendment, H-1574, to House File
2 590 as amended, passed and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 22 and 23, and
5 inserting the following: "an individual."

S-3457

1 Amend Senate File 535 as follows:

2 1. Page 12, by striking line 24, and inserting
3 the following:

4 ".....\$ 243,333"

5 2. Page 13, by striking line 10, and inserting
6 the following:

7 ".....\$ 110,607"

| | | |
|----|---|-----------------|
| 8 | 3. Page 13, by striking line 14, and inserting | |
| 9 | the following: | |
| 10 | "..... | \$ 80,855" |
| 11 | 4. Page 13, by striking line 17, and inserting | |
| 12 | the following: | |
| 13 | "..... | \$ 165,323" |
| 14 | 5. Page 13, by striking line 23, and inserting | |
| 15 | the following: | |
| 16 | "..... | \$ 237,029,085" |
| 17 | 6. Page 14, by striking line 4, and inserting the | |
| 18 | following: | |
| 19 | "..... | \$ 33,040,152" |
| 20 | 7. Page 15, by striking line 26, and inserting | |
| 21 | the following: | |
| 22 | "..... | \$ 8,411,522" |
| 23 | 8. Page 15, by striking line 32, and inserting | |
| 24 | the following: | |
| 25 | "..... | \$ 7,487,966" |
| 26 | 9. Page 16, by striking line 6, and inserting the | |
| 27 | following: | |
| 28 | "..... | \$ 3,207,848" |
| 29 | 10. Page 16, by striking line 12, and inserting | |
| 30 | the following: | |
| 31 | "..... | \$ 4,203,122" |
| 32 | 11. Page 16, by striking line 20, and inserting | |
| 33 | the following: | |
| 34 | "..... | \$ 2,460,405" |
| 35 | 12. Page 16, by striking line 29, and inserting | |
| 36 | the following: | |
| 37 | "..... | \$ 689,890" |
| 38 | 13. Page 16, by striking line 34, and inserting | |
| 39 | the following: | |
| 40 | "..... | \$ 217,012" |
| 41 | 14. Page 17, by striking line 5, and inserting | |
| 42 | the following: | |
| 43 | "..... | \$ 77,286" |
| 44 | 15. Page 17, by striking line 10, and inserting | |
| 45 | the following: | |
| 46 | "..... | \$ 1,084,871" |
| 47 | 16. Page 17, by striking line 16, and inserting | |
| 48 | the following: | |
| 49 | "..... | \$ 916,974" |
| 50 | 17. Page 17, by striking line 25, and inserting | |

Page 2

| | | |
|---|--|------------|
| 1 | the following: | |
| 2 | "..... | \$ 53,266" |
| 3 | 18. Page 17, by inserting after line 26, the | |
| 4 | following: | |
| 5 | "n. Agricultural health and safety programs | |
| 6 | For agricultural health and safety programs: | |

| | | | |
|----|--|----|--------------|
| 7 | ..... | \$ | 284,452" |
| 8 | 19. Page 17, by striking line 32, and inserting | | |
| 9 | the following: | | |
| 10 | "..... | \$ | 189,432,441" |
| 11 | 20. Page 18, by striking line 23, and inserting | | |
| 12 | the following: | | |
| 13 | "..... | \$ | 37,029,596" |
| 14 | 21. Page 18, by striking line 30, and inserting | | |
| 15 | the following: | | |
| 16 | "..... | \$ | 23,386,276" |
| 17 | 22. Page 19, by striking line 6, and inserting | | |
| 18 | the following: | | |
| 19 | "..... | \$ | 579,843" |
| 20 | 23. Page 19, by striking line 12, and inserting | | |
| 21 | the following: | | |
| 22 | "..... | \$ | 279,773" |
| 23 | 24. Page 19, by striking line 19, and inserting | | |
| 24 | the following: | | |
| 25 | "..... | \$ | 85,222,513" |
| 26 | 25. Page 19, by striking line 31, and inserting | | |
| 27 | the following: | | |
| 28 | "..... | \$ | 251,754" |
| 29 | 26. Page 20, by striking line 2, and inserting | | |
| 30 | the following: | | |
| 31 | "..... | \$ | 7,695,239" |
| 32 | 27. Page 20, by striking line 8, and inserting | | |
| 33 | the following: | | |
| 34 | "..... | \$ | 4,298,696" |
| 35 | 28. Page 20, by striking line 17, and inserting | | |
| 36 | the following: | | |
| 37 | "..... | \$ | 15,941" |
| 38 | 29. Page 20, by inserting after line 17, the | | |
| 39 | following: | | |
| 40 | "Sec. ____. | | |
| 41 | AUTHORITY TO THE STATE BOARD OF REGENTS. | | |
| 42 | 1. The board of regents is authorized to | | |
| 43 | redistribute appropriations in section 8, subsection | | |
| 44 | 2, paragraphs "a" through "n", and in any | | |
| 45 | appropriations or allocations made for the fiscal year | | |
| 46 | beginning July 1, 2001, and ending June 30, 2002, for | | |
| 47 | purposes of the state university of Iowa research park | | |
| 48 | and the advanced drug development program at the | | |
| 49 | Oakdale research park, in a total amount of | | |
| 50 | \$18,807,078. The redistributions shall be made | | |

- 1 between the appropriations designated in this
- 2 subsection.
- 3 2. The board of regents is authorized to
- 4 redistribute appropriations in section 8, subsection
- 5 3, paragraphs "a" through "e", and in any

6 appropriations or allocations made for the fiscal year
 7 beginning July 1, 2001, and ending June 30, 2002, for
 8 purposes of funding and maintaining the Iowa state
 9 university of science and technology's current
 10 locations for the existing small business development
 11 centers, for the Iowa state university research park,
 12 for the institute for physical research and
 13 technology, and for the industrial incentive program
 14 in a total amount of \$16,109,867. The redistributions
 15 shall be made between the appropriations designated in
 16 this subsection.

17 3. The board of regents is authorized to
 18 redistribute appropriations in section 8, subsection
 19 4, paragraphs "a" and "b", and in any appropriations
 20 or allocations made for the fiscal year beginning July
 21 1, 2001, and ending June 30, 2002, for purposes of the
 22 metal casting institute and the institute of decision
 23 making in a total amount of \$5,420,918. The
 24 redistributions shall be made between the
 25 appropriations designated in this subsection.

26 Within one day of the effective date of this
 27 section of this Act, the board office shall provide
 28 the general assembly, the department of management,
 29 and the legislative fiscal bureau with a detailed
 30 report identifying the redistributions made in
 31 accordance with this section."

32 30. By renumbering as necessary.

ROBERT E. DVORSKY
 JOHNIE HAMMOND
 BILL FINK
 PATRICIA HARPER
 JOE BOLKCOM
 JACK HOLVECK
 PATRICK J. DELUHERY
 TOM FLYNN
 THOMAS FIEGEN
 BETTY A. SOUKUP
 MATT McCOY
 DENNIS H. BLACK

S-3458

1 Amend Senate File 535 as follows:

2 1. Page 2, by striking lines 22 through 26.

3 2. Page 24, by inserting after line 15, the
 4 following:

5 "Sec. ____ Section 261.85, Code 2001, is amended
 6 to read as follows:

7 261.85 APPROPRIATION.

8 There is appropriated from the general fund of the
 9 state to the commission for each fiscal year the sum

10 of two million ~~seven~~ four hundred ~~fifty~~ eighty-six
 11 thousand ~~three~~ hundred eighty dollars for the work-
 12 study program.
 13 From moneys appropriated in this section, one
 14 million ~~five~~ three hundred ~~fifty-six~~ thousand two
 15 hundred eight dollars shall be allocated to
 16 institutions of higher education under the state board
 17 of regents and community colleges and the remaining
 18 dollars appropriated in this section shall be
 19 allocated by the commission on the basis of need as
 20 determined by the portion of the federal formula for
 21 distribution of work-study funds that relates to the
 22 current need of institutions."
 23 3. By renumbering as necessary.

PATRICIA HARPER
 MATT McCOY
 JOHNIE HAMMOND
 ROBERT E. DVORSKY
 JOHN P. KIBBIE
 DENNIS H. BLACK
 PATRICK J. DELUHERY
 JOE BOLKCOM
 MIKE CONNOLLY
 BILL FINK

S-3459

1 Amend Senate File 535 as follows:
 2 1. Page 23, by inserting after line 34 the
 3 following:
 4 "Sec. ____ Section 260C.15, subsection 1, Code
 5 2001, is amended to read as follows:
 6 1. Regular elections held annually by the merged
 7 area for the election of members of the board of
 8 directors as required by section 260C.11, for the
 9 renewal of the ~~twenty~~ twenty-two and ~~one-fourth~~ three-
 10 fourths cents per thousand dollars of assessed
 11 valuation levy authorized in section 260C.22, or for
 12 any other matter authorized by law and designated for
 13 election by the board of directors of the merged area,
 14 shall be held on the date of the school election as
 15 fixed by section 277.1. The election notice shall be
 16 made a part of the local school election notice
 17 published as provided in section 49.53 in each local
 18 school district where voting is to occur in the merged
 19 area election and the election shall be conducted by
 20 the county commissioner of elections pursuant to
 21 chapters 39 to 53 and section 277.20.
 22 Sec. ____ Section 260C.22, subsection 1, paragraph
 23 a, Code 2001, is amended to read as follows:
 24 a. In addition to the tax authorized under section

25 260C.17, the voters in any merged area may at the
 26 annual school election vote a tax not exceeding ~~twenty~~
 27 ~~twenty-two~~ and ~~one-fourth~~ ~~three-fourths~~ cents per
 28 thousand dollars of assessed value in any one year for
 29 a period not to exceed ten years for the purchase of
 30 grounds, construction of buildings, payment of debts
 31 contracted for the construction of buildings, purchase
 32 of buildings and equipment for buildings, and the
 33 acquisition of libraries, for the purpose of paying
 34 costs of utilities, and for the purpose of
 35 maintaining, remodeling, improving, or expanding the
 36 community college of the merged area. If the tax levy
 37 is approved under this section, the costs of utilities
 38 shall be paid from the proceeds of the levy. The tax
 39 shall be collected by the county treasurers and
 40 remitted to the treasurer of the merged area as
 41 provided in section 331.552, subsection 29. The
 42 proceeds of the tax shall be deposited in a separate
 43 and distinct fund to be known as the voted tax fund,
 44 to be paid out upon warrants drawn by the president
 45 and secretary of the board of directors of the merged
 46 area district for the payment of costs incurred in
 47 providing the school facilities for which the tax was
 48 voted.

49 Sec. ____ Section 260C.22, subsection 1, Code
 50 2001, is amended by adding the following new

Page 2

1 paragraph:

2 NEW PARAGRAPH. f. If the voters in a merged area
 3 have authorized a tax pursuant to paragraph "a" not
 4 exceeding twenty and one-fourth cents per thousand
 5 dollars of assessed value prior to July 1, 2001, the
 6 tax shall continue for the period originally
 7 authorized under the voter-approved tax, and the
 8 maximum tax that can be authorized by the voters on or
 9 after July 1, 2001, under this section, for the period
 10 of the original authorized tax, is an additional
 11 amount such that the total amount of tax does not
 12 exceed twenty-two and three-fourths cents for a period
 13 to coincide with the remaining period for which the
 14 initial tax in the merged area was approved.

15 Sec. ____ Section 260C.28, subsection 1, Code
 16 2001, is amended to read as follows:

17 1. Annually, the board of directors may certify
 18 for levy a tax on taxable property in the merged area
 19 at a rate not exceeding ~~three~~ ~~five~~ and ~~one-half~~ cents
 20 per thousand dollars of assessed valuation for
 21 equipment replacement for the community college.

22 Sec. ____ Section 260C.28, subsection 2, Code
 23 2001, is amended to read as follows:

24 2. However, the board of directors may annually
 25 certify for levy a tax on taxable property in the
 26 merged area at a rate in excess of the three five and
 27 one-half cents per thousand dollars of assessed
 28 valuation specified under subsection 1 if the excess
 29 tax levied does not cause the total rate certified to
 30 exceed a rate of nine eleven and one-half cents per
 31 thousand dollars of assessed valuation, and the excess
 32 revenue generated is used for purposes of program
 33 sharing between community colleges or for the purchase
 34 of instructional equipment. Programs that are shared
 35 shall be designed to increase student access to
 36 community college programs and to achieve efficiencies
 37 in program delivery at the community colleges,
 38 including, but not limited to, the programs described
 39 under sections 260C.45 and 260C.46. Prior to
 40 expenditure of the excess revenues generated under
 41 this subsection, the board of directors shall obtain
 42 the approval of the director of the department of
 43 education."
 44 2. By renumbering as necessary.

JOHN P. KIBBIE
 ROBERT E. DVORSKY

S-3460

1 Amend the amendment, S-3441, to Senate File 514, as
 2 follows:
 3 1. Page 1, by striking lines 37 through 39, and
 4 inserting the following: "a shareholder or the
 5 shareholder's spouse who owns at least fifty-one fifty
 6 percent of the stock of the authorized farm
 7 corporation or the shareholder's spouse."

LARRY McKIBBEN

S-3461

1 Amend House File 502, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 3, the
 4 following:
 5 "____. "Biotechnological system or technique" means
 6 a process used to alter the genetic characteristics of
 7 a plant by modifying the deoxyribonucleic acid of the
 8 plant's seed in a manner other than by breeding or
 9 pollination."
 10 2. Page 4, by striking line 19, and inserting the
 11 following:
 12 "1. A person shall not".

- 13 3. Page 4, line 22, by inserting after the words
 14 "crop operation property" the following: ", without
 15 the consent of the owner".
- 16 4. Page 4, line 25, by inserting after the word
 17 "property" the following: ", without the consent of
 18 the owner".
- 19 5. Page 4, line 26, by inserting after the word
 20 "property," the following: "without the consent of
 21 the owner,".
- 22 6. Page 5, by inserting after line 12, the
 23 following:
 24 "d. Produce a crop originating from agricultural
 25 seed that has been genetically modified using a
 26 biotechnological system or technique by planting the
 27 seed within five hundred feet from a neighboring crop
 28 operation property used to produce a crop originating
 29 from agricultural seed that has not been so
 30 genetically modified."
- 31 7. Page 6, by inserting after line 30, the
 32 following:
 33 "4A. A person who produces a crop originating from
 34 agricultural seed that has been genetically modified
 35 in violation of subsection 1, paragraph "d", is guilty
 36 of a serious misdemeanor."
- 37 8. By renumbering as necessary.

THOMAS FIEGEN

S-3462

- 1 Amend House File 502, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 7, by inserting after line 2, the
 4 following:
 5 "____. This section does not apply to a person who
 6 commits an act while intoxicated or under the
 7 influence of a drug."
 8 2. By renumbering as necessary.

THOMAS FIEGEN

S-3463

- 1 Amend House File 502, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 7, by inserting after line 2, the
 4 following:
 5 "____. This section does not apply to a person who
 6 is under the age of twenty-one."
 7 2. By renumbering as necessary.

THOMAS FIEGEN

S-3464

- 1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 3, the
4 following:
5 "____. "Biotechnological system or technique" means
6 a process used to alter the genetic characteristics of
7 a plant by modifying the deoxyribonucleic acid of the
8 plant's seed in a manner other than by breeding or
9 pollination."
- 10 2. Page 4, by striking line 19, and inserting the
11 following:
12 "1. A person shall not".
- 13 3. Page 4, line 22, by inserting after the words
14 "crop operation property" the following: ", without
15 the consent of the owner".
- 16 4. Page 4, line 25, by inserting after the word
17 "property" the following: ", without the consent of
18 the owner".
- 19 5. Page 4, line 26, by inserting after the word
20 "property," the following: "without the consent of
21 the owner,".
- 22 6. Page 5, by inserting after line 12, the
23 following:
24 "d. Sell a crop that originates from agricultural
25 seed as defined in section 199.1 which has been
26 genetically modified using a biotechnological system
27 or technique or sell a crop which has been
28 contaminated with a crop originating from such
29 genetically modified agricultural seed, unless the
30 person selling the crop provides a full written
31 disclosure to the purchaser. The disclosure must
32 notify the purchaser of the crop's origins or that it
33 is contaminated, according to rules adopted by the
34 department of agriculture and land stewardship. The
35 disclosure statement shall be signed by the purchaser
36 and kept as part of the seller's business records."
- 37 7. Page 6, by inserting after line 30, the
38 following:
39 "4A. A person who sells a crop in violation of
40 subsection 1, paragraph "d", is guilty of a serious
41 misdemeanor."
- 42 8. By renumbering as necessary.

THOMAS FIEGEN

S-3465

- 1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 2, by inserting after line 3, the
4 following:
5 "___." "Biotechnological system or technique" means
6 a process used to alter the genetic characteristics of
7 a plant by modifying the deoxyribonucleic acid of the
8 plant's seed in a manner other than by breeding or
9 pollination."
- 10 2. Page 2, by inserting after line 5, the
11 following:
12 "___." "Contamination" means the unintended
13 presence of a seed or a plant or plant part that
14 originates from a seed, if the seed has been
15 genetically modified by using a biotechnological
16 system or technique."
- 17 3. Page 4, by inserting before line 6, the
18 following:
19 "___." "Seed labeler" means a person required to
20 label agricultural seed as provided in section 199.3
21 or 199.4.
22 ___." "Seed technology provider" means a person who
23 in preparing for sale agricultural seed required to be
24 labeled pursuant to section 199.3 or 199.4 modifies
25 the deoxyribonucleic acid of the agricultural seed by
26 using a biotechnological technique."
- 27 4. Page 4, by striking line 19, and inserting the
28 following:
29 "1. A person shall not".
- 30 5. Page 4, line 22, by inserting after the words
31 "crop operation property" the following: ", without
32 the consent of the owner".
- 33 6. Page 4, line 25, by inserting after the word
34 "property" the following: ", without the consent of
35 the owner".
- 36 7. Page 4, line 26, by inserting after the word
37 "property," the following: "without the consent of
38 the owner,".
- 39 8. Page 5, by inserting after line 12, the
40 following:
41 "1A. a. A seed labeler or seed technology
42 provider shall not sell or offer for sale agricultural
43 seed as defined in section 199.1 which has been
44 genetically modified using a biotechnological system
45 or technique, unless the seed labeler or seed
46 technology provider complies with this paragraph. The
47 seed labeler or seed technology provider must file a
48 security plan with the department of agriculture and
49 land stewardship as required by rules adopted by the
50 department. The security plan shall ensure a closed

Page 2

1 system that provides no risk of contamination. The
2 closed system shall provide for maintaining the crop
3 originating from such genetically modified
4 agricultural seed and for disposing of, transporting,
5 processing, marketing, and utilizing the crop or goods
6 processed from the crop. The security plan shall be
7 accompanied by all necessary certifications by persons
8 who will maintain the crop or dispose of, transport,
9 process, or market the crop or goods processed from
10 the crop.

11 b. A person shall not sell a crop originating from
12 agricultural seed that has been genetically modified
13 using a biotechnological system or technique, unless
14 the person complies with a security plan as provided
15 in paragraph "a."

16 9. Page 6, by inserting after line 30, the
17 following:

18 "4A. A seed labeler or seed technology provider
19 who sells agricultural seed that has been genetically
20 modified without filing a security plan as required by
21 subsection 1A is guilty of a serious misdemeanor. A
22 person who sells a crop originating from such
23 genetically modified agricultural seed or goods
24 processed from the crop in violation of the security
25 plan as provided in subsection 1A is guilty of a
26 serious misdemeanor."

27 10. By renumbering as necessary.

THOMAS FIEGEN

S-3466

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "____. "Biotechnological system or technique" means
6 a process used to alter the genetic characteristics of
7 a plant by modifying the deoxyribonucleic acid of the
8 plant's seed in a manner other than by breeding or
9 pollination."

10 2. Page 4, by striking line 19, and inserting the
11 following:

12 "1. A person shall not".

13 3. Page 4, line 22, by inserting after the words
14 "crop operation property" the following: ", without
15 the consent of the owner".

16 4. Page 4, line 25, by inserting after the word
17 "property" the following: ", without the consent of
18 the owner".

- 19 5. Page 4, line 26, by inserting after the word
20 "property," the following: "without the consent of
21 the owner,".
- 22 6. Page 5, by inserting after line 12, the
23 following:
24 "d. Sell agricultural seed as defined in section
25 199.1 that has been genetically modified using a
26 biotechnological system or technique, unless
27 information regarding the agricultural seed is filed
28 with an interagency review committee composed of the
29 secretary of agriculture, the commissioner of public
30 safety, and the director of public health, as provided
31 by the committee. The committee shall review issues
32 relating to planting, harvesting, and marketing the
33 agricultural seed, crops originating from the
34 agricultural seed, or goods produced from those crops.
35 If the committee determines that a risk to the state's
36 economy or public health exists, the committee shall
37 issue a public warning regarding the sale and use of
38 the agricultural seed, crops originating from the
39 agricultural seed, or goods produced from those
40 crops."
- 41 7. Page 6, by inserting after line 30, the
42 following:
43 "4A. A person who sells agricultural seed that has
44 been genetically modified using a biotechnological
45 system or technique in violation of subsection 1,
46 paragraph "d", is guilty of a serious misdemeanor."
- 47 8. By renumbering as necessary.

THOMAS FIEGEN

S-3467

- 1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 4, by striking line 19, and inserting the
4 following:
5 "1. A person shall not".
- 6 2. Page 4, line 22, by inserting after the words
7 "crop operation property" the following: ", without
8 the consent of the owner".
- 9 3. Page 4, line 25, by inserting after the word
10 "property" the following: ", without the consent of
11 the owner".
- 12 4. Page 4, line 26, by inserting after the word
13 "property," the following: "without the consent of
14 the owner,".
- 15 5. Page 5, by inserting after line 12, the
16 following:
17 "d. Apply a pesticide as defined in section 206.2
18 within five hundred feet from an orchard, land used to

19 produce an agricultural product that has been produced
20 according to standards established pursuant to chapter
21 190C, an educational institution, a religious
22 institution, or a residence, unless the titleholder of
23 the land benefiting from the separation distance signs
24 a written consent which shall be effective when filed
25 with the office of the recorder in the county in which
26 the land is located."

27 6. Page 6, by inserting after line 30, the
28 following:

29 "4A. A person who applies a pesticide in violation
30 of subsection 1, paragraph "d", is guilty of a serious
31 misdemeanor."

32 7. By renumbering as necessary.

THOMAS FIEGEN

S-3468

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by striking line 19, and inserting the
4 following:

5 "1. A person shall not".

6 2. Page 4, line 22, by inserting after the words
7 "crop operation property" the following: ", without
8 the consent of the owner".

9 3. Page 4, line 25, by inserting after the word
10 "property" the following: "without the consent of the
11 owner".

12 4. Page 4, line 26, by inserting after the word
13 "property," the following: ", without the consent of
14 the owner,".

15 5. Page 5, by inserting after line 12, the
16 following:

17 "d. Apply anhydrous ammonia within five hundred
18 feet from an orchard, land used to produce an
19 agricultural product that has been produced according
20 to standards established pursuant to chapter 190C, an
21 educational institution, a religious institution, or a
22 residence, unless the titleholder of the land
23 benefiting from the separation distance signs a
24 written consent which shall be effective when filed
25 with the office of the recorder in the county in which
26 the land is located."

27 6. Page 6, by inserting after line 30, the
28 following:

29 "4A. A person who applies anhydrous ammonia in
30 violation of subsection 1, paragraph "d", is guilty of

31 a serious misdemeanor."
 32 7. By renumbering as necessary.

THOMAS FIEGEN

S-3469

1 Amend House File 502, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 7, by inserting after line 2, the
 4 following:
 5 "____. This section does not apply to a person who
 6 exercises any rights guaranteed by the first amendment
 7 to the Constitution of the United States or Article I,
 8 section 7, of the Constitution of the State of Iowa.
 9 A person who protests any activity conducted at a crop
 10 operation shall be deemed to be in compliance with
 11 state law if the person engages in the activity
 12 outside the crop operation property and provides
 13 notice to the owner of the crop operation property
 14 within the twenty-four hours prior to the day of the
 15 protest and conducts the protest during regular
 16 business hours."

THOMAS FIEGEN

S-3470

1 Amend Senate File 524 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. Section 123.183, Code 2001, is amended
 5 to read as follows:
 6 123.183 WINE GALLONAGE TAX AND RELATED FUNDS.
 7 1. In addition to the annual permit fee to be paid
 8 by each class "A" wine permittee, ~~there a wine~~
 9 gallonage tax shall be levied and collected from each
 10 class "A" wine permittee on all wine manufactured for
 11 sale and sold in this state at wholesale and on all
 12 wine imported into this state for sale at wholesale
 13 and sold in this state at wholesale, ~~a. The rate of~~
 14 the wine gallonage tax of is one dollar and seventy-
 15 five cents for ~~every each~~ wine gallon ~~and a like. The~~
 16 same rate shall apply for the fractional parts of a
 17 wine gallon. ~~A The wine gallonage~~ tax shall not be
 18 levied or collected on wine sold by one class "A" wine
 19 permittee to another class "A" wine permittee.
 20 ~~2. a. Revenue derived~~ collected from the wine
 21 gallonage tax collected on wine manufactured for sale
 22 and sold in this state shall be deposited in the wine
 23 gallonage tax fund hereby as created in this section.

24 b. A wine gallonage tax fund is created in the
 25 office of the treasurer of state. Moneys deposited in
 26 the gallonage tax the fund are appropriated to the
 27 department of economic development as provided in
 28 section 15E.117. Moneys in the fund shall not revert
 29 to the general fund of the state without a specific
 30 appropriation by the general assembly are not subject
 31 to section 8.33.

32 3. All other Of the amount of revenue collected
 33 from the wine gallonage tax on wine imported into this
 34 state for sale at wholesale and sold in this state at
 35 wholesale, the first three cents shall be deposited in
 36 the grape and wine development fund as created in
 37 section 159B.5. The remaining revenue derived
 38 collected from the wine gallonage tax on wine imported
 39 into this state for sale at wholesale and sold in this
 40 state at wholesale shall be deposited in the liquor
 41 control fund established by created in section 123.53
 42 and shall be transferred by the director of revenue
 43 and finance to the general fund of the state."

44 2. Page 5, line 11, by inserting after the word
 45 "fund." the following: "The fund shall include moneys
 46 deposited into the fund from the wine gallonage tax as
 47 provided in section 123.183."

48 3. Title page, line 2, by inserting after the
 49 word "wine" the following: "and providing an
 50 appropriation".

Page 2

1 4. By renumbering as necessary.

JOHN P. KIBBIE
 BILL FINK
 BETTY A. SOUKUP
 MATT McCOY
 MIKE CONNOLLY
 TOM FLYNN
 PATRICK J. DELUHERY
 PATRICIA HARPER
 JOHNNIE HAMMOND
 THOMAS FIEGEN
 DENNIS H. BLACK
 WALLY E. HORN
 ROBERT E. DVORSKY
 EUGENE S. FRAISE

S-3471

1 Amend Senate File 535 as follows:
 2 1. Page 20, line 2, by striking the figure
 3 "7,687,328" and inserting the following: "7,695,239".

4 2. Page 20, line 8, by striking the figure
 5 "4,294,276" and inserting the following: "4,298,696".

MICHAEL E. GRONSTAL

S-3472

1 Amend Senate File 530 as follows:

2 1. Page 14, by inserting after line 30 the
 3 following:

4 "____. In addition to the appropriations made in
 5 subsection 1 there is appropriated from the general
 6 fund of the state to the department of corrections for
 7 the fiscal year beginning July 1, 2001, and ending
 8 June 30, 2002, the following amounts, or so much
 9 thereof as is necessary:

10 a. For the first judicial district department of
 11 correctional services, including treatment and
 12 supervision of probation and parole violators who have
 13 been released from the department of corrections
 14 violator program, the following amount, or so much
 15 thereof as is necessary:

| | | |
|----------|------|---------|
| 16 | \$ | 369,000 |
| 17 | FTEs | 8.00 |

18 b. For the fourth judicial district department of
 19 correctional services, including treatment and
 20 supervision of probation and parole violators who have
 21 been released from the department of corrections
 22 violator program, the following amount, or so much
 23 thereof as is necessary:

| | | |
|----------|------|---------|
| 24 | \$ | 250,000 |
| 25 | FTEs | 5.00 |

26 c. For the fifth judicial district department of
 27 correctional services, including treatment and
 28 supervision of probation and parole violators who have
 29 been released from the department of corrections
 30 violator program, the following amount, or so much
 31 thereof as is necessary:

| | | |
|----------|------|---------|
| 32 | \$ | 698,000 |
| 33 | FTEs | 10.00 |

34 d. For the seventh judicial district department of
 35 correctional services, including treatment and
 36 supervision of probation and parole violators who have
 37 been released from the department of corrections
 38 violator program, the following amount, or so much
 39 thereof as is necessary:

| | | |
|----------|----|---------|
| 40 | \$ | 506,000 |
|----------|----|---------|

41 FTEs 7.00"
42 2. By renumbering as necessary.

ROBERT E. DVORSKY
JOHNIE HAMMOND
JOE BOLKCOM

S-3473

- 1 Amend the amendment, S-3441, to Senate File 514 as
- 2 follows:
- 3 1. Page 2, line 14, by striking the words "per
- 4 taxpayer".

JACK HOLVECK
LARRY McKIBBEN

S-3474

- 1 Amend House File 502, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, by inserting after line 2, the
- 4 following:
- 5 "____. This section does not apply to a person who
- 6 picks, harvests, or otherwise takes a crop on crop
- 7 operation property and consumes the crop on the crop
- 8 operation property."
- 9 2. By renumbering as necessary.

THOMAS FIEGEN

S-3475

- 1 Amend House File 349, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 11 and 12, and
- 4 inserting the following: "company, or estate or
- 5 trust".
- 6 2. Page 1, by striking lines 18 and 19, and
- 7 inserting the following: "or estate or trust. For".
- 8 3. Page 2, by striking lines 30 and 31 and
- 9 inserting the following: "limited liability company,
- 10 or".
- 11 4. Page 3, by striking lines 2 and 3 and
- 12 inserting the following: "or estate or trust."
- 13 5. Page 5, by striking lines 16 and 17, and
- 14 inserting the following: "or estate or trust".
- 15 6. Page 5, by striking lines 22 through 24, and
- 16 inserting the following: "corporation, limited
- 17 liability company, or estate or trust."

- 18 7. Page 7, by striking lines 8 through 29.
19 8. By renumbering as necessary.

JOHN REDWINE

S-3476

- 1 Amend Senate File 530 as follows:
2 1. Page 6, line 6, by striking the figure
3 "27,622,191" and inserting the following:
4 "27,742,137".
5 2. Page 6, line 14, by striking the figure
6 "23,446,284" and inserting the following:
7 "23,591,417".
8 3. Page 6, line 24, by striking the figure
9 "21,501,082" and inserting the following:
10 "21,564,956".
11 4. Page 6, line 30, by striking the figure
12 "22,944,479" and inserting the following:
13 "23,023,286".
14 5. Page 7, line 3, by striking the figure
15 "21,667,807" and inserting the following:
16 "21,677,580".
17 6. Page 7, line 9, by striking the figure
18 "7,148,555" and inserting the following: "7,178,143".
19 7. Page 7, line 15, by striking the figure
20 "17,925,620" and inserting the following:
21 "17,952,898".
22 8. Page 7, line 26, by striking the figure
23 "12,203,736" and inserting the following:
24 "12,229,337".
25 9. Page 8, line 3, by striking the figure
26 "791,438" and inserting the following: "700,438"
27 10. Page 21, line 7, by striking the figure
28 "2,449,533" and inserting the following: "2,404,533".
29 11. Page 23, line 13, by striking the figure
30 "35,760,633" and inserting the following:
31 "36,676,633".

JEFF ANGELO

S-3477

- 1 Amend Senate File 530 as follows:
2 1. Page 4, line 16, by striking the figure
3 "450,000" and inserting the following: "670,000".

JEFF ANGELO
MARY A. LUNDBY

S-3478

- 1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 16, the
4 following:
5 "___. This section does not apply to an animal
6 facility convicted of a felony charge in the previous
7 five years in any jurisdiction, including by any state
8 or federal court or by a court of a foreign nation.
9 For purposes of this subsection, a plea or verdict of
10 guilty or a plea of nolo contendere or its equivalent
11 is deemed to be a conviction."
- 12 2. Page 7, by inserting after line 2, the
13 following:
14 "___. This section does not apply to a crop
15 operation convicted of a felony charge in the previous
16 five years in any jurisdiction, including by any state
17 or federal court or by a court of a foreign nation.
18 For purposes of this subsection, a plea or verdict of
19 guilty or a plea of nolo contendere or its equivalent
20 is deemed to be a conviction."
- 21 3. By renumbering as necessary.

THOMAS FIEGEN

S-3479

- 1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 3, the
4 following:
5 "___. "Biotechnological system or technique" means
6 a process used to alter the genetic characteristics of
7 a plant by modifying the deoxyribonucleic acid of the
8 plant's seed in a manner other than by breeding or
9 pollination."
- 10 2. Page 4, by striking line 19, and inserting the
11 following:
12 "1. A person shall not".
- 13 3. Page 4, line 22, by inserting after the words
14 "crop operation property" the following: ", without
15 the consent of the owner".
- 16 4. Page 4, line 25, by inserting after the word
17 "property" the following: ", without the consent of
18 the owner".
- 19 5. Page 4, line 26, by inserting after the word
20 "property," the following: "without the consent of
21 the owner,".
- 22 6. Page 5, by inserting after line 12, the
23 following:

24 "d. Blend grain from a crop originating from an
 25 agricultural seed as defined in section 199.1 that has
 26 been genetically modified using a biotechnological
 27 system or technique with grain from a crop originating
 28 from an agricultural seed that has not been so
 29 genetically modified, unless the person provides a
 30 disclosure to a purchaser of the grain. The
 31 disclosure statement shall notify the purchaser that
 32 the grain is blended with grain from a crop
 33 originating from agricultural seed that has been
 34 genetically modified as provided in this paragraph.
 35 The same disclosure statement shall be provided by a
 36 purchaser to each subsequent purchaser. The
 37 disclosure statement shall be in writing and provide
 38 the notice as required by rules adopted by the
 39 department of agriculture and land stewardship."

40 7. Page 6, by inserting after line 30, the
 41 following:

42 "4A. A person who blends grain that includes grain
 43 from a crop originating from an agricultural seed that
 44 has been genetically modified or who sells such
 45 blended grain in violation of subsection 1, paragraph
 46 "d", is guilty of a serious misdemeanor."

47 8. By renumbering as necessary.

THOMAS FIEGEN

S-3480

1 Amend House File 502, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 16 the
 4 following:

5 "____. This section does not apply to a licensed
 6 veterinarian practicing veterinary medicine as
 7 provided in chapter 169 and according to customary
 8 standards of care."

9 2. By renumbering as necessary.

SANDRA GREINER

S-3481

1 Amend House File 519, as amended, passed, and
 2 reprinted by the House, as follows:

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

5 "Section 1. Section 236.10, subsection 3, Code
 6 2001, is amended to read as follows:

7 3. The Until a domestic abuse case is complete and
 8 the time for appeal has expired, the entire file or a

9 ~~portion of the file in a domestic-abuse the case shall~~
 10 ~~be closed to all but the court and its officers.~~
 11 After that time the entire file or a portion of the
 12 file shall be sealed by the clerk of court as ordered
 13 by the court to protect the privacy interest or safety
 14 of any person. The clerk shall open the file upon
 15 application to and order of the court for good cause
 16 shown."
 17 2. By renumbering as necessary.

ROBERT E. DVORSKY
 JACK HOLVECK
 JOE BOLKCOM

S-3482

1 Amend Senate File 535 as follows:

2 1. Page 5, by striking lines 3 through 23 and
 3 inserting the following:
 4 "The division of vocational rehabilitation services
 5 shall seek funding from other sources, such as local
 6 funds, for purposes of matching the state's federal
 7 vocational rehabilitation allocation, as well as for
 8 matching other federal vocational rehabilitation
 9 funding that may become available."

10 2. Page 6, by striking lines 16 through 19.

11 3. Page 6, line 31, by inserting after the word
 12 "to" the following: "provide support for Iowa's
 13 libraries. The commission of libraries shall develop
 14 rules governing the allocation of funds provided by
 15 the general assembly for the enrich Iowa program to
 16 provide direct state assistance to public libraries
 17 and to fund the open access and access plus programs.
 18 Direct state assistance to eligible public libraries
 19 is provided as an incentive to improve library
 20 services and to reduce inequities among communities in
 21 the delivery of library services based on recognized
 22 and adopted performance measures. Funds distributed
 23 as direct state assistance shall be distributed to".

24 4. Page 6, line 35, by inserting after the word
 25 "amount" the following: "of direct state assistance
 26 distributed under the enrich Iowa program for the
 27 fiscal year beginning July 1, 2001, shall not be lower
 28 than the amount distributed under the enrich Iowa
 29 program for the fiscal year commencing July 1, 2000.
 30 The amount of direct state assistance".

31 5. Page 8, line 20, by striking the figure
 32 "7,029,579" and inserting the following: "7,529,579".

33 6. Page 11, by striking lines 18 through 35 and
 34 inserting the following:

35 ".....\$ 142,722,759
 36 The funds appropriated in this subsection shall be

37 allocated as follows:

| | | | |
|----|---------------------------|----|------------|
| 38 | a. Merged Area I | \$ | 6,849,351 |
| 39 | b. Merged Area II | \$ | 8,045,485 |
| 40 | c. Merged Area III | \$ | 7,474,072 |
| 41 | d. Merged Area IV | \$ | 3,653,168 |
| 42 | e. Merged Area V | \$ | 7,642,878 |
| 43 | f. Merged Area VI | \$ | 7,080,981 |
| 44 | g. Merged Area VII | \$ | 10,216,915 |
| 45 | h. Merged Area IX | \$ | 12,566,066 |
| 46 | i. Merged Area X | \$ | 19,720,863 |
| 47 | j. Merged Area XI | \$ | 20,930,929 |
| 48 | k. Merged Area XII | \$ | 8,246,174 |
| 49 | l. Merged Area XIII | \$ | 8,479,556 |
| 50 | m. Merged Area XIV | \$ | 3,696,728 |

Page 2

| | | | |
|----|---|----|------------|
| 1 | n. Merged Area XV | \$ | 1,632,302 |
| 2 | o. Merged Area XVI | \$ | 6,487,291" |
| 3 | 7. Page 12, line 25, by striking the figure | | |
| 4 | "15.63" and inserting the following: "16.00". | | |
| 5 | 8. Page 13, line 23, by striking the figure | | |
| 6 | "240,485,993" and inserting the following: | | |
| 7 | "241,123,493". | | |
| 8 | 9. Page 17, line 32, by striking the figure | | |
| 9 | "190,389,770" and inserting the following: | | |
| 10 | "190,789,770". | | |
| 11 | 10. By striking page 18, line 32 through page 19, | | |
| 12 | line 1. | | |
| 13 | 11. Page 19, line 19, by striking the figure | | |
| 14 | "85,204,825" and inserting the following: | | |
| 15 | "85,454,825". | | |
| 16 | 12. Page 20, line 2, by striking the figure | | |
| 17 | "7,687,328" and inserting the following: "7,695,239". | | |
| 18 | 13. Page 20, line 8, by striking the figure | | |
| 19 | "4,294,276" and inserting the following: "4,298,696". | | |
| 20 | 14. Page 20, line 17, by striking the figure | | |
| 21 | "15,925" and inserting the following: "15,941". | | |
| 22 | 15. By striking page 22, line 35 through page 23, | | |
| 23 | line 6. | | |
| 24 | 16. Page 23, lines 25 and 26, by striking the | | |
| 25 | words "general assembly" and inserting the following: | | |
| 26 | "state board of education". | | |
| 27 | 17. Page 23, line 28, by inserting after the word | | |
| 28 | "college." the following: "The state board shall also | | |
| 29 | determine whether state moneys were used to purchase, | | |
| 30 | acquire, or support the radio broadcast station or | | |
| 31 | license and, if state moneys were used, the board of | | |
| 32 | directors shall also seek the prior approval of the | | |
| 33 | executive council." | | |
| 34 | 18. Page 23, by striking lines 33 and 34. | | |
| 35 | 19. Page 24, by striking line 4 and inserting the | | |

36 following: "~~eight forty-six~~ million ~~eight three~~
 37 hundred ~~thirty fifty~~ thousand".
 38 20. Page 24, lines 22 and 23, by striking the
 39 words "general assembly" and inserting the following:
 40 "executive council".
 41 21. Page 24, by striking lines 31 and 32.
 42 22. Page 26, by inserting after line 18 the
 43 following: "amended to read as follows:
 44 5. For the fiscal year beginning July 1, ~~1997~~
 45 ~~2001~~, and ending June 30, ~~1998 2002~~, the amount of
 46 fifty thousand dollars to be paid to the department of
 47 education for participation in a state and national
 48 project, the national assessment of education
 49 progress, to determine the academic achievement of
 50 Iowa students in math, reading, science, United States

Page 3

1 history, or geography.
 2 Sec. ____ Section 294A.25, subsection 6, Code
 3 2001, is".
 4 23. Page 26, line 21, by striking the figure "5"
 5 and inserting the following: "6".
 6 24. Page 26, line 26, by striking the figure and
 7 word "6 and".
 8 25. By renumbering as necessary.

DONALD B. REDFERN

S-3483

1 Amend House File 502, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Section 1. Section 199.1, Code 2001, is amended
 6 by adding the following new subsections:
 7 NEW SUBSECTION. 5A. "Contamination" means the
 8 unintended presence of a plant or plant part
 9 transferred from an originating area to an area
 10 without the presence of the plant or plant part that
 11 alters the genetic characteristics of a plant.
 12 NEW SUBSECTION. 5B. "Crop" means any plant
 13 produced from an agricultural seed or vegetable seed,
 14 or any harvested part of the plant.
 15 NEW SUBSECTION. 6A. "Field" means an originating
 16 field or a neighboring field.
 17 NEW SUBSECTION. 6B. "Genetically modified" means
 18 to alter the genetic characteristics of a plant by
 19 modifying the deoxyribonucleic acid of the plant's
 20 seed in a manner other than by breeding or
 21 pollination.

22 NEW SUBSECTION. 19A. "Seed dealer" means a person
23 who sells or offers for sale agricultural seed or
24 vegetable seed to persons on a retail basis.

25 NEW SUBSECTION. 19B. "Seed labeler" means a
26 person required to label agricultural seed or
27 vegetable seed as provided in section 199.3 or 199.4.

28 Sec. ____ Section 199.3, subsection 1, Code 2001,
29 is amended by adding the following new paragraph:

30 NEW PARAGRAPH. f. The label shall include an
31 identification of genetically modified agricultural
32 seed or vegetable seed included in the container. If
33 the agricultural seed or vegetable seed is genetically
34 modified, the label shall comply with sections 199.22
35 and 199.23.

36 Sec. ____ Section 199.8, Code 2001, is amended by
37 adding the following new subsection:

38 NEW SUBSECTION. 4. A person shall not sell, offer
39 for sale, or expose for sale agricultural seed or
40 vegetable seed that has been genetically modified, if
41 the person has represented that that agricultural seed
42 or vegetable seed is not genetically modified.

43 Sec. ____ Section 199.13, Code 2001, is amended to
44 read as follows:

45 199.13 PENALTY.

46 1. a. A violation of person who violates this
47 chapter is guilty of a simple misdemeanor.

48 b. A person who violates subchapter 2 is subject
49 to a civil penalty of not more than one thousand
50 dollars. Civil penalties collected under this

Page 2

1 paragraph shall be deposited in the general fund of
2 the state.

3 2. The department may institute criminal or civil
4 proceedings in a court of competent jurisdiction in
5 order to enforce this chapter. When in the
6 performance of the ~~secretary's~~ department's duties in
7 enforcing this chapter the ~~secretary~~ department
8 applies to a court for a temporary or permanent
9 injunction restraining a person from violating or
10 continuing to violate any of the provisions of this
11 chapter or rules adopted under this chapter, the
12 injunction is to be issued without bond and the person
13 restrained by the injunction shall pay the costs made
14 necessary by the procedure.

15 SUBCHAPTER 2

16 GENETICALLY MODIFIED AGRICULTURAL SEED

17 Sec. ____ NEW SECTION. 199.21 APPLICABILITY.

18 The department, in consultation with the attorney
19 general, shall provide an exception from a requirement
20 in this subchapter as applied to any type of

21 genetically modified agricultural seed or genetically
 22 modified vegetable seed that is sold or offered for
 23 sale or transported in this state, if the department
 24 determines that the requirement as applied to that
 25 type of agricultural seed or vegetable seed has been
 26 preempted by federal statute or regulation. The
 27 department shall establish the exceptions by rule
 28 adopted pursuant to chapter 17A. If an exception is
 29 not provided for by rule, the department shall
 30 establish the exception by declaratory order as
 31 provided in section 17A.9, upon receipt of a petition
 32 as provided for in that section.

33 Sec. __. NEW SECTION. 199.22 NOTICE
 34 REQUIREMENTS.

35 1. A seed labeler shall provide notice of an
 36 agricultural seed or vegetable seed that is
 37 genetically modified on the label of a container
 38 holding the agricultural seed or vegetable seed as
 39 provided in section 199.3 or on a placard as provided
 40 in section 199.4. A seed dealer shall provide the
 41 same notice in a disclosure statement to a person
 42 purchasing the agricultural seed or vegetable seed on
 43 a retail basis prior to or at the time of the
 44 purchase. The disclosure statement may be contained
 45 on a separate form or part of an invoice or bill of
 46 sale evidencing a transaction. The seed dealer shall
 47 not sell agricultural seed or vegetable seed that has
 48 been genetically modified, unless the purchaser signs
 49 the disclosure statement acknowledging that the
 50 purchaser has read the statement. The seed dealer

Page 3

1 shall maintain a copy of the acknowledged disclosure
 2 statement as part of the seed dealer's business
 3 records.

4 2. The form of the disclosure statement shall be
 5 prescribed by rules adopted by the department. The
 6 notice shall appear in a printed bold-faced font in at
 7 least ten point type. The notice shall appear in the
 8 following form:

9 **NOTICE**
 10 **GENETICALLY MODIFIED AGRICULTURAL OR**
 11 **VEGETABLE SEED**

12 This agricultural or vegetable seed is genetically
 13 modified. Please consult the label appearing on this
 14 package or the pamphlet required to be attached to the
 15 container or accompanying the bulk sale of
 16 agricultural or vegetable seed, regarding important
 17 production information, including possible
 18 restrictions, about the production and marketing of a
 19 crop grown from this agricultural or vegetable seed.

20 Sec. ____ NEW SECTION. 199.23 PRODUCTION
21 INFORMATION REQUIREMENTS.
22 1. A seed labeler shall provide production
23 information for agricultural seed or vegetable seed
24 that has been genetically modified as required in this
25 section to the extent that the production information
26 is known by the seed labeler. The production
27 information shall appear on the label as provided in
28 section 199.3 or in a pamphlet attached to the
29 container or accompanying agricultural seed or
30 vegetable seed that is sold in bulk as provided in
31 section 199.4. A seed dealer shall not sell
32 agricultural seed or vegetable seed that the seed
33 labeler identifies as genetically modified, unless the
34 seed dealer provides the purchaser of agricultural
35 seed or vegetable seed with the production
36 information. The production information shall include
37 all of the following:
38 a. A brief description of the consequences of the
39 genetic modification, including but not limited to any
40 consequences affecting hardiness, growth rate, yield,
41 resistance, adaptability, appearance, or intrinsic
42 qualities such as oil content.
43 b. Sound management practices required to minimize
44 the risk of transferring gene characteristics to other
45 varieties of plants. The sound management practices
46 shall consist of requirements for planting
47 agricultural seed or vegetable seed that has been
48 genetically modified and methods to maintain the
49 separated area in order to prevent a significant risk
50 of contamination occurring from any of the following:

Page 4

- 1 (1) The transfer of gene characteristics to crops
2 planted on a neighboring area by pollination,
3 including the pollination of crops or the pollination
4 of other related plants inhabiting the neighboring
5 area.
- 6 (2) The transfer of agricultural seed or vegetable
7 seed that has been genetically modified to a
8 neighboring area.
- 9 c. A notice, if necessary, regarding any financial
10 risks associated with marketing the crop, including
11 but not limited to restrictions regarding all of the
12 following:
 - 13 (1) The handling and storage of the crop,
14 including segregation requirements.
 - 15 (2) The sale of the crop in domestic and foreign
16 markets, including import restrictions imposed by
17 other nations.
 - 18 (3) The use of the crop, including restrictions

19 regarding human consumption of the crop or products
20 processed using the crop.

21 2. The language used in the production information
22 shall comply with standard rules of spelling, grammar,
23 punctuation, and usage. The production information
24 shall be printed in a type size of not less than ten
25 points. The production information shall use terms
26 that are commonly understood by a reasonable person of
27 average intelligence, education, and experience who
28 regularly produces crops originating from the same
29 type of agricultural seed or vegetable seed that has
30 been genetically modified that the person is
31 purchasing.

32 Sec. ____ NEW SECTION. 199.24 FOOD CROPS NOT
33 APPROVED FOR HUMAN CONSUMPTION -- COLOR-CODED SEEDS OR
34 SECURITY PLAN.

35 1. As used in this section, "designated seed"
36 means agricultural seed or vegetable seed producing a
37 crop that may be processed into a food product, but is
38 not approved for human consumption by an agency of the
39 federal government, including but not limited to the
40 United States food and drug administration, because
41 the agricultural seed or vegetable seed is genetically
42 modified.

43 2. a. A person shall not sell, offer for sale, or
44 transport designated seed in this state, unless any of
45 the following applies:

46 (1) The designated seed is artificially colored
47 solid blaze orange.

48 (2) The department approves a security plan, or
49 amendments to an approved security plan, submitted by
50 the person producing a crop from designated seed,

Page 5

1 according to rules adopted by the department. The
2 security plan shall provide for sound management
3 practices used to ensure that there is no risk of
4 contamination, and for harvesting, storing,
5 transporting, processing, marketing, and utilizing
6 crops or goods processed from those crops in a manner
7 that provides no risk that the crops or goods
8 processed from the crops will be utilized for human
9 consumption. The security plan shall be accompanied
10 by all necessary certifications by persons who will
11 harvest, store, transport, process, or market the crop
12 or goods processed from the crop, as required by the
13 department. The department may approve amendments to
14 the security plan.

15 b. A person shall not sell, offer for sale, or
16 transport agricultural seed or vegetable seed in this
17 state that is artificially colored solid blaze orange,

18 unless it is designated seed. A person shall not
 19 knowingly use management practices, or harvest, store,
 20 transport, process, or market crops or goods processed
 21 from those crops in violation of the security plan.

22 Sec. ____ NEW SECTION. 199.25 LIABILITY.

23 A person suffering damages resulting from an act
 24 which is in violation of subchapter 2 may bring an
 25 action in the district court against the person
 26 causing the damage to recover all of the following:

27 1. Twice the amount of damages directly incurred
 28 by market losses, based on the lost market value due
 29 to contamination. If a contaminated crop has no
 30 market value, the damages shall be twice the amount of
 31 actual damages incurred in producing, harvesting, and
 32 storing the crop.

33 2. A prevailing plaintiff in an action brought
 34 under this section shall be awarded court costs and
 35 reasonable attorney fees, which shall be taxed as part
 36 of the costs of the action.

37 Sec. ____ NEW SECTION. 199.26 PENALTIES.

38 A person who violates subchapter 2 is guilty of
 39 criminal mischief as provided in section 716.1, and
 40 commits the same class of offense as provided in
 41 sections 716.3 through 716.6 based on the amount of
 42 damage incurred."

43 2. Page 7, by inserting after line 2, the
 44 following:

45 "Sec. ____ DIRECTIONS TO CODE EDITOR. The Code
 46 editor shall organize chapter 199 in conformance with
 47 this Act. The Code editor shall transfer sections
 48 199.11 through 199.14 into a new subchapter 3.

49 Sec. ____ EFFECTIVE DATE. Sections 199.1, 199.3,
 50 199.8, and 199.13, as amended by this Act, and

Page 6

1 sections 199.21 through 199.26, as enacted by this
 2 Act, take effect on September 1, 2001."

3 3. Title page, line 1, by inserting after the
 4 word "by" the following: "providing for genetically
 5 modified agricultural crops,".

6 4. By renumbering as necessary.

THOMAS FIEGEN

S-3484

1 Amend House File 502, as amended, passed, and
 2 reprinted by the House, as follows:

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

5 "____. "Biotechnological system or technique" means

6 a process used to alter the genetic characteristics of
7 a plant by modifying the deoxyribonucleic acid of the
8 plant's seed in a manner other than by breeding or
9 pollination."

10 2. Page 2, by inserting after line 5, the
11 following:

12 "____. "Contamination" means the unintended
13 presence of a plant or plant part transferred from an
14 originating area to an area without the presence of
15 the plant or plant part that alters the genetic
16 characteristics of a plant."

17 3. Page 4, by inserting after line 5, the
18 following:

19 "____. "Seed dealer" means a person who sells or
20 offers for sale agricultural seed or vegetable seed to
21 persons on a retail basis.

22 _____. "Seed labeler" means a person required to
23 label agricultural seed or vegetable seed as provided
24 in section 199.3 or 199.4."

25 4. Page 4, by striking line 19, and inserting the
26 following:

27 "1. A person shall not".

28 5. Page 4, line 22, by inserting after the words
29 "crop operation property" the following: ", without
30 the consent of the owner".

31 6. Page 4, line 25, by inserting after the word
32 "property" the following: ", without the consent of
33 the owner".

34 7. Page 4, line 26, by inserting after the word
35 "property," the following: "without the consent of
36 the owner,".

37 8. Page 5, by inserting after line 12, the
38 following:

39 "d. Sell agricultural seed as defined in section
40 199.1 that has been genetically modified using a
41 biotechnological system or technique, unless the
42 person selling such agricultural seed provides a full
43 written disclosure statement to the purchaser that the
44 agricultural seed has been genetically modified. A
45 seed labeler shall provide notice of an agricultural
46 seed that is genetically modified as provided in this
47 section on the label of a container holding the
48 agricultural seed as provided in section 199.3 or on a
49 placard as provided in section 199.4. A seed dealer
50 shall provide the same notice in a disclosure

Page 2

1 statement to a person purchasing the agricultural seed
2 on a retail basis prior to or at the time of the
3 purchase. The disclosure statement may be contained
4 on a separate form or part of an invoice or bill of

5 sale evidencing a transaction. The seed dealer shall
 6 not sell agricultural seed that has been genetically
 7 modified, unless the purchaser signs the disclosure
 8 statement acknowledging that the purchaser has read
 9 the statement. The seed dealer shall maintain a copy
 10 of the acknowledged disclosure statement as part of
 11 the seed dealer's business records.

12 The form of the disclosure statement shall be
 13 prescribed by rules adopted by the department. The
 14 notice shall appear in a printed bold-faced font in at
 15 least ten point type. The notice shall appear in the
 16 following form:

17 **NOTICE**

18 **GENETICALLY MODIFIED AGRICULTURAL SEED**

19 This agricultural seed is genetically modified.
 20 Please consult the label appearing on this package or
 21 the pamphlet required to be attached to the container
 22 or accompanying the bulk sale of agricultural seed,
 23 regarding important production information, including
 24 possible restrictions, about the production and
 25 marketing of a crop grown from this agricultural or
 26 vegetable seed."

27 9. Page 6, by inserting after line 30, the
 28 following:

29 "4A. A person who sells agricultural seed that has
 30 been genetically modified using a biotechnological
 31 system or technique in violation of subsection 1,
 32 paragraph "d", is guilty of a serious misdemeanor."

33 10. By renumbering as necessary.

THOMAS FIEGEN

S-3485

1 Amend Senate File 535 as follows:

- 2 1. Page 5, line 1, by striking the figure
 3 "4,648,441" and inserting the following: "4,698,441".

DONALD B. REDFERN

S-3486

1 Amend the amendment, S-3482, to Senate File 535 as
 2 follows:

- 3 1. Page 2, by striking lines 24 through 34 and
 4 inserting the following:
 5 "____. Page 23, by striking lines 23 through 34."
 6 2. By renumbering as necessary.

STEVEN D. HANSEN
 ROBERT E. DVORSKY
 JOHN P. KIBBIE

S-3487

1 Amend Senate File 535 as follows:

2 1. Page 23, by inserting before line 35 the

3 following:

4 "Sec. ____ Section 260C.15, subsection 1, Code

5 2001, is amended to read as follows:

6 1. Regular elections held annually by the merged
7 area for the election of members of the board of
8 directors as required by section 260C.11, for the
9 renewal of the ~~twenty~~ twenty-two and ~~one-fourth~~ three-
10 fourths cents per thousand dollars of assessed
11 valuation levy authorized in section 260C.22, or for
12 any other matter authorized by law and designated for
13 election by the board of directors of the merged area,
14 shall be held on the date of the school election as
15 fixed by section 277.1. The election notice shall be
16 made a part of the local school election notice
17 published as provided in section 49.53 in each local
18 school district where voting is to occur in the merged
19 area election and the election shall be conducted by
20 the county commissioner of elections pursuant to
21 chapters 39 to 53 and section 277.20.

22 Sec. ____ Section 260C.22, subsection 1, paragraph
23 a, Code 2001, is amended to read as follows:

24 a. In addition to the tax authorized under section
25 260C.17, the voters in any merged area may at the
26 annual school election vote a tax not exceeding ~~twenty~~
27 twenty-two and ~~one-fourth~~ three-fourths cents per
28 thousand dollars of assessed value in any one year for
29 a period not to exceed ten years for the purchase of
30 grounds, construction of buildings, payment of debts
31 contracted for the construction of buildings, purchase
32 of buildings and equipment for buildings, and the
33 acquisition of libraries, for the purpose of paying
34 costs of utilities, and for the purpose of
35 maintaining, remodeling, improving, or expanding the
36 community college of the merged area. If the tax levy
37 is approved under this section, the costs of utilities
38 shall be paid from the proceeds of the levy. The tax
39 shall be collected by the county treasurers and
40 remitted to the treasurer of the merged area as
41 provided in section 331.552, subsection 29. The
42 proceeds of the tax shall be deposited in a separate
43 and distinct fund to be known as the voted tax fund,
44 to be paid out upon warrants drawn by the president
45 and secretary of the board of directors of the merged
46 area district for the payment of costs incurred in
47 providing the school facilities for which the tax was
48 voted.

49 Sec. ____ Section 260C.22, subsection 1, Code
50 2001, is amended by adding the following new

Page 2

1 paragraph:

2 NEW PARAGRAPH. f. If the voters in a merged area
3 have authorized a tax pursuant to paragraph "a" not
4 exceeding twenty and one-fourth cents per thousand
5 dollars of assessed value prior to July 1, 2001, the
6 tax shall continue for the period originally
7 authorized under the voter-approved tax, and the
8 maximum tax that can be authorized by the voters on or
9 after July 1, 2001, under this section, for the period
10 of the original authorized tax, is an additional
11 amount such that the total amount of tax does not
12 exceed twenty-two and three-fourths cents for a period
13 to coincide with the remaining period for which the
14 initial tax in the merged area was approved.

15 Sec. ____ Section 260C.28, subsection 1, Code
16 2001, is amended to read as follows:

17 1. Annually, the board of directors may certify
18 for levy a tax on taxable property in the merged area
19 at a rate not exceeding three five and one-half cents
20 per thousand dollars of assessed valuation for
21 equipment replacement for the community college.

22 Sec. ____ Section 260C.28, subsection 2, Code
23 2001, is amended to read as follows:

24 2. However, the board of directors may annually
25 certify for levy a tax on taxable property in the
26 merged area at a rate in excess of the three five and
27 one-half cents per thousand dollars of assessed
28 valuation specified under subsection 1 if the excess
29 tax levied does not cause the total rate certified to
30 exceed a rate of nine eleven and one-half cents per
31 thousand dollars of assessed valuation, and the excess
32 revenue generated is used for purposes of program
33 sharing between community colleges or for the purchase
34 of instructional equipment. Programs that are shared
35 shall be designed to increase student access to
36 community college programs and to achieve efficiencies
37 in program delivery at the community colleges,
38 including, but not limited to, the programs described
39 under sections 260C.45 and 260C.46. Prior to
40 expenditure of the excess revenues generated under
41 this subsection, the board of directors shall obtain
42 the approval of the director of the department of
43 education."

44 2. By renumbering as necessary.

JOHN P. KIBBIE
ROBERT E. DVORSKY
DENNIS H. BLACK

S-3488

1 Amend the amendment, S-3482, to Senate File 535 as
2 follows:
3 1. By striking page 1, line 35, through page 2,
4 line 2, and inserting the following:
5 ""\$ 150,077,403
6 The funds appropriated in this subsection shall be
7 allocated as follows:
8 a. Merged Area I\$ 7,202,305
9 b. Merged Area II\$ 8,460,077
10 c. Merged Area III\$ 7,859,218
11 d. Merged Area IV\$ 3,841,420
12 e. Merged Area V\$ 8,036,723
13 f. Merged Area VI\$ 7,445,871
14 g. Merged Area VII\$ 10,743,403
15 h. Merged Area IX\$ 13,213,608
16 i. Merged Area X\$ 20,737,098
17 j. Merged Area XI\$ 22,009,520
18 k. Merged Area XII\$ 8,671,108
19 l. Merged Area XIII\$ 8,916,516
20 m. Merged Area XIV\$ 3,887,223
21 n. Merged Area XV\$ 2,231,726
22 o. Merged Area XVI\$ 6,821,587
23 Sec. ____ DISTRIBUTION OF FUNDS APPROPRIATED. For
24 the fiscal year beginning July 1, 2001, and ending
25 June 30, 2002, moneys appropriated by the general
26 assembly from the general fund of the state to the
27 department of education for community colleges for a
28 fiscal year shall be allocated to each community
29 college by the department of education in the
30 following manner:
31 1. BASE FUNDING. The base funding for a fiscal
32 year shall be equal to the amount each community
33 college received as an allocation from appropriations
34 made from the general fund of the state in the most
35 recent fiscal year.
36 2. DISTRIBUTION FOR INFLATION. First priority
37 shall be to give each college an increase based upon
38 inflation. The inflation increase shall be not less
39 than 2 percent. However, the inflation increase shall
40 be equal to the national inflation rate, if it exceeds
41 2 percent, if the amount of state aid appropriated is
42 equal to or greater than the national inflation rate.
43 3. DISTRIBUTION BASED ON PROPORTIONAL SHARE OF
44 ENROLLMENT. The balance of the growth in state aid
45 appropriations, once the inflation increase has been
46 satisfied, shall be distributed based on each
47 college's proportional share of enrollment. However,
48 a minimum of one percent of the total growth shall be
49 distributed in this manner.
50 4. If the total appropriation made by the general

Page 2

- 1 assembly is less than 2 percent growth, the entire
 2 increase shall be distributed as inflation."
 3 2. By renumbering as necessary.

JOHN P. KIBBIE
 STEVEN D. HANSEN
 ROBERT E. DVORSKY
 DENNIS H. BLACK
 WALLY E. HORN

S-3489

- 1 Amend the amendment, S-3482, to Senate File 535, as
 2 follows:
 3 1. Page 2, line 10, by striking the figure
 4 "190,789,770" and inserting the following:
 5 "193,108,970".

JOHNIE HAMMOND
 MATT McCOY
 BILL FINK
 ROBERT E. DVORSKY

S-3490

- 1 Amend the amendment, S-3482, to Senate File 535, as
 2 follows:
 3 1. Page 2, by striking lines 35 through 37 and
 4 inserting the following:
 5 "____. Page 24, by striking lines 4 and 5, and
 6 inserting the following: "~~eight forty-seven~~ million
 7 ~~eight seven~~ hundred ~~thirty forty-eight~~ thousand
 8 ~~seventy-five~~ one hundred thirty-one dollars for
 9 tuition".

TOM FLYNN
 STEVEN D. HANSEN
 BILL FINK
 JACK HOLVECK
 THOMAS FIEGEN
 MATT McCOY
 DENNIS H. BLACK
 PATRICK J. DELUHERY
 MIKE CONNOLLY
 ROBERT E. DVORSKY
 JOHN P. KIBBIE

S-3491

- 1 Amend Senate File 535 as follows:
 2 1. Page 12, by inserting before line 1, the
 3 following:
 4 "Sec. ____ . DISTRIBUTION OF FUNDS APPROPRIATED.
 5 For the fiscal year beginning July 1, 2001, and ending
 6 June 30, 2002, moneys appropriated by the general
 7 assembly from the general fund of the state to the
 8 department of education for community colleges for a
 9 fiscal year shall be allocated to each community
 10 college by the department of education in the
 11 following manner:
 12 1. BASE FUNDING. The base funding for a fiscal
 13 year shall be equal to the amount each community
 14 college received as an allocation from appropriations
 15 made from the general fund of the state in the most
 16 recent fiscal year.
 17 2. DISTRIBUTION FOR INFLATION. First priority
 18 shall be to give each college an increase based upon
 19 inflation. The inflation increase shall be not less
 20 than 2 percent. However, the inflation increase shall
 21 be equal to the national inflation rate, if it exceeds
 22 2 percent, if the amount of state aid appropriated is
 23 equal to or greater than the national inflation rate.
 24 3. DISTRIBUTION BASED ON PROPORTIONAL SHARE OF
 25 ENROLLMENT. The balance of the growth in state aid
 26 appropriations, once the inflation increase has been
 27 satisfied, shall be distributed based on each
 28 college's proportional share of enrollment. However,
 29 a minimum of one percent of the total growth shall be
 30 distributed in this manner.
 31 4. If the total appropriation made by the general
 32 assembly is less than 2 percent growth, the entire
 33 increase shall be distributed as inflation."
 34 2. By renumbering as necessary.

JOHN P. KIBBIE
 WALLY E. HORN

S-3492

- 1 Amend Senate File 535 as follows:
 2 1. Page 3, line 2, by striking the figure
 3 "238,937" and inserting the following: "254,188".
 4 2. Page 3, line 12, by striking the figure
 5 "649,680" and inserting the following: "691,149".
 6 3. Page 3, line 18, by striking the figure
 7 "3,159,704" and inserting the following: "3,195,387".

8 4. Page 3, line 30, by striking the figure
9 "1,345,522" and inserting the following: "1,401,406".

JACK HOLVECK

S-3493

1 Amend Senate File 518 as follows:
2 1. By striking everything after the enacting
3 clause, and inserting the following:
4 "Section 1. Section 15.333, subsection 1, Code
5 Supplement 1999, as amended by 2000 Iowa Acts, chapter
6 1213, section 1, 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. For purposes of
21 this section, an eligible business includes a
22 cooperative described in section 521 of the Internal
23 Revenue Code which is not required to file an Iowa
24 corporate income tax return, and whose project
25 primarily involves the production of ethanol. The
26 refund may be used against a tax liability imposed
27 under chapter 422, division II, III, or V. If the
28 business is a partnership, subchapter S corporation,
29 limited liability company, or estate or trust electing
30 to have the income taxed directly to the individual,
31 an individual may claim the tax credit allowed. The
32 amount claimed by the individual shall be based upon
33 the pro rata share of the individual's earnings of the
34 partnership, subchapter S corporation, limited
35 liability company, or estate or trust. For purposes
36 of this section, "new investment directly related to
37 new jobs created by the location or expansion of an
38 eligible business under the program" means the cost of
39 machinery and equipment, as defined in section 427A.1,
40 subsection 1, paragraphs "e" and "j", purchased for
41 use in the operation of the eligible business, the
42 purchase price of which has been depreciated in
43 accordance with generally accepted accounting
44 principles, and the cost of improvements made to real
45 property which is used in the operation of the

46 eligible business and which receives a partial
47 property tax exemption for the actual value added
48 under section 15.332.
49 1A. An eligible business whose project primarily
50 involves the production of value-added agricultural

Page 2

1 products, that elects to receive a refund of all or a
2 portion of an unused tax credit, shall apply to the
3 department of economic development for tax credit
4 certificates. An eligible business whose project
5 primarily involves the production of value-added
6 agricultural products shall not claim a tax credit
7 under this section unless a tax credit certificate
8 issued by the department of economic development is
9 attached to the taxpayer's tax return for the tax year
10 during which the tax credit is claimed. For purposes
11 of this section, an eligible business includes a
12 cooperative described in section 521 of the Internal
13 Revenue Code which is not required to file an Iowa
14 corporate income tax return, and whose project
15 primarily involves the production of ethanol. A tax
16 credit certificate shall not be valid until the tax
17 year following the date of the project completion. A
18 tax credit certificate shall contain the taxpayer's
19 name, address, tax identification number, the date of
20 project completion, the amount of the tax credit,
21 other information required by the department of
22 revenue and finance. The department of economic
23 development shall not issue tax credit certificates
24 which total more than four million dollars during a
25 fiscal year. If the department receives applications
26 for tax credit certificates in excess of four million
27 dollars, the applicants shall receive certificates for
28 a prorated amount. The tax credit certificates shall
29 not be transferred. For a cooperative described in
30 section 521 of the Internal Revenue Code that is not
31 required to file an Iowa corporate income tax return,
32 the department of economic development shall require
33 that the cooperative submit a list of its members and
34 the share of each member's interest in the
35 cooperative. The department shall issue a tax credit
36 certificate to each member contained on the submitted
37 list.

38 Sec. 2. NEW SECTION. 422.11C ETHANOL BLENDED
39 GASOLINE TAX CREDIT.

40 1. As used in this section, unless the context
41 otherwise requires:

42 a. "Ethanol blended gasoline" means the same as
43 defined in section 452A.2.

44 b. "Gasoline" means gasoline that meets the

45 specifications required by the department of
46 agriculture and land stewardship pursuant to section
47 214A.2 that is dispensed through a metered pump.
48 c. "Metered pump" means a motor vehicle fuel pump
49 licensed by the department of agriculture and land
50 stewardship pursuant to chapter 214.

Page 3

1 d. "Retail dealer" means a retail dealer as
2 defined in section 214A.1 who operates a metered pump
3 at a service station.
4 e. "Sell" means to sell on a retail basis.
5 f. "Service station" means each geographic
6 location in this state where a retail dealer sells and
7 dispenses gasoline on a retail basis.
8 g. "Tax credit" means the designated ethanol
9 blended gasoline tax credit as provided in this
10 section.
11 2. The taxes imposed under this division, less the
12 credits allowed under sections 422.12 and 422.12B,
13 shall be reduced by an ethanol blended gasoline tax
14 credit for each tax year that the taxpayer is eligible
15 to claim the tax credit under this section. In order
16 to be eligible, all of the following must apply:
17 a. The taxpayer is a retail dealer.
18 b. The taxpayer operates at least one service
19 station at which more than sixty percent of the total
20 gallons of gasoline sold and dispensed through one or
21 more metered pumps by the taxpayer in the tax year is
22 ethanol blended gasoline.
23 c. The taxpayer complies with requirements of the
24 department required to administer this section.
25 3. The tax credit shall be calculated separately
26 for each service station site operated by the
27 taxpayer. The amount of the tax credit for each
28 eligible service station is two and one-half cents
29 multiplied by the total number of gallons of ethanol
30 blended gasoline sold and dispensed through all
31 metered pumps located at that service station during
32 the tax year in excess of sixty percent of all
33 gasoline sold and dispensed through metered pumps at
34 that service station during the tax year.
35 4. Any credit in excess of the taxpayer's tax
36 liability shall be refunded. In lieu of claiming a
37 refund, the taxpayer may elect to have the overpayment
38 shown on the taxpayer's final, completed return
39 credited to the tax liability for the following tax
40 year.
41 5. An individual may claim the tax credit allowed
42 a partnership, limited liability company, S
43 corporation, estate, or trust electing to have the

44 income taxed directly to the individual. The amount
45 claimed by the individual shall be based upon the pro
46 rata share of the individual's earnings of a
47 partnership, limited liability company, S corporation,
48 estate, or trust.

49 Sec. 3. Section 422.33, Code 2001, is amended by
50 adding the following new subsection:

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1 NEW SUBSECTION. 11. a. As used in this
2 subsection, unless the context otherwise requires:
3 (1) "Ethanol blended gasoline", "gasoline",
4 "metered pump", "retail dealer", "sell", and "service
5 station" mean the same as defined in section 422.11C.

6 (2) "Tax credit" means the designated ethanol
7 blended gasoline tax credit as provided in this
8 subsection.

9 b. The taxes imposed under this division shall be
10 reduced by an ethanol blended gasoline tax credit for
11 each tax year that the taxpayer is eligible to claim
12 the tax credit under this subsection. In order to be
13 eligible, all of the following must apply:

14 (1) The taxpayer is a retail dealer.

15 (2) The taxpayer operates at least one service
16 station at which more than sixty percent of the total
17 gallons of gasoline sold and dispensed through one or
18 more metered pumps by the taxpayer is ethanol blended
19 gasoline.

20 (3) The taxpayer complies with requirements of the
21 department required to administer this subsection.

22 c. The tax credit shall be calculated separately
23 for each service station site operated by the
24 taxpayer. The amount of the tax credit for each
25 eligible service station is two and one-half cents
26 multiplied by the total number of gallons of ethanol
27 blended gasoline sold and dispensed through all
28 metered pumps located at that service station during
29 the tax year in excess of sixty percent of all
30 gasoline sold and dispensed through metered pumps at
31 that service station during the tax year.

32 d. Any credit in excess of the taxpayer's tax
33 liability shall be refunded. In lieu of claiming a
34 refund, the taxpayer may elect to have the overpayment
35 shown on the taxpayer's final, completed return
36 credited to the tax liability for the following tax
37 year.

38 Sec. 4. Section 452A.3, subsection 1, Code 2001,
39 is amended by striking the subsection and inserting in
40 lieu thereof the following:

41 1. Except as otherwise provided in this section
42 and in this division, until June 30, 2007, this

43 subsection shall apply to the excise tax imposed on
44 each gallon of motor fuel used for any purpose for the
45 privilege of operating motor vehicles in this state.
46 a. The rate of the excise tax shall be based on
47 the number of gallons of ethanol blended gasoline that
48 is distributed in this state as expressed as a
49 percentage of the number of gallons of motor fuel
50 distributed in this state, which is referred to as the

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1 distribution percentage. The department shall
2 determine the percentage basis for each determination
3 period beginning January 1 and ending December 31.
4 The rate for the excise tax shall apply for the period
5 beginning July 1 and ending June 30 following the end
6 of the determination period.

7 b. The rate for the excise tax shall be as
8 follows:

9 (1) If the distribution percentage is not greater
10 than fifty percent, the rate shall be nineteen cents
11 for ethanol blended gasoline and twenty cents for
12 motor fuel other than ethanol blended gasoline.

13 (2) If the distribution percentage is greater than
14 fifty percent but not greater than fifty-five percent,
15 the rate shall be nineteen cents for ethanol blended
16 gasoline and twenty and one-tenth cents for motor fuel
17 other than ethanol blended gasoline.

18 (3) If the distribution percentage is greater than
19 fifty-five percent but not greater than sixty percent,
20 the rate shall be nineteen cents for ethanol blended
21 gasoline and twenty and three-tenths cents for motor
22 fuel other than ethanol blended gasoline.

23 (4) If the distribution percentage is greater than
24 sixty percent but not greater than sixty-five percent,
25 the rate shall be nineteen cents for ethanol blended
26 gasoline and twenty and five-tenths cents for motor
27 fuel other than ethanol blended gasoline.

28 (5) If the distribution percentage is greater than
29 sixty-five percent but not greater than seventy
30 percent, the rate shall be nineteen cents for ethanol
31 blended gasoline and twenty and seven-tenths cents for
32 motor fuel other than ethanol blended gasoline.

33 (6) If the distribution percentage is greater than
34 seventy percent but not greater than seventy-five
35 percent, the rate shall be nineteen cents for ethanol
36 blended gasoline and twenty-one cents for motor fuel
37 other than ethanol blended gasoline.

38 (7) If the distribution percentage is greater than
39 seventy-five percent but not greater than eighty
40 percent, the rate shall be nineteen and three-tenths
41 cents for ethanol blended gasoline and twenty and

42 eight-tenths cents for motor fuel other than ethanol
43 blended gasoline.

44 (8) If the distribution percentage is greater than
45 eighty percent but not greater than eighty-five
46 percent, the rate shall be nineteen and five-tenths
47 cents for ethanol blended gasoline and twenty and
48 seven-tenths cents for motor fuel other than ethanol
49 blended gasoline.

50 (9) If the distribution percentage is greater than

Page 6

1 eighty-five percent but not greater than ninety
2 percent, the rate shall be nineteen and seven-tenths
3 cents for ethanol blended gasoline and twenty and
4 four-tenths cents for motor fuel other than ethanol
5 blended gasoline.

6 (10) If the distribution percentage is greater
7 than ninety percent but not greater than ninety-five
8 percent, the rate shall be nineteen and nine-tenths
9 cents for ethanol blended gasoline and twenty and one-
10 tenth cents for motor fuel other than ethanol blended
11 gasoline.

12 (11) If the distribution percentage is greater
13 than ninety-five percent, the rate shall be twenty
14 cents for ethanol blended gasoline and twenty cents
15 for motor fuel other than ethanol blended gasoline.

16 1A. Except as otherwise provided in this section
17 and in this division, after June 30, 2007, an excise
18 tax of twenty cents is imposed on each gallon of motor
19 fuel used for any purpose for the privilege of
20 operating motor vehicles in this state.

21 Sec. 5. Section 452A.3, subsection 2, paragraph b,
22 Code 2001, is amended by striking the paragraph.

23 Sec. 6. APPLICABILITY.

24 1. Notwithstanding section 452A.3, as amended in
25 this Act, the excise tax imposed upon motor vehicle
26 fuel, including ethanol blended gasoline, as provided
27 in that section shall be the same as provided in that
28 section on June 30, 2001, until July 1, 2002. The
29 excise tax for the period beginning July 1, 2002, and
30 ending June 30, 2003, and for each subsequent period,
31 shall be based on a determination made by the
32 department of revenue and finance as provided in
33 section 452A.3, subsection 1.

34 2. The ethanol blended gasoline tax credits
35 provided in sections 422.11C and 422.33 apply to tax
36 years beginning on or after January 1, 2002. The
37 department of revenue and finance shall perform
38 functions, prior to the beginning of that tax year,
39 necessary in order to implement the tax credits."

40 2. Title page, by striking lines 1 through 3, and

41 inserting the following: "An Act providing for taxes
 42 relating to ethanol blended gasoline, making penalties
 43 applicable, and providing for the Act's
 44 applicability."

SANDRA GREINER

S-3494

HOUSE AMENDMENT TO
 SENATE FILE 350

1 Amend Senate File 350, as passed by the Senate, as
 2 follows:

3 1. Page 1, by inserting after line 8 the
 4 following:

5 "Sec. ____ Section 321.20A, Code 2001, is amended
 6 to read as follows:

7 321.20A CERTIFICATE OF TITLE -- COMMERCIAL
 8 VEHICLES.

9 1. Notwithstanding other provisions of this
 10 chapter, the owner of a commercial vehicle subject to
 11 the proportional registration provisions of chapter
 12 326 may make application to the department or the
 13 appropriate county treasurer for a certificate of
 14 title. The application for certificate of title shall
 15 be made within thirty days of purchase or transfer and
 16 shall be accompanied by a ten dollar title fee and the
 17 appropriate use tax. The department or the county
 18 treasurer shall deliver the certificate of title to
 19 the owner if no security interest or encumbrance
 20 appears on the certificate or to the person holding
 21 the first security interest or encumbrance shown on
 22 the certificate of title.

23 2. ~~A commercial vehicle~~ An owner of a commercial
 24 vehicle subject to the proportional registration
 25 provisions of chapter 326 who has a fleet of more than
 26 fifty commercial vehicles and who is issued a
 27 certificate of title under this section shall not be
 28 subject to registration fees until the commercial
 29 vehicle is driven or moved upon the highways. The
 30 registration fee due shall be prorated for the
 31 remaining unexpired months of the registration year.
 32 Ownership of the commercial vehicle shall not be
 33 transferred until registration fees have been paid to
 34 the department.

35 ~~3. This section shall apply to owners with fleets~~
 36 ~~of more than fifty commercial vehicles based in Iowa~~
 37 ~~under the proportional registration provisions of~~
 38 ~~chapter 326. The original certificate of title shall~~
 39 ~~be delivered to the owner if no security interest or~~
 40 ~~encumbrance appears on the certificate; otherwise, the~~

41 certificate of title shall be delivered by the
 42 department to the person holding the first security
 43 interest or encumbrance as shown on the certificate of
 44 title."

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

47 "Sec. 101. Section 321.113, Code 2001, is amended
 48 to read as follows:

49 321.113 AUTOMATIC REDUCTION.

50 1. The registration fee for a motor vehicle shall

Page 2

1 not be automatically reduced under this section unless
 2 the registration fee is based on the value and weight
 3 of the motor vehicle as provided in section 321.109,
 4 subsection 1.

5 2. After ~~If~~ a motor vehicle is more than five
 6 model years old, ~~that~~ the part of the registration fee
 7 which ~~that~~ is based on the value of the vehicle shall
 8 be:

9 Seventy-five ~~seventy-five~~ percent of the rate as
 10 fixed when the motor vehicle was new;

11 3. After ~~If~~ a motor vehicle is more than six model
 12 years old, ~~the~~ the part of the registration fee ~~that is~~
 13 based on the value of the vehicle shall be fifty
 14 percent; ~~of the rate as fixed when the motor vehicle~~
 15 was new.

16 After a motor vehicle is more than eight model
 17 years old, ~~that~~ the part of the registration fee based on
 18 the value of the vehicle shall be ten percent. Where
 19 the ninth registration fee for a motor vehicle has
 20 been computed and fixed by the department prior to
 21 July 4, 1949, there shall be added to the registration
 22 fee, in lieu of the ten percent provided for herein,
 23 one dollar if such registration fee has been computed
 24 and fixed at fifteen dollars or less and two dollars
 25 if the registration fee has been computed and fixed at
 26 more than fifteen dollars.

27 4. If a 1994 model year or newer motor vehicle is
 28 nine model years old or older the registration fee is
 29 thirty-five dollars. For purposes of determining the
 30 portion of the registration fee under this subsection
 31 that is based upon the value of the motor vehicle,
 32 sixty percent of the registration fee is attributable
 33 to the value of the vehicle.

34 5. a. If a 1993 model year or older motor vehicle
 35 has been titled in the same person's name since the
 36 vehicle was new or the title to the vehicle was
 37 transferred prior to January 1, 2002, the part of the
 38 registration fee that is based on the value of the
 39 vehicle shall be ten percent of the rate as fixed when

40 the motor vehicle was new.

41 b. If the title of a 1993 or older motor vehicle
42 is transferred to a new owner or if such a motor
43 vehicle is brought into the state on or after January
44 1, 2002, the registration fee shall not be based on
45 the weight and list price of the motor vehicle, but
46 shall be as follows:

47 (1) For a motor vehicle that is model year 1969
48 or older:
49\$ 16.00

50 (2) For a motor vehicle that is model year 1970

Page 3

1 through 1989:
2\$ 23.00

3 (3) For a motor vehicle that is model year 1990
4 through 1993:
5\$ 27.00

6 For purposes of determining the portion of the
7 registration fee under this paragraph "b" that is
8 based upon the value of the motor vehicle, sixty
9 percent of the registration fee is attributable to the
10 value of the value."

11 3. Page 9, by inserting after line 31 the
12 following:

13 "Sec. 102. Section 422.9, subsection 2, paragraph
14 g, Code 2001, is amended by striking the paragraph and
15 inserting in lieu thereof:

16 g. To the extent not otherwise included pursuant
17 to section 164 of the Internal Revenue Code, add the
18 amount of the annual registration fee paid for a motor
19 vehicle pursuant to section 321.113, subsection 4, or
20 section 321.113, subsection 5, paragraph "b", which is
21 based upon the value of the vehicle. For purposes of
22 this paragraph, sixty percent of the amount of the
23 registration fee is based upon the value of the motor
24 vehicle."

25 4. Page 9, by inserting after line 32 the
26 following:

27 "Sec. ____ EFFECTIVE DATE. Sections 101 and 102
28 of this Act, amending sections 321.113 and 422.9, take
29 effect January 1, 2002."

30 5. Title page, line 3, by inserting after the
31 word "permits," the following: "commercial vehicle
32 certificates of title,".

33 6. Title page, line 3, by inserting after the
34 word "permits," the following: "flat registration
35 fees for older vehicles,".

36 7. Title page, line 6, by inserting after the
37 word "transport" the following: ", and providing an
38 effective date".

- 39 8. By renumbering, relettering, or redesignating
40 and correcting internal references as necessary.

S-3495

- 1 Amend the amendment, S-3384, to House File 687, as
2 passed by the House, as follows:
3 1. Page 1, line 18, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding designated for economic development
6 purposes, in".

PATRICK J. DELUHERY

S-3496

- 1 Amend the amendment, S-3384, to House File 687, as
2 passed by the House, as follows:
3 1. Page 1, line 18, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding designated for homemaker-home health
6 aide services, in".

JOE BOLKCOM

S-3497

- 1 Amend the amendment, S-3384, to House File 687, as
2 passed by the House, as follows:
3 1. Page 1, line 18, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding designated for community empowerment
6 areas, family support programs, programs for at-risk
7 children, and other early childhood programs, in".

JOE BOLKCOM

S-3498

- 1 Amend the amendment, S-3384, to House File 687, as
2 passed by the House, as follows:
3 1. Page 1, line 18, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding designated for the vision Iowa program
6 established in section 15F.302, in".

ROBERT E. DVORSKY

S-3499

- 1 Amend the amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for a program or purpose
- 6 which will draw down federal funding, in".

ROBERT E. DVORSKY

S-3500

- 1 Amend the amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for sex offender registry
- 6 and treatment costs, in".

ROBERT E. DVORSKY

S-3501

- 1 Amend the amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for the child protection
- 6 system, in".

ROBERT E. DVORSKY

S-3502

- 1 Amend the amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for class size reduction in
- 6 school programs, in".

BILL FINK

S-3503

- 1 Amend the amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and

- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for teacher salaries, in".

MIKE CONNOLLY

S-3504

- 1 Amend the amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for community empowerment
- 6 areas, family support programs, programs for at-risk
- 7 children, and other early childhood programs, in".

MATT McCOY

S-3505

- 1 Amend the amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for the operation of adult
- 6 correctional facilities, in".

MATT McCOY

S-3506

- 1 Amend the amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for the braille and sight
- 6 saving school or the school for the deaf, in".

MICHAEL E. GRONSTAL

S-3507

- 1 Amend amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for lake dredging, in".

DENNIS H. BLACK

S-3508

- 1 Amend the amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for the center for
- 6 excellence in fundamental plant sciences at Iowa state
- 7 university of science and technology, in".

JOHNIE HAMMOND

S-3509

- 1 Amend amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for water quality
- 6 activities, in".

DENNIS H. BLACK

S-3510

- 1 Amend amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for the university of
- 6 northern Iowa, in".

PATRICIA HARPER

S-3511

- 1 Amend amendment S-3384 to House File 687, as passed
- 2 by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for foster care and other
- 6 child welfare services, in".

STEVEN D. HANSEN

S-3512

- 1 Amend amendment S-3384 to House File 687, as passed
- 2 by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to

5 provide funding for a budget adjustment for those
6 school districts with declining enrollment, in".

MIKE CONNOLLY

S-3513

1 Amend the amendment, S-3384, to House File 687, as
2 passed by the House, as follows:
3 1. Page 1, line 18, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding for school on-time funding budget
6 adjustments, in".

MIKE CONNOLLY

S-3514

1 Amend the amendment, S-3384, to House File 687, as
2 passed by the House, as follows:
3 1. Page 1, line 18, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding for the establishment of the state
6 percent of growth for purposes of the state school
7 foundation program under section 257.8, in".

MATT McCOY

S-3515

1 Amend the amendment, S-3384, to House File 687, as
2 passed by the House, as follows:
3 1. Page 1, by inserting after line 2, the
4 following:
5 "____. Page 1, by inserting before line 1 the
6 following:
7 "Section 1. Section 2.10, subsection 4, unnumbered
8 paragraph 1, Code 2001, is amended to read as follows:
9 The director of revenue and finance shall pay, from
10 moneys appropriated to the general assembly pursuant
11 to section 2.12, the travel and expenses of the
12 members of the general assembly commencing with the
13 first pay period after the names of such persons are
14 officially certified. The salaries of the members of
15 the general assembly shall be paid pursuant to any of
16 the following alternative methods:
17 Sec. _____. Section 2.10, subsection 6, Code 2001,
18 is amended to read as follows:
19 6. If a special session of the general assembly is
20 convened, members of the general assembly shall
21 receive, in addition to their annual salaries, the sum

22 of eighty-six dollars per day for each day the general
 23 assembly is actually in special session, and the same
 24 travel allowances and expenses as authorized by this
 25 section which shall be payable from moneys
 26 appropriated to the general assembly pursuant to
 27 section 2.12. A member of the general assembly shall
 28 receive the additional per diem, travel allowances and
 29 expenses only for the days of attendance during a
 30 special session.

31 Sec. ____ Section 2.11, unnumbered paragraph 1,
 32 Code 2001, is amended to read as follows:

33 Each house of the general assembly may employ such
 34 officers and employees as it ~~shall deem~~ deems
 35 necessary for the conduct of its business. The
 36 compensation of the chaplains, officers, and employees
 37 of the general assembly shall be fixed by joint action
 38 of the house and senate by resolution at the opening
 39 of each session, or as soon ~~thereafter~~ after the
 40 opening as conveniently can be done. Payment of the
 41 compensation shall be from moneys appropriated to the
 42 general assembly pursuant to section 2.12. Such
 43 persons shall be furnished ~~by the state~~ such supplies
 44 as may be necessary for the proper discharge of their
 45 duties.

46 Sec. ____ Section 2.12, Code 2001, is amended to
 47 read as follows:

48 2.12 EXPENSES OF GENERAL ASSEMBLY AND LEGISLATIVE
 49 AGENCIES -- BUDGETS.

50 1. There is appropriated out of any funds in the

Page 2

1 ~~state treasury not otherwise appropriated a sum~~
 2 ~~sufficient to pay for~~ The following expenses,
 3 salaries, per diems, budgets, and other items shall be
 4 paid from appropriations made to the general assembly
 5 for these purposes:

6 a. For legislative printing and all current and
 7 miscellaneous expenses of the general assembly,
 8 authorized by either the senate or the house, ~~and the,~~
 9 The director of revenue and finance shall issue
 10 warrants for such items of expense upon requisition of
 11 the president, majority leader, and secretary of the
 12 senate or the speaker and chief clerk of the house.

13 b. There is appropriated out of any funds in the
 14 state treasury not otherwise appropriated, such sums
 15 as are necessary, for For each house of the general
 16 assembly for the payment of any unpaid expense of the
 17 general assembly incurred during or in the interim
 18 between sessions of the general assembly, including
 19 but not limited to salaries and necessary travel and
 20 actual expenses of members, expenses of standing and

21 interim committees or subcommittees, and per diem or
 22 expenses for members of the general assembly who serve
 23 on statutory boards, commissions, or councils for
 24 which per diem or expenses are authorized by law. The
 25 director of revenue and finance shall issue warrants
 26 for such items of expense upon requisition of the
 27 president, majority leader, and secretary of the
 28 senate for senate ~~expense~~ expenses or the speaker and
 29 chief clerk of the house for house ~~expense~~ expenses.
 30 ~~c. There is appropriated out of any funds in the~~
 31 ~~state treasury not otherwise appropriated, such sums~~
 32 ~~as are necessary for~~ For the renovation, remodeling,
 33 or preparation of the legislative chambers,
 34 legislative offices, or other areas or facilities used
 35 or to be used by the legislative branch of government,
 36 and for the purchase of legislative equipment and
 37 supplies deemed necessary to properly carry out the
 38 functions of the general assembly. The director of
 39 revenue and finance shall issue warrants for such
 40 items of expense, whether incurred during or between
 41 sessions of the general assembly, upon requisition of
 42 the president, majority leader, and secretary of the
 43 senate for senate ~~expense~~ expenses or the speaker and
 44 chief clerk of the house for house ~~expense~~ expenses.
 45 ~~d. There is appropriated out of any funds in the~~
 46 ~~state treasury not otherwise appropriated such sums as~~
 47 ~~may be necessary for~~ For the fiscal year budgets of
 48 the legislative service bureau, the legislative fiscal
 49 bureau, the citizens' aide office and the computer
 50 support bureau for salaries, support, maintenance, and

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1 miscellaneous purposes to carry out their statutory
 2 responsibilities.
 3 2. The director of revenue and finance shall issue
 4 warrants for salaries, support, maintenance, and
 5 miscellaneous purposes upon requisition by the
 6 administrative head of each statutory agency. The
 7 legislative service bureau, the legislative fiscal
 8 bureau, the citizens' aide office, and the computer
 9 support bureau shall submit their proposed budgets to
 10 the legislative council not later than September 1 of
 11 each year. The legislative council shall review and
 12 approve the proposed budgets not later than December 1
 13 of each year. The legislative council on behalf of
 14 the general assembly shall propose a budget for the
 15 general assembly for the payment of expenses,
 16 salaries, per diems, and other items for which the
 17 general assembly is required to pay. The proposed
 18 budget shall include a budget for both houses of the
 19 general assembly. The budget approved by the

20 legislative council for each of its statutory
21 legislative agencies and its proposed budget for the
22 general assembly shall be transmitted by the
23 legislative council to the department of management on
24 or before December 1 of each year for the fiscal year
25 beginning July 1 of the following year. The
26 department of management shall submit the approved
27 budgets received from the legislative council to the
28 governor for review and revision as necessary for
29 inclusion in the governor's proposed budget for the
30 succeeding fiscal year. The approved and proposed
31 budgets developed by the legislative council shall
32 also be submitted to the chairpersons of the
33 committees on appropriations. ~~The committees on~~
34 ~~appropriations may allocate from the funds~~
35 ~~appropriated by this section the funds contained in~~
36 ~~the approved budgets, or such other amounts as~~
37 ~~specified, pursuant to a concurrent resolution to be~~
38 ~~approved by both houses of the general assembly. The~~
39 ~~director of revenue and finance shall issue warrants~~
40 ~~for salaries, support, maintenance, and miscellaneous~~
41 ~~purposes upon requisition by the administrative head~~
42 ~~of each statutory legislative agency. If the~~
43 ~~legislative council elects to change the approved~~
44 ~~budget for a legislative agency prior to July 1, the~~
45 ~~legislative council shall transmit the amount of the~~
46 ~~budget revision to the department of management prior~~
47 ~~to July 1 of the fiscal year, however, if the general~~
48 ~~assembly approved the budget it cannot be changed~~
49 ~~except pursuant to a concurrent resolution approved by~~
50 ~~the general assembly.~~

Page 4

1 Sec. ____ Section 2.13, Code 2001, is amended to
2 read as follows:
3 2.13 ISSUANCE OF WARRANTS.
4 The director of revenue and finance shall also
5 issue to each officer and employee of the general
6 assembly, during legislative sessions or interim
7 periods, upon vouchers signed by the president,
8 majority leader, and secretary of the senate or the
9 speaker and chief clerk of the house, warrants for the
10 amount due for services rendered. The warrants shall
11 be paid ~~out of any moneys in the treasury not~~
12 ~~otherwise appropriated from moneys appropriated to the~~
13 general assembly pursuant to section 2.12.
14 Sec. ____ Section 2.104, Code 2001, is amended to
15 read as follows:
16 2.104 BUDGET.
17 Expenses of the computer support bureau shall be
18 paid upon approval of the director of the bureau from

19 moneys appropriated to the general assembly pursuant
 20 to section 2.12. The budget of the computer support
 21 bureau for each fiscal year shall be prepared by the
 22 director and submitted to the legislative council as as
 23 provided in section 2.12.

24 Sec. ____ Section 2B.22, Code 2001, is amended to
 25 read as follows:

26 2B.22 APPROPRIATION.

27 ~~There is hereby appropriated out of any money in~~
 28 ~~the treasury not otherwise appropriated an amount~~
 29 ~~sufficient to defray all The~~ expenses incurred in the
 30 carrying out of the provisions of this chapter shall
 31 be paid from moneys appropriated to the general
 32 assembly pursuant to section 2.12."

33 2. Page 1, by inserting after line 22 the
 34 following:

35 "____. Page 10, by inserting after line 9, the
 36 following:

37 "Sec. ____ Section 17A.8, subsection 3, Code 2001,
 38 is amended to read as follows:

39 3. A committee member shall be paid the per diem
 40 specified in section 2.10, subsection 5, for each day
 41 in attendance and shall be reimbursed for actual and
 42 necessary expenses. ~~There is appropriated from money~~
 43 ~~in the general fund not otherwise appropriated an~~
 44 ~~amount sufficient to pay The~~ costs incurred under this
 45 section shall be paid from moneys appropriated to the
 46 general assembly pursuant to section 2.12."

47 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3516

1 Amend the amendment, S-3384, to House File 687, as
 2 passed by the House, as follows:

3 1. Page 1, by inserting after 22 the following:

4 "____. Page 10, by inserting after line 9 the
 5 following:

6 "Sec. 100. PILOT PROJECT FOR REFUND OF PROCESSING
 7 FEES.

8 1. As used in this section:

9 a. "Customer" means a person paying a fee as
 10 provided in paragraph "c", as part of an application
 11 for the issuance of a renewed license or certification
 12 by a participating agency.

13 b. "Participating agency" means the Iowa
 14 department of public health or the professional
 15 licensing division of the department of commerce that
 16 elects to participate in the pilot project as provided
 17 in subsection 2.

18 c. "Processing fee" means a fee that is required

19 to be paid to a participating agency as follows:

20 (1) The Iowa department of public health for
21 issuing a renewed emergency medical care provider
22 certification pursuant to section 147A.6 for which a
23 fee is required pursuant to rules adopted by the
24 department under section 147A.4.

25 (2) The professional licensing division, for
26 issuing any of the following:

27 (a) The renewal of a certificate of licensure as a
28 professional engineer pursuant to section 542B.18 for
29 which a fee is required pursuant to section 542B.30.

30 (b) The renewal of a license to practice as an
31 accounting practitioner pursuant to section 542C.20
32 for which a fee is required pursuant to section
33 542C.15.

34 (c) The renewal of a license as a real estate
35 broker or real estate salesperson pursuant to section
36 543B.28 for which a fee is required pursuant to
37 section 543B.27.

38 (d) The renewal of a certification as a real
39 estate appraiser pursuant to section 543D.7 for which
40 a fee is required pursuant to section 543D.6.

41 (e) The renewal of a certificate of registration
42 as an architect pursuant to section 544A.10 for which
43 a fee is required pursuant to section 544A.11.

44 (f) The renewal of a certificate of registration
45 as a landscape architect pursuant to section 544B.13
46 for which a fee is required pursuant to section
47 544B.14.

48 2. The department of management in cooperation
49 with a participating agency may establish a pilot
50 project for the refund of all or a portion of

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1 processing fees paid by customers. The following
2 shall apply to a participating agency:

3 a. The participating agency shall refund all or a
4 portion of a processing fee to a customer if the
5 participating agency fails to issue a license or
6 certification in a manner and within a period of time
7 customary for issuing similar licenses and
8 certifications.

9 b. The participating agency is not required to
10 refund any amount of a processing fee if the failure
11 to issue a license or certification is primarily
12 caused by the customer, including the customer's
13 failure to comply with legal requirements, furnish a
14 completed application or document, or cooperate with
15 the participating agency as required by the
16 participating agency.

17 3. Each participating agency shall adopt rules

18 pursuant to chapter 17A necessary in order to
 19 administer this section. The participating agencies
 20 shall cooperate in order to develop simple common
 21 procedures for providing refunds, which may include a
 22 uniform refund form. The agencies may cooperate with
 23 the general assembly's joint oversight and
 24 communications appropriations subcommittee or other
 25 appropriate committee or subcommittee in carrying out
 26 this section.

27 4. Each participating agency shall prepare a
 28 report to the department of management. The report
 29 shall analyze the administration of the pilot project,
 30 including its effect on administrative efficiency, the
 31 collection of revenue, and customer reactions. The
 32 reports shall be delivered to the department of
 33 management not later than November 1, 2002. The
 34 department of management shall compile the reports and
 35 include any findings or recommendations by the
 36 department. The department's compiled report shall be
 37 delivered to the governor and general assembly not
 38 later than January 10, 2003."

39 _____. Page 10, by inserting after line 12 the
 40 following:

41 "Sec. _____. Section 100 of this Act, enacting a
 42 pilot project for refund of processing fees, is
 43 repealed January 11, 2003.""

MICHAEL E. GRONSTAL

S-3517

1 Amend the amendment, S-3384, to House File 687, as
 2 passed by the House, as follows:

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

5 "____. Page 1, by inserting before line 1 the
 6 following:

7 "Section 1. SAVINGS ACCOUNT FUND APPROPRIATION.

8 There is appropriated from the general fund of the
 9 state to the department of education for the fiscal
 10 year beginning July 1, 2000, and ending June 30, 2001,
 11 the following amount, or so much thereof as is
 12 necessary, to be used for the purpose designated:

13 For deposit in the teacher compensation reform and
 14 student achievement savings account fund created in
 15 section 8.57B:

| | |
|------------|------------|
| 16\$ | 42,000,000 |
|------------|------------|

17 Notwithstanding section 8.33, moneys appropriated
 18 in this section shall not revert at the close of the
 19 fiscal year.""

20 2. Page 1, line 11, by inserting after the word
 21 "limitation." the following: "The governor's budget

22 transmitted in accordance with section 8.21 shall
 23 incorporate all other funds affecting directly or
 24 indirectly the condition of the general fund of the
 25 state, including but not limited to the funds created
 26 in sections 8.55, 8.56, 8.57, 8.57A, and 8.57B."

27 3. Page 1, by inserting after line 22, the
 28 following:

29 "____. Page 4, by inserting before line 11 the
 30 following:

31 "Sec. 75. NEW SECTION. 8.57B TEACHER
 32 COMPENSATION REFORM AND STUDENT ACHIEVEMENT SAVINGS
 33 ACCOUNT FUND.

34 1. A teacher compensation reform and student
 35 achievement savings account fund is created as a
 36 separate and distinct fund in the state treasury under
 37 the control of the department of education. Moneys in
 38 the fund in a fiscal year shall be used as directed by
 39 the general assembly for teacher compensation reform
 40 and student achievement activities approved by the
 41 Seventy-ninth General Assembly, First Regular Session,
 42 or by future general assemblies.

43 2. Revenue for the teacher compensation reform and
 44 student achievement savings account fund shall be
 45 deposited with the treasurer of state and credited to
 46 the fund and shall include, but is not limited to,
 47 moneys in the form of a devise, gift, bequest,
 48 donation, federal or other grant, reimbursement,
 49 repayment, judgment, transfer, payment, or
 50 appropriation from any source intended to be used for

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1 the purposes of the fund.

2 3. Notwithstanding section 8.33, moneys
 3 appropriated for deposit in the teacher compensation
 4 reform and student achievement savings account fund
 5 shall not revert but shall remain available for
 6 expenditure as directed by the general assembly in
 7 appropriations made from the fund."

8 _____. Page 10, by inserting after line 9 the
 9 following:

10 "Sec. _____. EFFECTIVE DATE. Section 75 of this
 11 Act, being deemed of immediate importance, takes
 12 effect upon enactment.""

13 4. Page 1, by inserting after line 25 the
 14 following:

15 "____. Title page, line 5, by inserting after the
 16 word "implementation" the following: "and including
 17 an appropriation and effective date"."

S-3518

1 Amend Senate File 524 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 123.183, Code 2001, is amended
5 to read as follows:
6 123.183 WINE GALLONAGE TAX AND RELATED FUNDS.
7 1. In addition to the annual permit fee to be paid
8 by each class "A" wine permittee, there a wine
9 gallonage tax shall be levied and collected from each
10 class "A" wine permittee on all wine manufactured for
11 sale and sold in this state at wholesale and on all
12 wine imported into this state for sale at wholesale
13 and sold in this state at wholesale, a. ~~The rate of~~
14 the wine gallonage tax of is one dollar and seventy-
15 five cents for every each wine gallon and a like. The
16 same rate shall apply for the fractional parts of a
17 wine gallon. A ~~The wine gallonage~~ tax shall not be
18 levied or collected on wine sold by one class "A" wine
19 permittee to another class "A" wine permittee.
20 2. a. Revenue ~~derived~~ collected from the wine
21 gallonage tax collected on wine manufactured for sale
22 and sold in this state shall be deposited in the wine
23 gallonage tax fund hereby as created in this section.
24 b. A wine gallonage tax fund is created in the
25 office of the treasurer of state. Moneys deposited in
26 the gallonage tax the fund are appropriated to the
27 department of economic development as provided in
28 section 15E.117. Moneys in the fund shall not revert
29 to the general fund of the state without a specific
30 appropriation by the general assembly are not subject
31 to section 8.33.
32 3. ~~All other~~ The revenue collected from the wine
33 gallonage tax on wine imported into this state for
34 sale at wholesale and sold in this state at wholesale
35 shall be deposited as follows:
36 a. On June 30 of each fiscal year fifty percent of
37 the revenue collected from the wine gallonage tax on
38 wine imported into this state at wholesale and sold in
39 this state at wholesale that is in excess of the
40 revenue collected from such tax as of June 30 for the
41 previous fiscal year shall be deposited in the grape
42 and wine development fund as created in section
43 159B.5.
44 b. The remaining revenue ~~derived~~ collected from
45 the wine gallonage tax on wine imported into this
46 state for sale at wholesale and sold in this state at
47 wholesale shall be deposited in the liquor control
48 fund established by created in section 123.53 and
49 shall be transferred by the director of revenue and
50 finance to the general fund of the state."

Page 2

- 1 2. Page 5, line 11, by inserting after the word
- 2 "fund." the following: "The fund shall include moneys
- 3 deposited into the fund from the wine gallonage tax as
- 4 provided in section 123.183."
- 5 3. Page 5, by inserting after line 21, the
- 6 following:
- 7 "Sec. ____ EFFECTIVE DATE. Section 123.183, as
- 8 amended by this Act, takes effect on July 1, 2002."
- 9 4. Title page, line 2, by inserting after the
- 10 word "wine" the following: ", providing for tax
- 11 revenue and an appropriation, and providing an
- 12 effective date".
- 13 5. By renumbering as necessary.

BETTY A. SOUKUP
DAVID MILLER

S-3519

- 1 Amend House File 719, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 12, by striking the figure
- 4 "1,526,808" and inserting the following: "2,026,808".
- 5 2. Page 2, line 14, by striking the figure
- 6 "322,156" and inserting the following: "427,656".
- 7 3. Page 2, line 24, by striking the figure
- 8 "1,204,652" and inserting the following: "1,599,152".
- 9 4. Page 3, by striking lines 26 through 28, and
- 10 inserting the following: "pooled technology account
- 11 for allocation for the technology programs identified
- 12 for funding pursuant to section 5 of this Act. The
- 13 department of management shall annually report".
- 14 5. Page 4, by striking lines 11 through 13 and
- 15 inserting the following: "department of education for
- 16 transfer to the community college vocational-technical
- 17 technology improvement program authorized in chapter
- 18 260A."
- 19 6. Page 4, by striking lines 18 through 35 and
- 20 inserting the following: "the department of education
- 21 in continuing this initiative."
- 22 7. Page 5, by striking lines 8 through 14.
- 23 8. By striking page 5, line 15, and inserting the
- 24 following:
- 25 "f. The remaining amount in the pooled technology
- 26 account shall be allocated to the".
- 27 9. Page 5, line 22, by inserting after the word
- 28 "contract." the following: "This subsection shall not
- 29 apply to a technology purchase, lease, or contract
- 30 made or entered into by or on behalf of a community
- 31 college, the university of northern Iowa in developing

32 a twenty-first century learning initiative, or an
 33 accredited nonpublic school pursuant to subsection 1,
 34 paragraphs "a" through "c".
 35 10. Page 6, line 9, by inserting after the word
 36 "account." the following: "Of the funds appropriated
 37 to the pooled technology account pursuant to this
 38 subsection which remain after the deposit to the
 39 general fund of the state specified in unnumbered
 40 paragraph 2, \$624,000 shall be allocated to the
 41 information technology department. Of this amount,
 42 \$564,000 shall be utilized for lease-purchase costs
 43 related to the justice data warehouse technology
 44 project, and \$60,000 shall be transferred to the
 45 division of criminal and juvenile justice planning of
 46 the department of human rights for 1.00 FTE to provide
 47 support for the justice data warehouse technology
 48 project."
 49 11. Page 6, by inserting after line 33 the
 50 following:

Page 2

1 "Sec. ____ Section 14B.105, subsection 2,
 2 paragraph f, Code 2001, is amended to read as follows:
 3 f. Review the recommendations of the IowaAccess
 4 advisory council regarding rates to be charged for
 5 access to and for value-added services performed
 6 through IowaAccess, ~~and make recommendations to the~~
 7 ~~general assembly regarding such rates. A rate shall~~
 8 ~~not be approved or charged unless approved by act of~~
 9 ~~the general assembly. The information technology~~
 10 council shall report the establishment of a new rate
 11 or change in the level of an existing rate to the
 12 department of management, and the department of
 13 management shall notify the legislative fiscal bureau
 14 regarding the rate establishment or change."
 15 12. Page 7, line 6, by inserting after the word
 16 "locations." the following: "All revenue derived from
 17 a pilot project implemented pursuant to this
 18 subsection shall be deposited into the pooled
 19 technology account."
 20 13. Page 7, by inserting after line 6 the
 21 following:
 22 "Sec. ____ Section 260A.1, subsection 1, Code
 23 2001, is amended by striking the subsection and
 24 inserting in lieu thereof the following:
 25 1. Appropriations from the pooled technology
 26 account may be used for the purposes authorized in the
 27 community college vocational-technical technology
 28 improvement program.
 29 Sec. ____ Section 260A.2, Code 2001, is amended to
 30 read as follows:

31 260A.2 COMMUNITY COLLEGE VOCATIONAL-TECHNICAL
32 TECHNOLOGY IMPROVEMENT PLANS.

33 Prior to receiving moneys under this chapter, the
34 board of directors of a community college shall adopt
35 a technology plan that supports community college
36 vocational-technical technology improvement efforts,
37 authorizes a needs assessment of business and industry
38 in the district, and includes an evaluation component,
39 and shall provide to the department of education
40 adequate assurance that funds received under this
41 chapter will be used in accordance with the technology
42 plan. The plan shall be developed by licensed
43 professional staff of the community college, including
44 both faculty members and school administrators, the
45 private sector, trade and professional organizations,
46 and other interested parties, and shall, at a minimum,
47 focus on the attainment of the vocational-technical
48 skills and achievement goals of the student. The plan
49 shall consider the community college's
50 interconnectivity with the Iowa communications

Page 3

1 network, and shall demonstrate how, ~~over a four-year~~
2 ~~period,~~ the board will utilize technology to improve
3 vocational-technical student achievement. The
4 technology plan shall be kept on file at the community
5 college. Progress made under the plan shall be
6 reported annually to the department of education in a
7 manner prescribed by the department of education."

8 14. Page 7, line 11, by striking the word
9 "documents" and inserting the following:
10 "newsletters".

11 15. Page 7, line 12, by striking the word
12 "document" and inserting the following: "newsletter".

13 16. Page 7, line 16, by striking the word
14 "document" and inserting the following: "newsletter".

15 17. Page 7, line 19, by striking the word
16 "documents" and inserting the following:
17 "newsletters".

18 18. Page 7, line 23, by striking the word
19 "documents" and inserting the following:
20 "newsletters".

21 19. Page 9, line 29, by inserting after the word
22 "issues." the following: "The objective of the study
23 shall be to evaluate the viability of establishing the
24 state of Iowa as a distance learning center. The
25 study shall identify distance learning technology
26 opportunities between interested agencies and entities
27 involved in or potentially involved in distance
28 learning activities, including but not limited to K-12
29 schools, area education agencies, institutions of

30 higher learning, the public broadcasting division of
 31 the department of education, the department of
 32 education, the Iowa communications network, the
 33 information technology department, and military and
 34 private sector institutions or agencies."

35 20. Page 9, by inserting after line 31 the
 36 following:

37 "Sec. ____ Section 260A.4, Code 2001, is
 38 repealed."

39 21. Page 9, by striking line 32 and inserting the
 40 following:

41 "Sec. ____ EFFECTIVE DATES. Section 5, subsection
 42 4; and sections 9, 10, and 12 of this".

43 22. By renumbering, relettering, or redesignating
 44 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS
 JEFF LAMBERTI, Chair

S-3520

1 Amend the House amendment, S-3494, to Senate File
 2 350, as passed by the Senate as follows:

3 1. Page 3, line 10 by striking the words "value
 4 of the value" and inserting the following: "value of
 5 the vehicle".

MIKE SEXTON

S-3521

1 Amend House File 718, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 4, line 13, by striking the figure
 4 "409,161" and inserting the following: "435,278".

5 2. Page 5, line 16, by striking the figure
 6 "396,035" and inserting the following: "421,314".

THOMAS FIEGEN
 BETTY A. SOUKUP
 MICHAEL E. GRONSTAL
 ROBERT E. DVORSKY
 PATRICIA HARPER
 BILL FINK
 PATRICK J. DELUHERY
 MIKE CONNOLLY

S-3522

- 1 Amend House File 718, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 22, by striking the figure
- 4 "377,156" and inserting the following: "401,230".
- 5 2. Page 2, line 28, by striking the figure
- 6 "3,503,826" and inserting the following: "3,627,474".

PATRICK J. DELUHERY
 ROBERT E. DVORSKY
 PATRICIA HARPER
 BILL FINK
 JOE BOLKCOM
 MIKE CONNOLLY
 MARK SHEARER
 WALLY E. HORN
 MATT McCOY
 JACK HOLVECK

S-3523

- 1 Amend House File 718, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 14, line 6, by striking the words "Iowa
- 4 finance authority" and inserting the following:
- 5 "general fund of the state".
- 6 2. Page 14, by striking lines 17 through 22, and
- 7 inserting the following:

8 "Sec. ____ COMMUNITY DEVELOPMENT BLOCK GRANT
 9 ACCOUNT. There is appropriated from the general fund
 10 of the state to the department of economic development
 11 for the fiscal year beginning July 1, 2001, and ending
 12 June 30, 2002, the following amount, or so much
 13 thereof as is necessary, to be used for the purpose
 14 designated:

15 For deposit in the community development block
 16 grant account to be used as state matching funds for
 17 the federal HOME program:
 18\$ 1,200,000"
 19 3. By renumbering as necessary.

JOE BOLKCOM
 JACK HOLVECK
 MARK SHEARER
 MIKE CONNOLLY
 PATRICK J. DELUHERY
 WALLY E. HORN
 MATT McCOY

S-3524

- 1 Amend House File 718, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 13, line 29, by striking the figure
- 4 "857,489", and inserting the following: "912,222".

ROBERT E. DVORSKY
 JOHNIE HAMMOND
 PATRICIA HARPER
 JOE BOLKCOM
 PATRICK J. DELUHERY
 MARK SHEARER
 JACK HOLVECK
 BETTY A. SOUKUP
 MICHAEL E. GRONSTAL

S-3525

- 1 Amend House File 718, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 3, by striking the figure
- 4 "400,000" and inserting the following: "631,680".

MARK SHEARER
 BILL FINK
 MIKE CONNOLLY
 JACK HOLVECK
 MICHAEL E. GRONSTAL
 ROBERT E. DVORSKY
 JOHNIE HAMMOND
 PATRICIA HARPER
 PATRICK J. DELUHERY

S-3526

- 1 Amend House File 718, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 10, line 34, by striking the figure
- 4 "3,290,446", and inserting the following:
- 5 "3,604,474".
- 6 2. Page 11, line 9, by striking the figure
- 7 "2,235,187", and inserting the following:
- 8 "2,478,147".

TOM FLYNN
 PATRICK J. DELUHERY
 MIKE CONNOLLY
 JOE BOLKCOM
 MARK SHEARER
 JACK HOLVECK

DENNIS H. BLACK
 BETTY A. SOUKUP
 MICHAEL E. GRONSTAL
 ROBERT E. DVORSKY
 PATRICIA HARPER
 BILL FINK

S-3527

1 Amend House File 718, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, line 14, by striking the figure
 4 "1,147,192" and inserting the following: "1,220,417".
 5 2. Page 8, line 20, by striking the figure
 6 "362,155" and inserting the following: "385,271".
 7 3. Page 8, line 26, by striking the figure
 8 "4,205,662" and inserting the following: "4,474,108".
 9 4. Page 9, line 29, by striking the figure
 10 "320,560" and inserting the following: "341,021".
 11 5. Page 9, line 34, by striking the figure
 12 "259,262" and inserting the following: "275,811".
 13 6. Page 10, line 16, by striking the figure
 14 "166,249" and inserting the following: "176,861".
 15 7. Page 10, line 22, by striking the figure
 16 "711,672" and inserting the following: "757,098".

JOE BOLKCOM
 ROBERT E. DVORSKY
 EUGENE S. FRAISE
 WALLY E. HORN
 JOHN P. KIBBIE
 MIKE CONNOLLY
 PATRICK J. DELUHERY

S-3528

1 Amend House File 718, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 10, by striking the figure
 4 "235,000", and inserting the following: "285,000".
 5 2. Page 1, line 16, by striking the figure
 6 "1,649,126", and inserting the following:
 7 "1,699,126".
 8 3. Page 1, by inserting after line 17 the
 9 following:
 10 "Of the moneys allocated for the world food prize,
 11 \$50,000 shall be allocated for purposes of the world
 12 food prize youth institute."
 13 4. Page 2, line 1, by striking the figure
 14 "4,487,342" and inserting the following: "4,437,342".
 15 5. Page 17, by inserting after line 7, the

16 following:

17 "Sec. ____ Section 90A.12, subsection 1, Code
18 2001, is amended to read as follows:

19 1. A person ~~age thirty-three years or older~~ shall
20 not participate as a contestant in an organized
21 amateur boxing contest unless each contestant
22 participating in the contest ~~is age thirty-three years~~
23 ~~or older meets the age requirements of USA boxing~~
24 incorporated, or its successor organization. A birth
25 certificate, or similar document validating the
26 contestant's date of birth, must be submitted at the
27 time of the prefight physical examination in order to
28 determine eligibility."

29 6. Page 17, by inserting after line 7 the
30 following:

31 "Sec. ____ Section 260F.6, Code 2001, is amended
32 by adding the following new subsection:

33 NEW SUBSECTION. 3. Notwithstanding the
34 requirements of this section, moneys in the job
35 training fund may be used by a community college to
36 conduct entrepreneur development and support
37 activities."

38 7. By renumbering as necessary.

STEWART IVERSON, JR.
MICHAEL E. GRONSTAL

S-3529

1 Amend the House amendment, S-3335, to Senate File
2 410 as amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 1, by striking lines 3 through 5.

JOHN P. KIBBIE

S-3530

1 Amend Senate File 524 as follows:

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

4 "Section 1. Section 123.183, Code 2001, is amended
5 to read as follows:

6 123.183 WINE GALLONAGE TAX AND RELATED FUNDS.

7 1. In addition to the annual permit fee to be paid
8 by each class "A" wine permittee, ~~there a wine~~
9 gallonage tax shall be levied and collected from each
10 class "A" wine permittee on all wine manufactured for
11 sale and sold in this state at wholesale and on all
12 wine imported into this state for sale at wholesale
13 and sold in this state at wholesale, ~~a. The rate of~~

14 the wine gallonage tax of is one dollar and seventy-
 15 five cents for every each wine gallon and a like. The
 16 same rate shall apply for the fractional parts of a
 17 wine gallon. ~~A~~ The wine gallonage tax shall not be
 18 levied or collected on wine sold by one class "A" wine
 19 permittee to another class "A" wine permittee.

20 2. a. Revenue derived collected from the wine
 21 gallonage tax collected on wine manufactured for sale
 22 and sold in this state shall be deposited in the wine
 23 gallonage tax fund hereby as created in this section.

24 b. A wine gallonage tax fund is created in the
 25 office of the treasurer of state. Moneys deposited in
 26 the gallonage tax the fund are appropriated to the
 27 department of economic development as provided in
 28 section 15E.117. Moneys in the fund shall not revert
 29 to the general fund of the state without a specific
 30 appropriation by the general assembly are not subject
 31 to section 8.33.

32 3. All other The revenue collected from the wine
 33 gallonage tax on wine imported into this state for
 34 sale at wholesale and sold in this state at wholesale
 35 shall be deposited as follows:

36 a. The revenue actually collected during each
 37 fiscal year from the wine gallonage tax on wine
 38 imported into this state at wholesale and sold in this
 39 state at wholesale that is in excess of the revenue
 40 estimated to be collected from such tax as last agreed
 41 to by the state revenue estimating conference during
 42 the previous fiscal year as provided in section 8.22A
 43 shall be deposited in the grape and wine development
 44 fund as created in section 159B.5. However, not more
 45 than seventy-five thousand dollars from such tax shall
 46 be deposited into the grape and wine development fund
 47 during any fiscal year.

48 b. The remaining revenue derived collected from
 49 the wine gallonage tax on wine imported into this
 50 state for sale at wholesale and sold in this state at

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1 wholesale shall be deposited in the liquor control
 2 fund established by created in section 123.53 and
 3 shall be transferred by the director of revenue and
 4 finance to the general fund of the state."

5 2. Page 5, line 11, by inserting after the word
 6 "fund." the following: "The fund shall include moneys
 7 deposited into the fund from the wine gallonage tax as
 8 provided in section 123.183."

9 3. Title page, line 2, by inserting after the
 10 word "wine" the following: "and providing for tax
 11 revenue and an appropriation".

12 4. By renumbering as necessary.

MARY A. LUNDBY
 DAVID MILLER
 O. GENE MADDOX
 JOANN JOHNSON
 STEVE KING
 JOHN P. KIBBIE
 BILL FINK
 JEFF LAMBERTI
 E. THURMAN GASKILL
 PAUL McKINLEY
 NANCY BOETTGER
 MIKE CONNOLLY
 BETTY A. SOUKUP
 STEVEN D. HANSEN
 TOM FLYNN

S-3531

- 1 Amend House File 719, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, line 18, by striking the figure
- 4 "295.4" and inserting the following: "256D.8".

MARY A. LUNDBY

S-3532

- 1 Amend the amendment, S-3519, to House File 719, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 14 through 48, and
- 5 inserting the following:
- 6 "____. By striking page 3, line 31, through page
- 7 6, line 15, and inserting the following:
- 8 "Sec. 5. POOLED TECHNOLOGY ACCOUNT.
- 9 1. There is appropriated from the rebuild Iowa
- 10 infrastructure fund to the information technology
- 11 department for the fiscal year beginning July 1, 2001,
- 12 and ending June 30, 2002, the following amount, or so
- 13 much thereof as is necessary, to be used for the
- 14 purpose designated:
- 15 For deposit into the pooled technology account
- 16 established in the office of the treasurer of state
- 17 under the control of the information technology
- 18 department to be used for the purpose of supporting
- 19 various technology programs and improvements:
- 20\$

18,000,000

- 21 2. The first allocation of moneys in the pooled
- 22 technology account shall be an allocation of
- 23 \$1,500,000 to the department of education for purposes
- 24 of making technology available to students of

25 accredited nonpublic schools in accordance with
 26 section 11 of this Act.

27 3. Of the funds appropriated in this section, the
 28 treasurer of state, with the approval of the director
 29 of the department of management, is authorized to
 30 enter into lease-purchase arrangements under section
 31 12.28 for an enterprise resource planning system in an
 32 amount, excluding finance costs, not greater than
 33 \$37,300,000; a conversion of the Iowa communications
 34 network to asynchronous transfer mode technology in an
 35 amount, excluding finance costs, not greater than
 36 \$10,500,000; and a conversion of transmission
 37 facilities for digital television for Iowa public
 38 television, in an amount, excluding finance costs, not
 39 greater than \$23,500,000.

40 As required under section 12.28, subsection 6, the
 41 general assembly authorizes the treasurer of state to
 42 enter into lease-purchase arrangements of greater than
 43 \$1,000,000 for each project. Annual payments for the
 44 lease-purchase agreements shall be appropriated from
 45 the pooled technology account. Gifts, grants, fees,
 46 and other payments associated with these projects may
 47 be deposited in the pooled technology account to be
 48 applied to the annual payments for the lease-purchase
 49 agreements.

50 4. A department or agency receiving pooled

Page 2

1 technology account funds shall consult with the
 2 information technology department regarding any
 3 technology purchase, lease, or contract, prior to
 4 making a purchase or entering into a lease or
 5 contract.""

ROBERT E. DVORSKY

S-3533

1 Amend House File 719, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 5, line 17, by inserting after the word
 4 "projects." the following: "Of the funds allocated in
 5 this paragraph, the treasurer of state, with the
 6 approval of the director of the department of
 7 management, is authorized to enter into a lease-
 8 purchase arrangement under section 12.28 for a
 9 conversion of the Iowa communications network to
 10 asynchronous transfer mode technology in an amount,
 11 excluding finance costs, not greater than \$10,500,000.
 12 As required under section 12.28, subsection 6, the
 13 general assembly authorizes the treasurer of state to

14 enter into a lease-purchase arrangement of greater
 15 than \$1,000,000 for this project. Annual payments for
 16 the lease-purchase agreement shall be appropriated
 17 from the pooled technology account. Gifts, grants,
 18 fees, and other payments associated with this project
 19 may be deposited in the pooled technology account to
 20 be applied to the annual payments for the lease-
 21 purchase agreement."

ROBERT E. DVORSKY

S-3534

1 Amend the House amendment, S-3377, to Senate File
 2 458, as passed by the Senate, as follows:
 3 1. Page 2, by striking lines 42 through 49, and
 4 inserting the following:
 5 "Sec. ____ CLIENT FINANCIAL PARTICIPATION. The
 6 department of human services shall work with private
 7 providers of psychiatric medical institution for
 8 children (PMIC) services to eliminate or substantially
 9 reduce the requirement that PMIC providers must
 10 collect client financial participation in the cost of
 11 services and during fiscal year 2001-2002 shall submit
 12 to the governor and general assembly proposals to
 13 achieve this purpose."
 14 2. Page 3, by striking lines 2 through 6, and
 15 inserting the following:
 16 "NEW SUBSECTION. 3. Except for those psychiatric
 17 medical institutions for children which are
 18 specialized to provide substance abuse treatment,
 19 unless expressly authorized in statute, the department
 20 of human services shall not include services provided
 21 by psychiatric medical institutions for children in
 22 any managed care contract."
 23 3. By renumbering as necessary.

MERLIN E. BARTZ

S-3535

HOUSE AMENDMENT TO
 SENATE FILE 203

1 Amend Senate File 203, 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 257.3, subsection 2, Code
 6 2001, is amended to read as follows:
 7 2. TAX FOR REORGANIZED AND DISSOLVED DISTRICTS.

8 Notwithstanding subsection 1, a reorganized school
 9 district shall cause a foundation property tax of four
 10 dollars and forty cents per thousand dollars of
 11 assessed valuation to be levied on all taxable
 12 property which, in the year preceding a
 13 reorganization, was within a school district affected
 14 by the reorganization as defined in section 275.1, or
 15 in the year preceding a dissolution was a part of a
 16 school district that dissolved if the dissolution
 17 proposal has been approved by the director of the
 18 department of education pursuant to section 275.55.
 19 In the year preceding the reorganization or
 20 dissolution, the school district affected by the
 21 reorganization or the school district that dissolved
 22 must have had a certified enrollment of fewer than six
 23 hundred in order for the four-dollar-and-forty-cent
 24 levy to apply. In succeeding school years, the
 25 foundation property tax levy on that portion shall be
 26 ~~increased twenty cents per year until it reaches the~~
 27 ~~rate of to the rate of four dollars and ninety cents~~
 28 ~~per thousand dollars of assessed valuation the first~~
 29 ~~succeeding year, five dollars and fifteen cents per~~
 30 ~~thousand dollars of assessed valuation the second~~
 31 ~~succeeding year, and five dollars and forty cents per~~
 32 ~~thousand dollars of assessed valuation the third~~
 33 ~~succeeding year and each year thereafter.~~

34 For purposes of this section, a reorganized school
 35 district is one which ~~absorbed~~ absorbs at least thirty
 36 percent of the enrollment of the school district
 37 affected by a reorganization or dissolved during a
 38 dissolution and in which action to bring about a
 39 reorganization or dissolution ~~was initiated by a vote~~
 40 ~~of the board of directors or jointly by the affected~~
 41 ~~boards of directors prior to November 30, 1990, and~~
 42 ~~the reorganization or dissolution takes is initiated~~
 43 ~~by a vote of the board of directors or jointly by the~~
 44 ~~affected boards of directors to take effect on or~~
 45 ~~after July 1, 1991 2002, and on or before July 1, 1993~~
 46 ~~2006.~~ Each district which initiated, by a vote of the
 47 board of directors or jointly by the affected boards,
 48 action to bring about a reorganization or dissolution
 49 ~~by November 30, 1990 to take effect on or after July~~
 50 ~~1, 2002, and on or before July 1, 2006,~~ shall certify

Page 2

1 the date and the nature of the action taken to the
 2 department of education by ~~September~~ January 1, 1991
 3 of the year in which the reorganization or dissolution
 4 takes effect.
 5 ~~A reorganized school district which meets the~~
 6 ~~requirements of this section for reduced property tax~~

7 rates, but failed to vote on reorganization or
 8 dissolution prior to November 30, 1990, and failed to
 9 certify such action to the department of education by
 10 September 1, 1991, shall cause to be levied a
 11 foundation property tax of four dollars and sixty
 12 cents per thousand dollars of assessed valuation on
 13 all eligible taxable property pursuant to this
 14 section. In succeeding school years, the foundation
 15 property tax levy on that portion shall be increased
 16 twenty cents per year until it reaches the rate of
 17 five dollars and forty cents per thousand dollars of
 18 assessed valuation.

19 The reduced property tax rates of reorganized
 20 school districts that met the requirements of section
 21 442.2, Code 1991, prior to July 1, 1991, shall
 22 continue to increase as provided in that section until
 23 they reach five dollars and forty cents.

24 Sec. 2. Section 257.3, subsection 3, Code 2001, is
 25 amended by striking the subsection.

26 Sec. 3. Section 257.3, subsection 4, Code 2001, is
 27 amended to read as follows:

28 4. RAILWAY CORPORATIONS. For purposes of section
 29 257.1, the "amount per pupil of foundation property
 30 tax" does not include the tax levied under subsection
 31 1, 2, or 3 on the property of a railway corporation,
 32 or on its trustee if the corporation has been declared
 33 bankrupt or is in bankruptcy proceedings.

34 Sec. 4. Section 257.4, subsection 3, Code 2001, is
 35 amended to read as follows:

36 3. APPLICATION OF TAX. No later than June 15 of
 37 each year, the department of management shall notify
 38 the county auditor of each county the amount, in
 39 dollars and cents per thousand dollars of assessed
 40 value, of the additional property tax levy in each
 41 school district in the county. A county auditor shall
 42 spread the additional property tax levy for each
 43 school district in the county over all taxable
 44 property in the district.

45 Sec. 5. Section 257.11, subsection 2, paragraph c,
 46 Code 2001, is amended by striking the paragraph and
 47 inserting in lieu thereof the following:

48 c. Pupils attending class for all or a substantial
 49 portion of a school day pursuant to a whole grade
 50 sharing agreement executed under sections 282.10

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1 through 282.12 shall be eligible for supplementary
 2 weighting pursuant to this subsection as follows:

3 (1) A school district which was participating in a
 4 whole grade sharing arrangement during the budget year
 5 beginning July 1, 2001, and which adopts a resolution

6 jointly with the other affected boards to study the
 7 question of undergoing a reorganization or dissolution
 8 to take effect on or before July 1, 2006, shall
 9 receive a weighting of one-tenth of the percentage of
 10 the pupil's school day during which the pupil attends
 11 classes in another district, attends classes taught by
 12 a teacher who is jointly employed under section
 13 280.15, or attends classes taught by a teacher who is
 14 employed by another school district. A district shall
 15 be eligible for supplementary weighting pursuant to
 16 this subparagraph for a maximum of two years. Receipt
 17 of supplementary weighting for a second year shall be
 18 conditioned upon submission of information resulting
 19 from the study to the school budget review committee
 20 indicating progress toward the objective of
 21 reorganization on or before July 1, 2006.

22 (2) A school district which was not participating
 23 in a whole grade sharing arrangement during the budget
 24 year beginning July 1, 2001, which executes a whole
 25 grade sharing agreement pursuant to sections 282.10
 26 through 282.12 for the budget year beginning July 1,
 27 2003, and which adopts a resolution jointly with the
 28 other affected boards to study the question of
 29 undergoing a reorganization or dissolution to take
 30 effect on or before July 1, 2006, shall receive a
 31 weighting of one-tenth of the percentage of the
 32 pupil's school day during which the pupil attends
 33 classes in another district, attends classes taught by
 34 a teacher who is jointly employed under section
 35 280.15, or attends classes taught by a teacher who is
 36 employed by another school district. A district shall
 37 be eligible for supplementary weighting pursuant to
 38 this subparagraph for a maximum of three years.
 39 Receipt of supplementary weighting for a second and
 40 third year shall be conditioned upon submission of
 41 information resulting from the study to the school
 42 budget review committee indicating progress toward the
 43 objective of reorganization on or before July 1, 2006.

44 Sec. 6. Section 257.11, Code 2001, is amended by
 45 adding the following new subsection:
 46 NEW SUBSECTION. 4A. REGIONAL ACADEMIES.
 47 a. For the school budget year beginning July 1,
 48 2002, and succeeding budget years, in order to provide
 49 additional funds for school districts in which a
 50 regional academy is located, a supplementary weighting

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- 1 plan for determining enrollment is adopted.
- 2 b. A school district which establishes a regional
- 3 academy shall be eligible to assign its resident
- 4 pupils attending classes at the academy a weighting of

5 one-tenth of the percentage of the pupil's school day
6 during which the pupil attends classes at the regional
7 academy. For the purposes of this subsection,
8 "regional academy" means an educational institution
9 established by a school district to which multiple
10 schools send pupils in grades seven through twelve. A
11 regional academy shall include in its curriculum
12 advanced-level courses and may include in its
13 curriculum vocational-technical programs. The maximum
14 amount of additional weighting for which a school
15 district establishing a regional academy shall be
16 eligible is an amount corresponding to fifteen
17 additional pupils.

18 Sec. 7. NEW SECTION. 257.11A SUPPLEMENTARY
19 WEIGHTING AND SCHOOL REORGANIZATION.

20 1. In determining weighted enrollment under
21 section 257.6, if the board of directors of a school
22 district has approved a contract for sharing pursuant
23 to section 257.11 and the school district has approved
24 an action to bring about a reorganization to take
25 effect on and after July 1, 2002, and on or before
26 July 1, 2006, the reorganized school district shall
27 include, for a period of three years following the
28 effective date of the reorganization, additional
29 pupils added by the application of the supplementary
30 weighting plan, equal to the pupils added by the
31 application of the supplementary weighting plan in the
32 year preceding the reorganization. For the purposes
33 of this paragraph, the weighted enrollment for the
34 period of three years following the effective date of
35 reorganization shall include the supplementary
36 weighting in the base year used for determining the
37 combined district cost for the first year of the
38 reorganization. However, the weighting shall be
39 reduced by the supplementary weighting added for a
40 pupil whose residency is not within the reorganized
41 district.

42 2. For purposes of this section, a reorganized
43 district is one in which the reorganization was
44 approved in an election pursuant to sections 275.18
45 and 275.20 and takes effect on or after July 1, 2002,
46 and on or before July 1, 2006. Each district which
47 initiates, by a vote of the board of directors or
48 jointly by the affected boards, action to bring about
49 a reorganization or dissolution to take effect on or
50 after July 1, 2002, and on or before July 1, 2006,

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1 shall certify the date and the nature of the action
2 taken to the department of education by January 1 of
3 the year in which the reorganization or dissolution

4 takes effect.

5 3. Notwithstanding subsection 1, a school district
6 which was participating in a whole grade sharing
7 arrangement during the budget year beginning July 1,
8 2001, and which received a maximum of two years of
9 supplementary weighting pursuant to section 257.11,
10 subsection 2, paragraph "c", shall include additional
11 pupils added by the application of the supplementary
12 weighting plan, equal to the pupils added by the
13 application of the supplementary weighting plan in the
14 year preceding the reorganization, for a period of
15 four years following the effective date of the
16 reorganization.

17 4. A school district shall be eligible for a
18 combined maximum total of six years of supplementary
19 weighting under the provisions of this section and
20 section 257.11, subsection 2, paragraph "c".

21 Sec. 8. Section 257.13, subsections 1 and 2, Code
22 2001, are amended to read as follows:

23 1. For the school budget year beginning July 1,
24 ~~2000~~ 2001, and succeeding budget years, if a
25 district's actual enrollment for the budget year,
26 determined under section 257.6, is greater than its
27 budget enrollment for the budget year, the district
28 shall be eligible to receive an on-time funding budget
29 adjustment. The adjustment shall be in an amount
30 equal to ~~fifty percent~~ of the difference between the
31 actual enrollment for the budget year and the budget
32 enrollment for the budget year, multiplied by the
33 district cost per pupil.

34 2. The board of directors of a school district
35 that wishes to receive an on-time funding budget
36 adjustment shall adopt a resolution to receive the
37 adjustment and notify the school budget review
38 committee by November 1, ~~2000~~ annually. The school
39 budget review committee shall establish a modified
40 allowable growth in an amount determined pursuant to
41 subsection 1.

42 Sec. 9. Section 257.14, subsection 1, Code 2001,
43 is amended to read as follows:

44 1. For the budget year commencing July 1, ~~2000~~
45 2001, if the department of management determines that
46 the regular program district cost of a school district
47 for a budget year is less than the total of the
48 regular program district cost plus any adjustment
49 added under this section for the base year for that
50 school district, the school district shall be eligible

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1 to receive a budget adjustment for that district for
2 that budget year up to an amount equal to the

3 difference. The board of directors of a school
4 district that wishes to receive a budget adjustment
5 pursuant to this subsection shall, notwithstanding the
6 public notice and hearing provisions of chapter 24 or
7 any other provision to the contrary, within thirty
8 days following ~~April 6, 2000~~ the effective date of
9 this Act, adopt a resolution to receive the budget
10 adjustment and immediately notify the department of
11 management of the adoption of the resolution and the
12 amount of the budget adjustment to be received.

13 Sec. 10. Section 257.14, subsection 2, Code 2001,
14 is amended by striking the subsection and inserting in
15 lieu thereof the following:

16 2. For the budget year commencing July 1, 2002,
17 and succeeding budget years, if the department of
18 management determines that the regular program
19 district cost of a school district for a budget year
20 is less than one hundred one percent of the regular
21 program district cost for the base year for that
22 school district, a district shall be eligible for a
23 budget adjustment corresponding to the following
24 schedule:

25 a. For the budget year commencing July 1, 2002,
26 the greater of the difference between the regular
27 program district cost for the budget year and one
28 hundred one percent of the regular program district
29 cost for the base year, or ninety percent of the
30 amount by which the budget guarantee as calculated for
31 the budget year beginning July 1, 2001, exceeds the
32 adjusted guarantee amount. For purposes of this
33 paragraph, the "adjusted guarantee amount" means the
34 amount which would be applicable for the budget year
35 beginning July 1, 2002, if the budget guarantee were
36 determined for that budget year as calculated for the
37 budget year beginning July 1, 2001.

38 b. For the budget year commencing July 1, 2003,
39 the greater of the difference between the regular
40 program district cost for the budget year and one
41 hundred one percent of the regular program district
42 cost for the base year, or eighty percent of the
43 amount by which the budget guarantee as calculated for
44 the budget year beginning July 1, 2001, exceeds the
45 adjusted guarantee amount. For purposes of this
46 paragraph, the "adjusted guarantee amount" means the
47 amount which would be applicable for the budget year
48 beginning July 1, 2003, if the budget guarantee were
49 determined for that budget year as calculated for the
50 budget year beginning July 1, 2001.

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1 c. For the budget year commencing July 1, 2004,
2 the greater of the difference between the regular
3 program district cost for the budget year and one
4 hundred one percent of the regular program district
5 cost for the base year, or seventy percent of the
6 amount by which the budget guarantee as calculated for
7 the budget year beginning July 1, 2001, exceeds the
8 adjusted guarantee amount. For purposes of this
9 paragraph, the "adjusted guarantee amount" means the
10 amount which would be applicable for the budget year
11 beginning July 1, 2004, if the budget guarantee were
12 determined for that budget year as calculated for the
13 budget year beginning July 1, 2001.

14 d. For the budget year commencing July 1, 2005,
15 the greater of the difference between the regular
16 program district cost for the budget year and one
17 hundred one percent of the regular program district
18 cost for the base year, or sixty percent of the amount
19 by which the budget guarantee as calculated for the
20 budget year beginning July 1, 2001, exceeds the
21 adjusted guarantee amount. For purposes of this
22 paragraph, the "adjusted guarantee amount" means the
23 amount which would be applicable for the budget year
24 beginning July 1, 2005, if the budget guarantee were
25 determined for that budget year as calculated for the
26 budget year beginning July 1, 2001.

27 e. For the budget year commencing July 1, 2006,
28 the greater of the difference between the regular
29 program district cost for the budget year and one
30 hundred one percent of the regular program district
31 cost for the base year, or fifty percent of the amount
32 by which the budget guarantee as calculated for the
33 budget year beginning July 1, 2001, exceeds the
34 adjusted guarantee amount. For purposes of this
35 paragraph, the "adjusted guarantee amount" means the
36 amount which would be applicable for the budget year
37 beginning July 1, 2006, if the budget guarantee were
38 determined for that budget year as calculated for the
39 budget year beginning July 1, 2001.

40 f. For the budget year commencing July 1, 2007,
41 the greater of the difference between the regular
42 program district cost for the budget year and one
43 hundred one percent of the regular program district
44 cost for the base year, or forty percent of the amount
45 by which the budget guarantee as calculated for the
46 budget year beginning July 1, 2001, exceeds the
47 adjusted guarantee amount. For purposes of this
48 paragraph, the "adjusted guarantee amount" means the
49 amount which would be applicable for the budget year
50 beginning July 1, 2007, if the budget guarantee were

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1 determined for that budget year as calculated for the
2 budget year beginning July 1, 2001.

3 g. For the budget year commencing July 1, 2008,
4 the greater of the difference between the regular
5 program district cost for the budget year and one
6 hundred one percent of the regular program district
7 cost for the base year, or thirty percent of the
8 amount by which the budget guarantee as calculated for
9 the budget year beginning July 1, 2001, exceeds the
10 adjusted guarantee amount. For purposes of this
11 paragraph, the "adjusted guarantee amount" means the
12 amount which would be applicable for the budget year
13 beginning July 1, 2008, if the budget guarantee were
14 determined for that budget year as calculated for the
15 budget year beginning July 1, 2001.

16 h. For the budget year commencing July 1, 2009,
17 the greater of the difference between the regular
18 program district cost for the budget year and one
19 hundred one percent of the regular program district
20 cost for the base year, or twenty percent of the
21 amount by which the budget guarantee as calculated for
22 the budget year beginning July 1, 2001, exceeds the
23 adjusted guarantee amount. For purposes of this
24 paragraph, the "adjusted guarantee amount" means the
25 amount which would be applicable for the budget year
26 beginning July 1, 2009, if the budget guarantee were
27 determined for that budget year as calculated for the
28 budget year beginning July 1, 2001.

29 i. For the budget year commencing July 1, 2010,
30 the greater of the difference between the regular
31 program district cost for the budget year and one
32 hundred one percent of the regular program district
33 cost for the base year, or ten percent of the amount
34 by which the budget guarantee as calculated for the
35 budget year beginning July 1, 2001, exceeds the
36 adjusted guarantee amount. For purposes of this
37 paragraph, the "adjusted guarantee amount" means the
38 amount which would be applicable for the budget year
39 beginning July 1, 2010, if the budget guarantee were
40 determined for that budget year as calculated for the
41 budget year beginning July 1, 2001.

42 j. For the budget year commencing July 1, 2011,
43 and each budget year thereafter, the difference
44 between the regular program district cost for the
45 budget year and one hundred one percent of the regular
46 program district cost for the base year.

47 For the purposes of this subsection, a school
48 district shall be eligible to apply the eighty,
49 seventy, sixty, fifty, forty, thirty, twenty, and ten
50 percent provisions in paragraphs "b" through "i", only

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1 if the school district received a budget adjustment
 2 for the budget year beginning July 1, 2002, based on
 3 the ninety percent provision in paragraph "a".
 4 The board of directors of a school district that
 5 wishes to receive a budget adjustment pursuant to this
 6 subsection shall adopt a resolution to receive the
 7 budget adjustment and shall, by April 1, annually,
 8 notify the department of management of the adoption of
 9 the resolution and the amount of the budget adjustment
 10 to be received.
 11 Sec. 11. EFFECTIVE DATE. Sections 4 and 9 of this
 12 Act, being deemed of immediate importance, take effect
 13 upon enactment."
 14 2. Title page, by striking lines 1 and 2 and
 15 inserting the following: "An Act relating to certain
 16 school finance provisions and providing an effective
 17 date."

S-3536

1 Amend Senate File 524 as follows:
 2 1. Page 2, line 8, by inserting after the word
 3 "department." the following: "Appointments of voting
 4 members are subject to the requirements of sections
 5 69.16 and 69.16A. In addition, the appointments shall
 6 be geographically balanced. Unless the secretary of
 7 agriculture determines that it is not feasible, at
 8 least one person appointed as a voting member shall
 9 reside in each of the state's congressional districts
 10 at the time of appointment."
 11 2. Page 4, line 8, by inserting after the word
 12 "wineries." the following: "To every extent feasible,
 13 the programs shall provide assistance to persons
 14 located in all regions of the state."

E. THURMAN GASKILL

S-3537

1 Amend Senate File 521 as follows:
 2 1. By striking page 4, line 32 through page 5,
 3 line 1, and inserting the following: "taxpayer is a
 4 fiscal year filer, the claim shall be considered as a
 5 claim for the following tax year."

LARRY McKIBBEN

S-3538

- 1 Amend Senate File 537 as follows:
- 2 1. Page 5, line 19, by striking the figure
- 3 "610,000" and inserting the following: "780,000".
- 4 2. Page 5, by inserting after line 34 the
- 5 following:
- 6 "e. Of the funds appropriated in this subsection,
- 7 \$170,000 is allocated to the third judicial district
- 8 department of correctional services to replace expired
- 9 federal funding for the juvenile drug court program.".

STEVEN D. HANSEN

S-3539

- 1 Amend Senate File 537 as follows:
- 2 1. Page 4, line 6, by striking the figure
- 3 "11,900,000" and inserting the following:
- 4 "11,825,000".
- 5 2. Page 5, by inserting after line 17, the
- 6 following:
- 7 "d. For provision of smoking cessation products as
- 8 provided in this paragraph:
- 9\$ 75,000
- 10 The department shall award grants to free health
- 11 clinics that are tax-exempt organizations pursuant to
- 12 26 U.S.C. } 501 (c)(3) to fund the provision of
- 13 smoking cessation products to patients. The
- 14 department shall adopt a methodology for the awarding
- 15 of the grants to the health clinics based upon the
- 16 order of receipt of applications."
- 17 3. By renumbering as necessary.

MARY A. LUNDBY
MARY E. KRAMER

S-3540

- 1 Amend the amendment, S-3440, to Senate File 516 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word
- 4 "RETROACTIVE".
- 5 2. Page 1, by striking lines 14 and 15 and
- 6 inserting the following: "applies to tax years
- 7 beginning on or after January 1, 2003."
- 8 3. Page 1, line 16, by striking the words "word
- 9 "a"" and inserting the following: "words "a
- 10 retroactive"".

THOMAS FIEGEN

S-3541

- 1 Amend the amendment, S-3442, to Senate File 521 as
 2 follows:
 3 1. Page 1, line 4, by striking the word
 4 "RETROACTIVE".
 5 2. Page 1, by striking lines 14 and 15 and
 6 inserting the following: "applies to tax years
 7 beginning on or after January 1, 2003."
 8 _____. Title page, line 7, by striking the word
 9 "retroactive"."

THOMAS FIEGEN

S-3542

- 1 Amend House File 719, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, line 18, by striking the figure
 4 "295.4" and inserting the following: "256D.8".
 5 2. Page 9, by inserting after line 9 the
 6 following:
 7 "4. Notwithstanding any other provision of this
 8 section, funds appropriated for the purposes of this
 9 section shall be allocated to school districts subject
 10 to the following:
 11 a. The maximum per pupil allocation to each
 12 accredited nonpublic school shall not exceed the per
 13 pupil level of technology funding for public school
 14 pupils pursuant to section 256D.6.
 15 b. An accredited nonpublic school shall prepare
 16 and submit to the department of education a technology
 17 plan consistent with the technology plan required
 18 pursuant to section 256D.7, subsection 1.
 19 c. Funding received pursuant to this section by an
 20 accredited nonpublic school shall supplement and not
 21 supplant current technology funding."

PATRICIA HARPER
 JOHNIE HAMMOND

S-3543

- 1 Amend House File 719, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, by striking lines 1 through 4.
 4 2. By renumbering and relettering as necessary.

JOHNIE HAMMOND
 PATRICIA HARPER

S-3544

1 Amend Senate File 537 as follows:
2 1. Page 1, line 19, by striking the figure
3 "11,595,718" and inserting the following:
4 "8,095,718".
5 2. Page 1, lines 30 and 31, by striking the words
6 "the medical assistance program" and inserting the
7 following: "child and family services".
8 3. Page 3, line 10, by striking the figure
9 "4,000,000" and inserting the following: "7,500,000".
10 4. Page 11, by inserting after line 35, the
11 following:
12 "Sec. ____ 2000 Iowa Acts, chapter 1221, section
13 1, subsection 1, paragraph c, is amended to read as
14 follows:
15 c. To provide a cost-of-living adjustment for the
16 fiscal year July 1, 2000, through June 30, 2001, of 5
17 percent to rehabilitative treatment and support
18 services providers ~~under the medical assistance~~
19 program receiving child and family services
20 reimbursements:
21\$ 3,100,000"

MARY E. KRAMER
JOHNIE HAMMOND

S-3545

1 Amend House File 716, 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. ____ NEW SECTION. 214A.8A ETHANOL-BLENDED
6 GASOLINE REQUIREMENT FOR FARM USE.
7 1. As used in this section, unless the context
8 otherwise requires:
9 a. "Farm" means the same as defined in section
10 190C.1.
11 b. "Implement of husbandry" means the same as
12 defined in section 321.1.
13 2. A person shall not use an implement of
14 husbandry that operates using a motor powered with
15 gasoline on a farm, unless the motor is powered with
16 ethanol blended gasoline."
17 2. By renumbering as necessary.

DICK L. DEARDEN

S-3546

1 Amend the House amendment, S-3535, to Senate File
2 203, as passed by the Senate, as follows:

3 1. By striking page 1, line 3, through page 9,
4 line 13, and inserting the following:

5 "____. Page 1, by inserting before line 1 the
6 following:

7 "Sec. ____ Section 257.13, subsections 1 and 2,
8 Code 2001, are amended to read as follows:

9 1. For the school budget ~~year~~ years beginning July
10 1, ~~2000~~ 2001, and July 1, 2002, 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 ~~forty~~
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 the
19 district 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~~ annually. The school
25 budget review committee shall establish a modified
26 allowable growth in an amount determined pursuant to
27 subsection 1."

28 ____ Page 2, by inserting after line 1, the
29 following:

30 "Sec. ____ REORGANIZATION INCENTIVES AND REGIONAL
31 ACADEMIES -- INTERIM STUDY. The legislative council
32 is requested to establish an interim study committee
33 relating to the reauthorization of reorganization
34 incentives for school districts and the establishment
35 of regional academies.

36 The committee shall review the reorganization
37 incentive provisions previously contained within the
38 school finance formula applicable to school districts,
39 and shall evaluate the effectiveness of those
40 provisions in promoting the reorganization or
41 dissolution of school districts. The committee shall
42 consider possible enhancements and refinements to the
43 provisions previously in effect, and shall make
44 recommendations regarding implementation of the
45 incentives, including supplementary weighting and
46 taxpayer incentives in the form of a reduced
47 foundation property tax levy.

48 The committee shall study the creation and
49 implementation of regional academies as an alternative
50 governing and taxing structure for school districts.

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1 The committee shall examine the feasibility of
 2 creating and implementing a regional academy system,
 3 with the objective of utilizing economies of scale to
 4 enhance the educational opportunities of students in
 5 grades seven through twelve residing within designated
 6 regions.
 7 The committee shall make recommendations regarding
 8 boundary determination, curriculum content including
 9 advanced-level and vocational-technical courses,
 10 taxing authority, financial incentives to regional
 11 academy formation, and adaptation of the school
 12 finance formula to the new regional structure.
 13 The committee shall consider transportation
 14 provision and funding issues relating to and arising
 15 out of its recommendations regarding the
 16 reauthorization of reorganization incentives and the
 17 establishment of regional academies.
 18 The committee shall submit a report of its findings
 19 and recommendations to the general assembly by January
 20 14, 2002."
 21 2. By renumbering as necessary.

NANCY BOETTGER

S-3547

- 1 Amend Senate File 537 as follows:
 2 1. Page 7, by striking lines 4 through 14.
 3 2. By striking page 9, line 7, through page 10,
 4 line 15.
 5 3. Page 11, by striking lines 14 through 35.
 6 4. By renumbering as necessary.

STEVEN D. HANSEN

S-3548

- 1 Amend House File 692, 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. 56.14A DISCLOSURES
 6 RELATED TO POLITICAL TELEPHONE CALLS.
 7 For the purposes of this section, unless the
 8 context otherwise requires:
 9 a. "Legitimate poll" means a telephone call
 10 conducted by a polling firm for the purpose of a
 11 scientific poll of respondents concerning public
 12 opinion concerning a candidate, elected public

13 official, or ballot issue that is part of a series of
14 like telephone calls that utilizes a scientific
15 sampling technique to produce a random sample of
16 interviewees.

17 b. "Political telemarketing" means the canvassing
18 of persons under the guise of performing a poll or
19 survey, with the purpose of encouraging support of, or
20 opposition to, a clearly identified candidate for
21 political office or the passage or defeat of a clearly
22 identified ballot issue.

23 2. The general assembly finds that political
24 telephone communication is increasingly used in
25 political campaigns in this state in a deceptive
26 manner, including but not limited to the use of
27 political telemarketing, also known as push-polling,
28 in which an anonymous telephone communication is
29 designed to appear as a legitimate poll, but is in
30 fact used as a vehicle to sway opinion through
31 innuendo, by the communication of certain negative
32 information related to a candidate or ballot issue in
33 a manner designed to suggest that such information may
34 be true. The general assembly declares that a
35 compelling public interest exists to identify the
36 source of funding of telephonic communications related
37 to elections, in order to prevent corruption and
38 deceit at the expense of the electorate and to
39 preserve accountability for expenditures made in
40 connection with political campaigns.

41 3. A candidate, or the authorized representative
42 of a candidate or the candidate's committee, who
43 engages either in a telephone communication for the
44 purpose of soliciting contributions or engages in
45 political telemarketing shall disclose all of the
46 following by the end of the telephone call:

47 a. The identity of the individual who is calling
48 and the entity with which the individual is
49 affiliated, if any.

50 b. The individual or entity that paid for the

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1 telephone communication. If a committee has paid for
2 or authorized the telephone communication, the name of
3 the committee shall be disclosed. If any person other
4 than the candidate or candidate's committee has paid
5 for the telephone communication, the communication
6 shall also state whether or not the communication has
7 been authorized by the candidate intended to benefit
8 from the communication.

9 c. The name, telephone number, and address of an
10 individual whom the call recipient can contact for
11 further information regarding the telephone

12 communication.

13 4. An individual who, on behalf of, at the
14 direction of, or in cooperation with a political
15 committee, state statutory political committee, or
16 county statutory political committee engages either in
17 a telephone communication for the purpose of
18 soliciting contributions or engages in political
19 telemarketing shall disclose all of the following by
20 the end of the telephone call:

21 a. The identity of the individual who is calling
22 and the entity with which the individual is
23 affiliated, if any.

24 b. The individual or entity that paid for the
25 telephone communication. If a committee has paid for
26 or authorized the telephone communication, the name of
27 the committee shall be disclosed. If any person other
28 than the candidate or candidate's committee has paid
29 for the telephone communication, the communication
30 shall also state whether or not the communication has
31 been authorized by the candidate intended to benefit
32 from the communication.

33 c. The name, telephone number, and address of an
34 individual whom the call recipient can contact for
35 further information regarding the telephone
36 communication.

37 5. An individual who, on behalf of, at the
38 direction of, or in cooperation with any person other
39 than a candidate's committee, political committee,
40 state statutory political committee, or county
41 statutory political committee, engages either in a
42 telephone communication for the purpose of soliciting
43 contributions or engages in political telemarketing
44 shall disclose all of the following by the end of the
45 telephone call:

46 a. The identity of the individual who is calling
47 and the entity with which the individual is
48 affiliated, if any.

49 b. The individual or entity that paid for the
50 telephone communication. If a committee has paid for

Page 3

1 or authorized the telephone communication, the name of
2 the committee shall be disclosed. If any person other
3 than the candidate or candidate's committee has paid
4 for the telephone communication, the communication
5 shall also state whether or not the communication has
6 been authorized by the candidate intended to benefit
7 from the communication.

8 c. The name, telephone number, and address of an
9 individual whom the call recipient can contact for
10 further information regarding the telephone

11 communication.

12 6. Any person engaging in political telemarketing
13 shall submit to the board at least twenty-four hours
14 prior to commencing the initial phone call the
15 following:

16 a. A copy of the political telemarketing script to
17 be used by the political telemarketers during the
18 political telemarketing telephone calls.

19 b. Information that is required to be disclosed
20 under this section to persons receiving calls.

21 7. The board shall adopt rules pursuant to chapter
22 17A establishing procedures to administer this
23 section.

24 Sec. 2. NEW SECTION. 56.14B PUBLICATION OF
25 CERTAIN FALSE STATEMENTS OF FACT CONCERNING CANDIDATE
26 PROHIBITED.

27 1. It is the intent of the general assembly that
28 campaigns for public office not be impeded by the
29 publication of false statements and that members of
30 the public have trust and confidence in the electoral
31 process. The general assembly finds that the
32 increasing use of false statements of fact aimed at
33 candidates for public office impedes campaigns and
34 diminishes the trust and confidence of the public in
35 the electoral process. It is not the intent of the
36 general assembly to lessen political debate that
37 furthers the ability of the public to understand the
38 issues and positions of candidates for public office.
39 Rather, it is the intent of the general assembly to
40 prohibit the use of false statements of fact that
41 impede campaigns and diminish the public's trust and
42 confidence in the electoral process. The general
43 assembly declares that a compelling state interest
44 exists in prohibiting the use of false statements of
45 fact that impede campaigns for public office in Iowa
46 and diminish the public's trust and confidence in the
47 electoral process.

48 2. A person shall not, with actual malice, cause
49 to be published a false statement of fact concerning a
50 candidate for public office involving any of the

Page 4

1 following:

2 a. The education or training of the candidate.

3 b. The current profession or occupation of the
4 candidate or any former profession or occupation of
5 the candidate.

6 c. Whether the candidate committed, was indicted
7 for committing, or was convicted of committing a crime
8 punishable by law.

9 d. Whether the candidate was subject to discipline

10 or sanction by any body of the federal government,
 11 state government, or political subdivision of the
 12 state.

13 e. Whether the candidate has received treatment
 14 for a mental illness.

15 f. Whether another person endorses or opposes the
 16 candidate.

17 g. The record of voting of a candidate if the
 18 candidate serves or formerly served in an elected
 19 office.

20 3. Any candidate for public office who alleges
 21 that a false statement of fact concerning the
 22 candidate has been published in violation of this
 23 section may file a complaint or information to the
 24 board for possible board-initiated investigation.

25 4. If the board determines that a violation did
 26 occur, the board may impose any of the recommended
 27 actions under section 68B.32D, except the board shall
 28 not refer any complaint or supporting information of a
 29 violation of this section to the attorney general or
 30 any county attorney for prosecution.

31 5. The board shall give priority to any complaint
 32 or information for possible board-initiated
 33 investigation filed under this section over all other
 34 matters pending with the board.

35 6. As used in this section:

36 a. "Actual malice" means knowledge of the falsity
 37 of a statement or reckless disregard for whether a
 38 statement is true or false.

39 b. "Public office" means any state, county, city,
 40 school, or other office of a political subdivision of
 41 the state filled by election.

42 c. "Publish" means the act of printing, posting,
 43 broadcasting, mailing, speaking, or otherwise
 44 disseminating.

45 7. This section shall not preclude the filing of a
 46 civil action based on the same facts or event giving
 47 rise to a complaint filed with the board under this
 48 section.

49 8. Section 56.16, which applies criminal penalties
 50 for violations of chapter 56, shall not apply to

Page 5

1 violations of this section.

2 Sec. 3. NEW SECTION. 56.14C STATEMENT OF FAIR
 3 CAMPAIGN PRACTICES FOR STATE OFFICES.

4 The board shall prepare a statement of fair
 5 campaign practices to assist candidates in the proper
 6 conduct of political campaigns in accordance with this
 7 chapter. A copy of the statement shall be mailed to
 8 any incumbent state officeholder running for

9 reelection to that office and to any other individual
 10 running for elected state office that has filed a
 11 statement of organization for that office pursuant to
 12 section 56.5. Any individual running for elected
 13 office for county, city, school, or other political
 14 subdivision may request a copy of the statement.
 15 Candidates choosing to abide by the statement shall
 16 sign and return the statement to the board.
 17 Compliance with the provisions of the statement shall
 18 be voluntary on the part of any candidate choosing to
 19 sign and return the statement to the board. The
 20 statement prepared by the board shall be adopted by
 21 rule pursuant to chapter 17A.
 22 Sec. 4. SEVERABILITY. If any section of this Act,
 23 or any portion of any section of this Act, or the
 24 application of the Act to any person or circumstance
 25 is found unconstitutional, invalid, or otherwise
 26 unenforceable by a court, the remaining sections or
 27 portions of sections shall be given effect to the
 28 fullest extent possible."
 29 2. By renumbering, relettering, redesignating,
 30 and correcting internal references as necessary.

ANDY McKEAN
 JOHN P. KIBBIE

S-3549

1 Amend the amendment, S-3546, to the House
 2 amendment, S-3535, to Senate File 203, as passed by
 3 the Senate, as follows:
 4 1. Page 1, by inserting after line 29 the
 5 following:
 6 ""Sec. __. Section 257.31, subsection 5, Code
 7 2001, is amended by adding the following new
 8 paragraph:
 9 NEW PARAGRAPH. m. Unusual costs associated with
 10 increased utility expenses over the level of utility
 11 expenses incurred during the preceding or second
 12 preceding school year. The committee shall consider
 13 all requests received prior to July 1, 2001, pursuant
 14 to this paragraph by no later than July 1, 2001."
 15 2. By renumbering as necessary.

PATRICK J. DELUHERY
 JOHNIE HAMMOND
 ROBERT E. DVORSKY

S-3550

- 1 Amend House File 726, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 12, line 30, by striking the figure
 4 "45,538,702" and inserting the following:
 5 "47,268,500".
- 6 2. Page 13, by inserting after line 31 the
 7 following:
 8 "f. In an effort to improve public understanding
 9 of the budget of the Iowa veterans home, and to
 10 adequately meet the needs of the residents of the Iowa
 11 veterans home, it is the intent of the general
 12 assembly that the Iowa veterans home shall submit a
 13 report by December 1, 2001, to the fiscal committee of
 14 the legislative council regarding the funds
 15 appropriated to the Iowa veterans home in the previous
 16 fiscal year, and any further information the fiscal
 17 committee may request."
- 18 3. Page 14, line 13, by striking the words ", up
 19 to" and inserting the following: "shall be used".
- 20 4. Page 14, line 14, by striking the words "the
 21 following amount,"
- 22 5. Page 14, by striking lines 19 and 20, and
 23 inserting the following: "preventive services, and
 24 financial management services."
- 25 6. By renumbering, relettering, or redesignating
 26 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS
 JEFF LAMBERTI, Chair

S-3551

- 1 Amend House File 725, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 6, by inserting after line 28, the
 4 following:
 5 "Sec. ____ WATER QUALITY PROTECTION FUND. There
 6 is appropriated from the general fund of the state to
 7 the department of natural resources for the fiscal
 8 year beginning July 1, 2001, and ending June 30, 2002,
 9 the following amount, or so much thereof as is
 10 necessary, to be used for the purpose designated:
 11 For deposit into the administration account of the
 12 water quality protection fund as created in section
 13 455B.183A in order for the department to carry out the
 14 purposes of that account:

15\$ 248,953"
16 2. By renumbering as necessary.

JOE BOLKCOM

S-3552

- 1 Amend House File 726, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 4, by striking the figure
- 4 "1,492,239" and inserting the following: "2,360,225".

JOE BOLKCOM

S-3553

- 1 Amend House File 726, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 21, by striking the figure
- 4 "1,082,743" and inserting the following: "1,200,138".

JOE BOLKCOM

S-3554

- 1 Amend House File 726, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, line 35, by striking the figure
- 4 "6,923,647" and inserting the following: "7,323,647".

JOE BOLKCOM

S-3555

- 1 Amend House File 725, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 20, by striking the figure
- 4 "996,627" and inserting the following: "1,309,874".
- 5 2. Page 4, line 28, by striking the figure
- 6 "4,612,753" and inserting the following: "5,212,753".
- 7 3. By striking page 7, line 16, through page 8,
- 8 line 7.
- 9 4. By renumbering as necessary.

BILL FINK
JOHNIE HAMMOND

S-3556

- 1 Amend House File 725, as amended, passed, and
- 2 reprinted by the House, as follows:

- 3 1. Page 4, line 4, by striking the figure
- 4 "5,983,100" and inserting the following: "6,483,100".

DENNIS H. BLACK

S-3557

- 1 Amend House File 725, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, by striking lines 8 through 18.
- 4 2. By renumbering as necessary.

KITTY REHBERG

S-3558

HOUSE AMENDMENT TO
SENATE FILE 526

- 1 Amend Senate File 526, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 2, by striking the words
- 4 "paragraphs" and inserting the following:
- 5 "paragraph".
- 6 2. Page 1, by striking lines 9 through 11.

S-3559

- 1 Amend House File 725, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 9, by striking the figure
- 4 "891,354" and inserting the following: "931,354".
- 5 2. Page 2, line 12, by striking the figure
- 6 "80,000" and inserting the following: "120,000".
- 7 3. Page 8, by striking lines 8 through 18.
- 8 4. By renumbering as necessary.

JOHNIE HAMMOND

S-3560

- 1 Amend House File 726, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 2 through 17 and
- 4 inserting the following:
- 5 "1. For aging programs and for salaries, support,
- 6 maintenance, and miscellaneous purposes, and for not
- 7 more than the following full-time equivalent
- 8 positions:

| | |
|---------|--------------|
| 9 | \$ 5,065,411 |
|---------|--------------|

10 FTEs 30.00
 11 _____. Of the funds appropriated in this subsection,
 12 not more than \$151,654 shall be used for area agencies
 13 on aging administrative purposes for citizens of Iowa
 14 over 60 years of age for case management."
 15 2. By renumbering as necessary.

BETTY A. SOUKUP
 DENNIS H. BLACK
 JACK HOLVECK
 MATT McCOY
 MARK SHEARER
 JOE BOLKCOM
 BILL FINK
 ROBERT E. DVORSKY
 PATRICK J. DELUHERY
 MIKE CONNOLLY
 PATRICIA HARPER
 MICHAEL E. GRONSTAL

S-3561

1 Amend House File 726, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 14, by inserting after line 26 the
 4 following:
 5 "Sec. _____. LOW-INCOME HOME ENERGY ASSISTANCE
 6 PROGRAM -- APPROPRIATION. There is appropriated from
 7 the general fund of the state to the division of
 8 community action agencies of the department of human
 9 rights for the fiscal year beginning July 1, 2001, and
 10 ending June 30, 2002, the following amount, or so much
 11 thereof as necessary, to be used for the purpose
 12 designated:
 13 For the low-income home energy assistance program:
 14\$ 9,452,170"
 15 2. Page 15, by inserting before line 2 the
 16 following:
 17 "Sec. 100. Section 455G.3, Code 2001, is amended
 18 by adding the following new subsection:
 19 NEW SUBSECTION. 6. There is appropriated from the
 20 unassigned revenue fund administered by the Iowa
 21 comprehensive petroleum underground storage tank fund
 22 board to the division of community action agencies of
 23 the department of human rights for the fiscal year
 24 beginning July 1, 2000, and ending June 30, 2001,
 25 three million dollars, to be used for the low-income
 26 home energy assistance program."
 27 3. Page 17, line 15, by inserting after the word
 28 "drugs," the following: "and section 100 of this Act
 29 amending section 455G.3".

- 30 4. Page 17, line 16, by striking the word "takes"
 31 and inserting the following: "take".

ROBERT E. DVORSKY
 PATRICK J. DELUHERY
 MICHAEL E. GRONSTAL
 BETTY A. SOUKUP
 DENNIS H. BLACK
 JACK HOLVECK
 MATT McCOY
 MARK SHEARER
 THOMAS FIEGEN
 MIKE CONNOLLY
 JOE BOLKCOM
 BILL FINK
 PATRICIA HARPER

S-3562

- 1 Amend House File 726, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, line 33, by striking the figure
 4 "1,327,510" and inserting the following: "1,846,534".

JACK HOLVECK
 PATRICIA HARPER
 ROBERT E. DVORSKY

S-3563

- 1 Amend House File 719, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, line 17, by inserting after the word
 4 "projects." the following: "Of the funds allocated in
 5 this paragraph, the treasurer of state, with the
 6 approval of the director of the department of
 7 management, is authorized to enter into a lease-
 8 purchase arrangement under section 12.28 for a
 9 conversion of transmission facilities for digital
 10 television for Iowa public television, in an amount,
 11 excluding finance costs, not greater than \$23,500,000.
 12 As required under section 12.28, subsection 6, the
 13 general assembly authorizes the treasurer of state to
 14 enter into a lease-purchase arrangement of greater
 15 than \$1,000,000 for this project. Annual payments for
 16 the lease-purchase agreement shall be appropriated
 17 from the pooled technology account. Gifts, grants,
 18 fees, and other payments associated with this project
 19 may be deposited in the pooled technology account to

20 be applied to the annual payments for the lease-
21 purchase agreement."

JOE BOLKCOM

S-3564

1 Amend House File 726, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, line 31, by striking the figure
4 "889.84" and inserting the following: "823.85".

MAGGIE TINSMAN
JOANN JOHNSON
JEFF LAMBERTI

S-3565

1 Amend House File 726, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, line 1, by striking the figure
4 "725,000" and inserting the following: "1,498,074".

STEVEN D. HANSEN
PATRICK J. DELUHERY

S-3566

1 Amend the amendment, S-3550, to House File 726, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 5, by striking the figure
5 "47,268,500" and inserting the following:
6 "47,640,013".
7 2. Page 1, by striking lines 18 through 24 and
8 inserting the following:
9 "___". Page 14, by striking lines 8 through 20 and
10 inserting the following:
11 "b. Gambling treatment program:
12 All funds remaining in the gambling treatment fund
13 after the appropriation in paragraph "a". Such funds
14 shall be used for funding of administrative costs and
15 to provide programs which may include, but are not
16 limited to, outpatient and follow-up treatment for
17 persons affected by problem gambling, rehabilitation
18 and residential treatment programs, information and
19 referral services, education and preventive services,

20 and financial management services.""

21 3. By renumbering as necessary.

TOM FLYNN
PATRICK J. DELUHERY

S-3567

1 Amend the amendment, S-3519, to House File 719, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 19 through 21, and
5 inserting the following:
6 "____. Page 4, by striking lines 18 through 35 and
7 inserting the following: "the department of education
8 in continuing this initiative. Of the funds allocated
9 pursuant to this paragraph, \$250,000 shall be
10 transferred to the legislative council to establish an
11 office of distance learning. The objective of the
12 office of distance learning shall be to establish the
13 state of Iowa as a distance learning center. The
14 legislative council shall be authorized to hire
15 individuals for office staffing positions, which
16 positions shall report to the legislative oversight
17 committee. The office of distance learning may
18 receive and utilize grants and other funds in addition
19 to amounts appropriated pursuant to this paragraph.
20 The office of distance learning shall identify and
21 facilitate distance learning technology and
22 applications between all interested agencies and
23 entities involved or potentially involved in distance
24 learning activities including, but not limited to, K-
25 12 schools, area education agencies, institutions of
26 higher learning, Iowa public television, the
27 department of education, the Iowa communications
28 network, the information technology department, and
29 military and private sector institutions or agencies.
30 Amounts which remain unallocated or unexpended at the
31 close of the fiscal year shall revert to the pooled
32 technology account for the support of technology
33 programs in the succeeding fiscal year.""

34 2. Page 3, by striking lines 21 through 34, and
35 inserting the following:
36 "____. Page 9, by striking lines 26 through 31."

STEVE KING
MARY A. LUNDBY
ROBERT E. DVORSKY

S-3568HOUSE AMENDMENT TO
SENATE FILE 532

- 1 Amend Senate File 532, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 11, line 1, by inserting after the word
4 "agreement." the following: "With respect to capital
5 projects, it is the intent of the general assembly to
6 fund capital projects that qualify as vertical
7 infrastructure projects as defined in section 8.57,
8 subsection 5, paragraph "c", to the extent practicable
9 in any fiscal year and without limiting other
10 qualifying capital expenditures considered and
11 approved by a constitutional majority of each house of
12 the general assembly and the governor."
- 13 2. Page 12, by inserting after line 27, the
14 following:
15 "Sec. ____ . RULES COMPLIANCE WITH THREE-FIFTHS.
16 The senate and the house of representatives shall
17 comply with any provision of law that requires a vote
18 of at least three-fifths of the members of both
19 chambers of the general assembly and approval by the
20 governor, which requirement shall also be a
21 requirement of the joint rules for the Seventy-ninth
22 General Assembly."
23 3. By renumbering as necessary.

S-3569

- 1 Amend House File 726, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 5, line 10, by striking the figure
4 "10,602,737" and inserting the following:
5 "10,932,737".

JOHNIE HAMMOND

S-3570

- 1 Amend House File 713, as passed by the House, as
2 follows:
- 3 1. Page 3, line 22, by striking the words
4 "issuance of" and inserting the following: "ordering
5 the parties to execute".
- 6 2. Page 3, line 22, by inserting after the word
7 "or" the following: "ordering".

COMMITTEE ON WAYS AND MEANS
LARRY McKIBBEN, Chair

S-3571

HOUSE AMENDMENT TO
SENATE FILE 499

1 Amend Senate File 499, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 24, by striking the word "ten"
 4 and inserting the following: "five".
 5 2. Page 1, line 26, by striking the word
 6 "fifteen" and inserting the following: "ten".
 7 3. Page 1, line 32, by striking the word "ten"
 8 and inserting the following: "five".
 9 4. Page 3, line 18, by striking the word "Thirty"
 10 and inserting the following: "Twenty".
 11 5. Page 3, line 20, by striking the word "Forty"
 12 and inserting the following: "Thirty".
 13 6. Page 3, line 22, by striking the word "Fifty"
 14 and inserting the following: "Forty".
 15 7. Page 3, line 24, by striking the words "Fifty
 16 dollars plus five" and inserting the following:
 17 "Forty dollars plus two".
 18 8. Page 3, line 31, by striking the word "Thirty"
 19 and inserting the following: "Twenty".
 20 9. Page 3, line 33, by striking the word "Fifty"
 21 and inserting the following: "Forty".
 22 10. Page 3, line 35, by striking the word
 23 "Seventy" and inserting the following: "Sixty".
 24 11. Page 4, line 2, by striking the words
 25 "Seventy dollars plus five" and inserting the
 26 following: "Sixty dollars plus two".

S-3572

1 Amend House File 725, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by inserting after line 29, the
 4 following:
 5 "As a condition of the appropriation provided in
 6 this subsection, the department shall establish the
 7 amount of the handling fee as provided in section
 8 455C.2. The amount of the handling fee shall be one
 9 and one-half cents per container for the fiscal year
 10 beginning July 1, 2001, and ending June 30, 2002. The
 11 amount of the handling fee shall be two cents per
 12 container for each subsequent fiscal year."
 13 2. Page 14, by inserting after line 26, the
 14 following:
 15 "Sec. ____ Section 455C.2, subsection 2, Code
 16 2001, is amended to read as follows:
 17 2. In addition to the refund value provided in

18 subsection 1 of this section, a dealer, or person
 19 operating a redemption center who redeems empty
 20 beverage containers or a dealer agent shall be
 21 reimbursed a handling fee by the distributor required
 22 to accept the empty beverage containers for an amount
 23 ~~which is one cent per container~~ shall be established
 24 by the department of natural resources. A dealer,
 25 dealer agent, or person operating a redemption center
 26 may compact empty metal beverage containers with the
 27 approval of the distributor required to accept the
 28 containers."

BILL FINK

S-3573

- 1 Amend the House amendment, S-3568, to Senate File
- 2 532, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 13 through 22.

JEFF LAMBERTI

S-3574

- 1 Amend House File 732, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 45, by inserting after line 17 the
- 4 following:
- 5 "Sec. ___. MENTAL ILLNESS SPECIAL SERVICES. There
- 6 is appropriated from the general fund of the state to
- 7 the department of human services for the fiscal year
- 8 beginning July 1, 2001, and ending June 30, 2002, the
- 9 following amount, or so much thereof as is necessary,
- 10 to be used for the purpose designated:
- 11 For mental illness special services:
- 12\$ 121,220
- 13 1. The department and the Iowa finance authority
- 14 shall continue the financing for existing community-
- 15 based facilities and the financing for the development
- 16 of affordable community-based housing facilities. The
- 17 department shall assure that clients are referred to
- 18 the housing as it is developed.
- 19 2. The funds appropriated in this section are to
- 20 provide funds for construction and start-up costs to
- 21 develop community living arrangements to provide for
- 22 persons with mental illness who are homeless. These
- 23 funds may be used to match federal Stewart B. McKinney

24 Homeless Assistance Act grant funds."

25 2. By renumbering as necessary.

ROBERT E. DVORSKY
JOHNIE HAMMOND

S-3575

1 Amend Senate File 538 as follows:

2 1. Page 2, by inserting after line 20, the
3 following:

4 "Sec. 100. NEW SECTION. 422.12F INCOME TAX
5 CHECKOFF FOR THE ARTS.

6 1. A person who files an individual or a joint
7 income tax return with the department of revenue and
8 finance under section 422.13 may designate one dollar
9 or more to be paid to the Iowa arts checkoff fund as
10 created in the arts division of the department of
11 cultural affairs. If the refund due on the return or
12 the payment remitted with the return is insufficient
13 to pay the amount designated by the taxpayer to the
14 Iowa arts checkoff fund, the amount designated shall
15 be reduced to the remaining amount of the refund or
16 the remaining amount remitted with the return. The
17 designation of a contribution to the Iowa arts
18 checkoff fund is irrevocable.

19 2. The director of revenue and finance shall draft
20 the income tax form to allow for the designation of
21 contributions to the Iowa arts checkoff fund on the
22 tax return. The department of revenue and finance, on
23 or before January 31, shall transfer the total amount
24 designated on the tax form due in the preceding year
25 to the Iowa arts checkoff fund. However, before a
26 checkoff pursuant to this section shall be permitted,
27 all liabilities on the books of the department of
28 revenue and finance and accounts identified as owing
29 under section 421.17 and the political contribution
30 allowed under section 56.18 shall be satisfied.

31 3. The department of cultural affairs shall create
32 the Iowa arts checkoff fund in the arts division of
33 the department. Moneys in the fund are appropriated
34 to the arts division of the department for purposes of
35 supporting arts division activities and programming.

36 4. The department shall adopt rules to administer
37 this section.

38 5. This section is subject to repeal under section
39 422.12E."

40 2. Page 2, by striking line 21, and inserting the
41 following:

42 "Sec. ____ APPLICABILITY. Sections 1 and 2 of
43 this Act apply".

44 3. Page 2, line 23, by inserting after the word

45 "date." the following: "Section 100 of this Act is
 46 applicable on January 1, 2004, for tax years beginning
 47 on or after that date."
 48 4. Title page, line 2, by inserting after the
 49 word "fund," the following: "providing an Iowa
 50 individual income tax checkoff for the arts,".

Page 2

1 5. Title page, line 3, by striking the words "a
 2 retroactive applicability date" and inserting the
 3 following: "retroactive and other applicability
 4 dates".

MIKE CONNOLLY

S-3576

1 Amend House File 732 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 36, by inserting after line 30, the
 4 following:
 5 "____. Of the funds appropriated in this section,
 6 the department shall use \$700,000 for day treatment
 7 and aftercare services for juvenile females with
 8 provider selection made through a request for
 9 proposals process. The goal of providing the services
 10 is to ensure permanency, safety, and self-sufficiency
 11 for juvenile females."
 12 2. By renumbering as necessary.

MAGGIE TINSMAN
 JOHNIE HAMMOND

S-3577

1 Amend House File 732, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 24, line 21, by striking the figure
 4 "8,400,000" and inserting the following:
 5 "10,107,951".

JOHNIE HAMMOND
 MICHAEL E. GRONSTAL
 DENNIS H. BLACK
 JACK HOLVECK
 BETTY A. SOUKUP
 MARK SHEARER
 TOM FLYNN
 PATRICK J. DELUHERY
 MIKE CONNOLLY

PATRICIA HARPER
 ROBERT E. DVORSKY
 EUGENE S. FRAISE
 JOE BOLKCOM
 JOHN P. KIBBIE
 BILL FINK

S-3578

- 1 Amend House File 732 as follows:
 2 1. Page 49, line 14, by striking the figure
 3 "49,100,000" and inserting the following:
 4 "51,600,000".
 5 2. Page 49, line 15, by striking the figure
 6 "2,128.50" and inserting the following: "2,182.66".
 7 3. By striking page 49, line 26 through page 50,
 8 line 6.

JOHNIE HAMMOND
 MICHAEL E. GRONSTAL
 DENNIS H. BLACK
 JACK HOLVECK
 TOM FLYNN
 PATRICIA HARPER
 ROBERT E. DVORSKY
 EUGENE S. FRAISE
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 JOHN P. KIBBIE
 BILL FINK

S-3579

- 1 Amend House File 732, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 42, by inserting after line 29, the
 4 following:
 5 " ___. It is the intent of the general assembly
 6 that one of the state mental health institutes under
 7 this section be closed on or before January 1, 2002,
 8 and that any funds remaining unobligated and
 9 unencumbered under the appropriation in this section
 10 for that state mental health institute be transferred
 11 to the appropriation in this Act for child and family
 12 services."
 13 2. By renumbering as necessary.

JOHNIE HAMMOND
 MICHAEL E. GRONSTAL
 DENNIS H. BLACK
 JACK HOLVECK
 TOM FLYNN
 PATRICIA HARPER

S-3580

1 Amend House File 732, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 53, by inserting after line 13 the
4 following:

5 "Sec. __. CHILD PROTECTION INITIATIVE.

6 1. Notwithstanding section 8.55, subsection 3,
7 there is appropriated from the Iowa economic emergency
8 fund, to the department of human services for the
9 fiscal year beginning July 1, 2001, and ending June
10 30, 2002, the following amounts, or so much thereof as
11 is necessary, to be used for the purposes designated:

12 a. For supplementation of the appropriation made
13 in this Act for child and family services in
14 accordance with this lettered paragraph:

15\$ 573,307

16 __. Of the funds appropriated in this lettered
17 paragraph, up to \$335,866 shall be used to implement a
18 quality assurance team for child protection services
19 and up to \$237,441 shall be used to provide training
20 to mandatory reporters of child abuse and to provide
21 consultation services with mandatory reporters to
22 improve the appropriate reporting of child abuse.

23 b. For supplementation of the appropriation made
24 in this Act for field operations for additional social
25 workers and social worker supervisors in order to
26 reduce or prevent future occurrences of child abuse,
27 including salaries, support, maintenance,
28 miscellaneous purposes, worker training, and reduction
29 of caseload per worker and for not more than the
30 following full-time equivalent positions:

31\$ 4,883,486
32 FTEs 44.00

33 2. In addition to the full-time equivalent
34 positions authorized in the appropriation made in this
35 Act for general administration, the department is
36 authorized 7.00 FTEs."

JOHNIE HAMMOND
BETTY A. SOUKUP
PATRICIA HARPER
THOMAS FIEGEN
MARK SHEARER
ROBERT E. DVORSKY
TOM FLYNN
EUGENE S. FRAISE
JOHN P. KIBBIE
MIKE CONNOLLY
PATRICK J. DELUHERY
JOE BOLKCOM
JACK HOLVECK

MICHAEL E. GRONSTAL
DICK L. DEARDEN
MATT McCOY
WALLY E. HORN
BILL FINK
STEVEN D. HANSEN
DENNIS H. BLACK

S-3581

- 1 Amend House File 732, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 22, by striking the figure
- 4 "731,000" and inserting the following: "1,231,000".
- 5 2. By striking page 5, line 19, through page 6,
- 6 line 26.
- 7 3. By striking page 60, line 32, through page 61,
- 8 line 13.
- 9 4. By renumbering as necessary.

JOHNIE HAMMOND
PATRICIA HARPER
MARK SHEARER
BETTY A. SOUKUP
JACK HOLVECK

S-3582

- 1 Amend House File 732, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, by inserting after line 26, the
- 4 following:
- 5 "18. The department shall report on or before
- 6 December 15, 2001, to the governor and to the persons
- 7 designated by this Act to receive reports providing a
- 8 detailed analysis as to how federal temporary
- 9 assistance for needy families block grant funding was
- 10 expended during the previous fiscal year to achieve
- 11 the four purposes for the funding as outlined in 42
- 12 U.S.C. } 601(a). For each category of expenditure,
- 13 the analysis shall identify which of the four purposes
- 14 was addressed and the amount expended."
- 15 2. Page 12, by inserting after line 15, the
- 16 following:
- 17 "d. For the food stamp employment and training
- 18 program:
- 19 \$ 150,000"
- 20 3. Page 29, by striking lines 10 through 12.
- 21 4. Page 38, by striking lines 5 and 6 and
- 22 inserting the following:
- 23 "Sec. 17. COMMUNITY-BASED PROGRAMS.

- 24 There is appropriated from the general fund of".
- 25 5. Page 62, by striking lines 11 through 18, and
- 26 inserting the following:
- 27 "b. The department of inspections and appeals may
- 28 provide access to the single contact repository
- 29 established under section 135C.33, subsection 6, for
- 30 criminal and abuse history checks made by those
- 31 employers, agencies, and other persons that are
- 32 authorized access to child abuse information under
- 33 section 235A.15 and are required by law to perform
- 34 such checks."
- 35 6. Page 65, by inserting after line 30 the
- 36 following:
- 37 "2. Upon submission to the persons designated by
- 38 this Act for receiving reports of a report describing
- 39 the transfers being made, the department may transfer
- 40 up to \$2,500,000 to the appropriation in this Act for
- 41 general administration from moneys that are budgeted
- 42 for purchase of equipment in other appropriations made
- 43 to the department in this Act."
- 44 7. By striking page 66, line 31 through page 67,
- 45 line 1.
- 46 8. By renumbering as necessary.

KEN VEENSTRA

S-3583

- 1 Amend Senate File 476 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. INTENT. It is the intent of the
- 5 general assembly to create a student achievement and
- 6 teacher quality program that acknowledges that
- 7 outstanding teachers are a key component in student
- 8 success. The program's goals are to enhance student
- 9 achievement and to redesign compensation strategies
- 10 and teachers' professional development. Such
- 11 compensation strategies are designed to attract and
- 12 retain high performing teachers, to reward teachers
- 13 for improving their skills and knowledge in a manner
- 14 that translates into better student learning, and to
- 15 reward the staff of school attendance centers for
- 16 improvement in student achievement.
- 17 Sec. 2. **NEW SECTION. 284.1 STUDENT ACHIEVEMENT**
- 18 **AND TEACHER QUALITY PROGRAM.**
- 19 A student achievement and teacher quality program
- 20 is established to promote high student achievement.
- 21 The program shall consist of the following four major
- 22 elements:
- 23 1. Mentoring and induction programs that provide
- 24 support for beginning teachers in accordance with

25 sections 284.5 and 284.6.

26 2. Career paths with compensation levels that
27 strengthen Iowa's ability to recruit and retain
28 teachers.

29 3. Professional development designed to directly
30 support best teaching practices.

31 4. Team-based variable pay that provides
32 additional compensation when student performance
33 improves.

34 Sec. 3. NEW SECTION. 284.2 DEFINITIONS.

35 As used in this chapter, unless the context
36 otherwise requires:

37 1. "Beginning teacher" means an individual serving
38 under an initial provisional or conditional license,
39 issued by the board of educational examiners under
40 chapter 272, who is assuming a position as a classroom
41 teacher.

42 2. "Classroom teacher" means an individual who
43 holds a valid practitioner's license and who is
44 employed under a teaching contract with a school
45 district or area education agency in this state to
46 provide classroom instruction to students.

47 3. "Comprehensive evaluation" means a summative
48 evaluation of a teacher conducted by an evaluator for
49 purposes of performance review, or recommendation for
50 licensure based upon models developed pursuant to

Page 2

1 section 256.9, subsection 51, and to determine whether
2 the teacher's practice meets the school district
3 expectations for a career, career II, or advanced
4 level.

5 4. "Department" means the department of education.

6 5. "Director" means the director of the department
7 of education.

8 6. "Evaluator" means an administrator or other
9 practitioner who successfully completes an evaluator
10 training program pursuant to section 284.10.

11 7. "Mentor" means an individual employed by a
12 school district or area education agency as a
13 classroom teacher who holds a valid license issued
14 under chapter 272. The individual must have a record
15 of four years of successful teaching practice, must be
16 employed as a classroom teacher on a nonprobationary
17 basis, and must demonstrate professional commitment to
18 both the improvement of teaching and learning and the
19 development of beginning teachers.

20 8. "School board" means the board of directors of
21 a school district or a collaboration of boards of
22 directors of school districts.

23 9. "State board" means the state board of

24 education.

25 10. "Teacher" means an individual holding a
26 practitioner's license issued under chapter 272, who
27 is employed as a teacher, librarian, media specialist,
28 or counselor in a nonadministrative position by a
29 school district or area education agency pursuant to a
30 contract issued by a board of directors under section
31 279.13. A teacher may be employed in both an
32 administrative and a nonadministrative position by a
33 board of directors and shall be considered a part-time
34 teacher for the portion of time that the teacher is
35 employed in a nonadministrative position. "Teacher"
36 includes a licensed individual employed on a less than
37 full-time basis by a school district through a
38 contract between the school district and an
39 institution of higher education with a practitioner
40 preparation program in which the licensed teacher is
41 enrolled.

42 Sec. 4. NEW SECTION. 284.3 IOWA TEACHING
43 STANDARDS.

44 1. For purposes of this chapter and for developing
45 teacher evaluation criteria under chapter 279, the
46 Iowa teaching standards are as follows:

- 47 a. Demonstrates ability to enhance academic
48 performance in the classroom.
- 49 b. Demonstrates competence in content knowledge
50 appropriate to the teaching position.

Page 3

- 1 c. Demonstrates competence in planning and
2 preparing for instruction.
- 3 d. Uses strategies to deliver instruction that
4 meets the multiple learning needs of students.
- 5 e. Uses a variety of methods to monitor student
6 learning.
- 7 f. Demonstrates competence in classroom
8 management.
- 9 g. Engages in professional growth.
- 10 h. Fulfills professional responsibilities
11 established by the school district.
- 12 2. The school board and faculty shall collaborate
13 to further define good teaching by enhancing the Iowa
14 teaching standards in the following manner:
 - 15 a. For purposes of comprehensive evaluations for
16 beginning teachers, including the comprehensive
17 evaluation required for the beginning teacher to
18 progress to career teacher, the criteria shall be
19 based upon models developed pursuant to section 256.9,
20 subsection 51, and established pursuant to chapter 20.
 - 21 b. For purposes of comprehensive evaluations for
22 teachers other than beginning teachers, the school

23 board shall convene the members of the school board
 24 and representatives of the faculty, elected by the
 25 faculty, to establish criteria based upon the model
 26 developed pursuant to section 256.9, subsection 51.
 27 If the parties are unable to reach agreement by July
 28 1, 2003, however, the model criteria shall become the
 29 school district's criteria. These criteria shall be
 30 in addition to criteria otherwise agreed to under
 31 chapter 20.

32 Sec. 5. NEW SECTION. 284.4 PARTICIPATION.

33 1. A school district is eligible to receive moneys
 34 appropriated for purposes specified in this chapter if
 35 the school board applies to the department to
 36 participate in the student achievement and teacher
 37 quality program and submits a written statement
 38 declaring the school district's willingness to do all
 39 of the following:

- 40 a. Commit and expend local moneys to improve
 41 student achievement and teacher quality.
- 42 b. Implement a beginning teacher mentoring and
 43 induction program as provided in this chapter.
- 44 c. Provide, beginning in the second year of
 45 participation, the equivalent of two or more contract
 46 days, outside of instruction time, than provided in
 47 the school year preceding the first year of
 48 participation, to provide additional time for teacher
 49 career development that aligns with student learning
 50 and teacher development needs in order to achieve

Page 4

- 1 attendance center and districtwide student achievement
 2 goals outlined in the district comprehensive school
 3 improvement plan. School districts are encouraged to
 4 develop strategies for restructuring the school
 5 calendar to provide for the most effective
 6 professional development. A school district that
 7 provides the equivalent of ten or more contract days
 8 for career development is exempt from this paragraph.
- 9 d. Adopt a teacher career development program in
 10 accordance with this chapter.
- 11 e. Adopt a teacher evaluation plan that, at
 12 minimum, requires a comprehensive evaluation of
 13 teachers in the participating district at least every
 14 five years based upon the Iowa teaching standards and
 15 requires administrators to complete evaluator training
 16 in accordance with section 284.10.
- 17 f. Adopt teacher career paths based upon
 18 demonstrated knowledge and skills in accordance with
 19 this chapter.
- 20 g. Adopt a team-based variable pay plan that
 21 rewards attendance center success upon the

22 implementation of a statewide variable pay plan.

23 2. By July 1, 2003, each school district shall
24 participate in the student achievement and teacher
25 quality program.

26 Sec. 6. NEW SECTION. 284.5 BEGINNING TEACHER
27 MENTORING AND INDUCTION PROGRAM.

28 1. A beginning teacher mentoring and induction
29 program is created to promote excellence in teaching,
30 enhance student achievement, build a supportive
31 environment within school districts, increase the
32 retention of promising beginning teachers, and promote
33 the personal and professional well-being of classroom
34 teachers. Prior to the completion of the 2001-2002
35 school year, a school district shall, at a minimum,
36 provide an approved beginning teacher mentoring and
37 induction program for all classroom teachers who are
38 beginning teachers.

39 2. The state board shall adopt rules to administer
40 this section.

41 3. Notwithstanding subsection 1, a school district
42 may provide a beginning teacher mentoring and
43 induction program for all classroom teachers who are
44 beginning teachers in the school years beginning July
45 1, 2001, and July 1, 2002.

46 4. Each participating school district shall
47 develop an initial beginning teacher mentoring and
48 induction plan. The plan shall be included in the
49 school district's comprehensive school improvement
50 plan submitted pursuant to section 256.7, subsection

Page 5

1 21. The beginning teacher induction plan shall, at a
2 minimum, provide for a two-year sequence of induction
3 program content and activities to support the Iowa
4 teaching standards and beginning teacher professional
5 and personal needs; mentor training that includes, at
6 a minimum, skills of classroom demonstration and
7 coaching, and district expectations for beginning
8 teacher competence on Iowa teaching standards;
9 placement of mentors and beginning teachers; the
10 process for dissolving mentor and beginning teacher
11 partnerships; district organizational support for
12 released time for mentors and beginning teachers to
13 plan, provide demonstration of classroom practices,
14 observe teaching, and provide feedback; structure for
15 mentor selection and assignment of mentors to
16 beginning teachers; a district facilitator; and
17 program evaluation.

18 5. Upon completion of the program, the beginning
19 teacher shall be comprehensively evaluated to
20 determine if the teacher meets expectations to move to

21 the career level. The school district shall recommend
22 a beginning teacher who has successfully completed the
23 program for an educational license. A school district
24 may offer a teacher a third year of participation in
25 the program if, after conducting a comprehensive
26 evaluation, the school district determines that the
27 teacher is likely to successfully complete the
28 mentoring and induction program by the end of the
29 third year of eligibility. A teacher granted a third
30 year of eligibility shall develop a teacher's
31 mentoring and induction program plan in accordance
32 with this chapter and shall undergo a comprehensive
33 evaluation at the end of the third year. The board of
34 educational examiners shall grant a one-year extension
35 of the beginning teacher's provisional license upon
36 notification by the school district that the teacher
37 will participate in a third year of the school
38 district's program.

39 Sec. 7. NEW SECTION. 284.6 TEACHER CAREER
40 DEVELOPMENT.

41 1. The department shall coordinate a statewide
42 network of career development for Iowa teachers. A
43 participating school district or career development
44 provider that offers a career development program in
45 accordance with section 256.9, subsection 51, shall
46 demonstrate that the program contains the following:
47 a. Support that meets the career development needs
48 of individual teachers and is aligned with the Iowa
49 teaching standards.
50 b. Research-based instructional strategies aligned

Page 6

1 with the school district's student achievement needs
2 and the long-range improvement goals established by
3 the district.

4 c. Instructional improvement components including
5 student achievement data, analysis, theory, classroom
6 demonstration and practice, technology integration,
7 observation, reflection, and peer coaching.

8 d. An evaluation component that documents the
9 improvement in instructional practice and the effect
10 on student learning.

11 2. The department shall identify models of career
12 development practices that produce evidence of the
13 link between teacher training and improved student
14 learning.

15 3. A participating school district shall
16 incorporate a district career development plan into
17 the district's comprehensive school improvement plan
18 submitted to the department in accordance with section
19 256.7, subsection 21. The district career development

20 plan shall include a description of the means by which
21 the school district will provide access to all
22 teachers in the district to career development
23 programs or offerings that meet the requirements of
24 subsection 1. The plan shall align all career
25 development with the school district's long-range
26 student learning goals and the Iowa teaching
27 standards. The plan shall indicate the school
28 district's approved career development provider or
29 providers.

30 4. In cooperation with the teacher's supervisor,
31 the teacher employed by a participating school
32 district shall develop an individual teacher career
33 development plan. The individual plan shall be based,
34 at minimum, on the needs of the teacher, the Iowa
35 teaching standards, and the student achievement goals
36 of the attendance center and the school district as
37 outlined in the comprehensive school improvement plan.
38 The individual plan shall be reviewed by the teacher
39 and the teacher's supervisor at the teacher's annual
40 review, and shall be modified as necessary to reflect
41 the individual teacher's and the school district's
42 needs and the individual's progress in the plan.

43 5. School districts, a consortium of school
44 districts, area education agencies, higher education
45 institutions, and other public or private entities
46 including professional associations may be approved by
47 the state board to provide teacher career development.
48 The career development program or offering shall, at
49 minimum, meet the requirements of subsection 1. The
50 state board shall adopt rules for the approval of

Page 7

1 career development providers and standards for the
2 district career development plan.

3 Sec. 8. NEW SECTION. 284.7 IOWA TEACHER CAREER
4 PATH.

5 To promote continuous improvement in Iowa's quality
6 teaching workforce and to give Iowa teachers the
7 opportunity for career recognition that reflects the
8 various roles teachers play as educational leaders, an
9 Iowa teacher career path is established for teachers
10 employed by participating school districts. A
11 participating school district shall raise teacher
12 salaries to meet the requirements of this section.
13 The Iowa teacher career path and salary minimums are
14 as follows:

15 1. Effective July 1, 2001, the following career
16 path levels are established and shall be implemented
17 in accordance with this chapter:

18 a. BEGINNING TEACHER.

- 19 (1) A beginning teacher is a teacher who meets the
 20 following requirements:
- 21 (a) Has successfully completed an approved
 22 practitioner preparation program as defined in section
 23 272.1.
 - 24 (b) Holds a provisional teacher license issued by
 25 the board of educational examiners.
 - 26 (c) Participates in the beginning teacher
 27 mentoring and induction program as provided in this
 28 chapter.
- 29 (2) The participating district shall increase the
 30 district's minimum salary for a first-year beginning
 31 teacher by at least one thousand five hundred dollars
 32 per year above the minimum salary paid to a first-year
 33 beginning teacher in the previous year unless the
 34 minimum salary for a first-year beginning teacher
 35 exceeds twenty-eight thousand dollars.
- 36 **b. CAREER TEACHER.**
- 37 (1) A career teacher is a teacher who meets the
 38 following requirements:
 - 39 (a) Has successfully completed the beginning
 40 teacher mentoring and induction program and has
 41 successfully completed a comprehensive evaluation as
 42 provided in this chapter.
 - 43 (b) Is reviewed by the school district as
 44 demonstrating the competencies of a career teacher.
 - 45 (c) Holds a valid license issued by the board of
 46 educational examiners.
 - 47 (d) Participates in teacher career development as
 48 set forth in this chapter and demonstrates continuous
 49 improvement in teaching.
- 50 (3) The participating district shall provide a two

Page 8

- 1 thousand dollar difference between the average
 2 beginning teacher salary and the minimum career
 3 teacher salary, unless the school district has a
 4 minimum career teacher salary that exceeds thirty
 5 thousand dollars.
- 6 2. It is the intent of the general assembly to
 7 establish and require the implementation of and
 8 provide for the implementation of the following
 9 additional career path levels by July 1, 2003:
- 10 **a. CAREER II TEACHER.**
- 11 (1) A career II teacher is a teacher who meets the
 12 requirements of subsection 1, paragraph "b", has met
 13 the requirements established by the school district
 14 that employs the teacher, and is evaluated by a
 15 school district as demonstrating the competencies of a
 16 career II teacher. The teacher shall have
 17 successfully completed a comprehensive evaluation in

18 order to be classified as a career II teacher.

19 (2) It is the intent of the general assembly that
20 the participating district shall establish a minimum
21 salary for a career II teacher that is at least five
22 thousand dollars greater than the minimum career
23 teacher salary. It is further intended that the
24 district shall adopt a plan that facilitates the
25 transition of a career teacher to a career II level.

26 b. ADVANCED TEACHER.

27 (1) An advanced teacher is a teacher who meets the
28 following requirements:

29 (a) Receives the recommendation of the review
30 panel that the teacher possesses superior teaching
31 skills and that the teacher should be classified as an
32 advanced teacher.

33 (b) Holds a valid license from the board of
34 educational examiners.

35 (c) Participates in teacher career development as
36 outlined in this chapter and demonstrates continuous
37 improvement in teaching.

38 (d) Possesses the skills and qualifications to
39 assume leadership roles.

40 (2) It is the intent of the general assembly that
41 the participating district shall establish a minimum
42 salary for an advanced teacher that is at least
43 thirteen thousand five hundred dollars greater than
44 the minimum career teacher salary. In conjunction
45 with the development of the review panel pursuant to
46 section 284.9, the department shall make
47 recommendations to the general assembly by January 1,
48 2002, regarding the appropriate district-to-district
49 recognition for advanced teachers and methods that
50 facilitate the transition of a teacher to the advanced

Page 9

1 level.

2 3. A teacher shall be promoted one level at a time
3 and a teacher promoted to the next career level shall
4 remain at that level for at least one year before
5 requesting promotion to the next career level.

6 4. If a comprehensive evaluation for a teacher is
7 conducted in the fifth year of the teacher's status at
8 the career level, and indicates that the teacher's
9 practice no longer meets the standards for that level,
10 a comprehensive evaluation shall be conducted in the
11 next following school year. If the comprehensive
12 evaluation establishes that the teacher's practice
13 fails to meet the standards for that level, the
14 teacher shall be ineligible for any additional pay
15 increase.

16 5. A teacher employed in a participating district

17 shall not receive less compensation in that
18 participating district than the teacher received in
19 the school year starting July 1, 2001, due to
20 implementation of this chapter. A teacher who
21 achieves national board for professional teaching
22 standards certification and meets the requirements of
23 section 256.44 shall continue to receive the award as
24 specified in section 256.44 in addition to the
25 compensation set forth in this section.

26 Sec. 9. NEW SECTION. 284.8 EVALUATION
27 REQUIREMENTS.

28 1. A teacher's supervisor shall annually review
29 the teacher for purposes of continuous improvement
30 unless the teacher has been comprehensively reviewed
31 during the same school year. The supervisor may
32 designate another certified evaluator to conduct the
33 annual review of a teacher. The review shall include
34 classroom observation of the teacher and may include
35 supporting documentation from other supervisors,
36 parents, and students.

37 2. In addition to evaluations agreed upon under
38 chapter 20, a teacher shall be comprehensively
39 evaluated based on the provisions of section 284.3 at
40 least once every five years. Comprehensive
41 evaluations shall be conducted by an administrator or
42 the administrator's designee certified pursuant to
43 section 284.10. The evaluation shall include, at
44 minimum, classroom observation of the teacher, the
45 teacher's progress and implementation of the teacher's
46 individual career development plan, and should include
47 supporting documentation from other supervisors,
48 teachers, parents, and students. A teacher may be
49 comprehensively evaluated for purposes of performance
50 review or recommendation for licensure, and shall be

Page 10

1 comprehensively evaluated for advancement in the
2 career path established pursuant to section 284.7.
3 3. If a teacher is denied advancement based upon a
4 comprehensive evaluation, the teacher may appeal the
5 decision to an adjudicator under the process
6 established under section 279.17. However, the
7 decision of the adjudicator is final. If a district
8 does not recommend a teacher for continued employment
9 or licensure based upon a comprehensive evaluation,
10 the provisions of sections 279.14, 279.17, and 279.18
11 shall apply. A teacher may file one cause of action
12 objecting to the contents or procedures of a
13 comprehensive evaluation and the objections shall not
14 be subject to the grievance procedures negotiated in
15 accordance with chapter 20.

16 Sec. 10. NEW SECTION. 284.9 REVIEW PANEL.

17 1. A career II teacher seeking to receive an
18 advanced designation shall submit a portfolio of work
19 evidence aligned with the Iowa teaching standards to a
20 review panel established in accordance with subsection

21 2. A majority of the evidence in the portfolio shall
22 be classroom-based. The review panel shall evaluate
23 the career II teacher's portfolio to determine whether
24 the teacher demonstrates superior teaching skills and
25 shall make a recommendation to the board of
26 educational examiners whether or not the teacher shall
27 receive an advanced designation. The standards for
28 recommendation include, but are not limited to,
29 meeting the Iowa teaching standards at an advanced
30 level.

31 2. The department shall establish up to five
32 regional review panels consisting of five members per
33 panel. Each panel shall include, at a minimum, a
34 nationally board-certified teacher and a school
35 district administrator. Panel members shall be
36 appointed by the director and shall possess the
37 knowledge necessary to determine the quality of the
38 evidence submitted in an applicant's portfolio. Panel
39 members shall serve a staggered three-year term and
40 may be reappointed to a second term. The department
41 shall provide support and evaluation training for
42 panel members and convene panels as needed.

43 3. To assure fairness and consistency in the
44 evaluation process, the review panels may perform
45 random audits of the comprehensive evaluations
46 conducted by evaluators throughout the state, and may
47 randomly review performance-based evaluation models
48 developed by school districts in accordance with
49 section 284.3, subsection 2. The review of the
50 evaluation models shall ensure that the model is at

Page 11

1 least equivalent to the state model developed pursuant
2 to section 256.9, subsection 51.

3 4. A teacher who does not receive a recommendation
4 from a review panel may appeal that denial to an
5 administrative law judge located in the department of
6 inspections and appeals. The state shall not be
7 liable for a teacher's attorney fees, costs, or
8 damages that may result from an appeal of a review
9 panel's decision. The state board shall adopt rules
10 to administer this section.

11 Sec. 11. NEW SECTION. 284.10 EVALUATOR TRAINING
12 PROGRAM.

13 1. The department shall establish an evaluator
14 training program to improve the skills of school

15 district evaluators in making employment decisions,
16 making recommendations for licensure, and moving
17 teachers through a career path as established under
18 this chapter. The department shall consult with
19 persons representing teachers, national board-
20 certified teachers, administrators, school boards,
21 higher education institutions with approved
22 practitioner and administrator preparation programs,
23 and with persons from the private sector knowledgeable
24 in employment evaluation and evaluator training in
25 order to develop standards and requirements for the
26 program. Evaluator training programs offered pursuant
27 to this chapter may be provided by a public or private
28 entity. The department shall distribute a list of
29 evaluator training program providers to each school
30 district.

31 2. An administrator licensed under chapter 272 who
32 conducts evaluations of teachers for purposes of this
33 chapter shall complete the evaluator training program.
34 A practitioner licensed under chapter 272 who is not
35 an administrator may enroll in the evaluator training
36 program. Enrollment preference shall be given to
37 administrators. Upon successful completion, the
38 provider shall certify that the administrator or other
39 practitioner is qualified to conduct evaluations for
40 employment, make recommendations for licensure, and
41 make recommendations that a teacher is qualified to
42 advance from one career path level to the next career
43 path level pursuant to this chapter. Certification is
44 for a period of five years and may be renewed.

45 3. Effective until July 1, 2004, a school district
46 shall pay the amount of one thousand dollars for each
47 individual who is licensed as an administrator under
48 chapter 272 on or after July 1, 2001, and who has been
49 certified in accordance with this section. By October
50 1 annually, the school district shall notify the

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1 department of education of the number of individuals
2 who have achieved certification in accordance with
3 this section, and shall submit any documentation
4 requested by the department.

5 4. By July 1, 2002, a higher education institution
6 approved by the state board to provide an
7 administrator preparation program shall incorporate
8 the evaluator training program into the program
9 offered by the institution.

10 5. Beginning July 1, 2002, the board of
11 educational examiners shall require certification as a
12 condition of issuing or renewing an administrator's
13 license.

14 6. By July 1, 2004, the director shall develop and
15 implement an evaluator training certification renewal
16 program for administrators and other practitioners who
17 need to renew a certificate issued pursuant to this
18 section.

19 Sec. 12. NEW SECTION. 284.11 PILOT PROGRAM FOR
20 TEAM-BASED VARIABLE PAY FOR STUDENT ACHIEVEMENT.

21 1. It is the intent of the general assembly to
22 develop and implement by July 1, 2003, a statewide
23 team-based variable pay program and approval process
24 to reward individual attendance centers for
25 improvement in student achievement. The department
26 shall develop and administer a pilot team-based
27 variable pay program. A pilot program is established
28 to give Iowa school districts with one or more
29 participating attendance centers the opportunity to
30 explore and demonstrate successful methods to
31 implement team-based variable pay. Each school
32 district approved by the department to participate in
33 the pilot program shall administer a valid and
34 reliable standardized assessment at the beginning and
35 end of the school year to demonstrate growth in
36 student achievement.

37 2. A participating school district may provide a
38 cash award to all of the licensed practitioners at a
39 participating attendance center that has demonstrated
40 improvement in student achievement as provided in this
41 section. The school district is encouraged to extend
42 cash awards to other staff employed at the attendance
43 center.

44 3. The team-based pay plan shall be approved by
45 the local board.

46 4. A district electing to initiate a team-based
47 variable pay plan according to this section during the
48 school year beginning July 1, 2001, shall notify the
49 department of its election in writing no later than
50 August 1, 2001. The department shall certify the

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1 school district plan by October 1, 2001.

2 Sec. 13. NEW SECTION. 284.12 REPORT.

3 1. The department shall annually report the
4 statewide progress on the following:

5 a. Students achievement scores in mathematics and
6 reading at the fourth and eighth grade levels on a
7 district-by-district basis.

8 b. Improvement in teacher compensation.

9 c. Evaluator training program.

10 d. Team-based variable pay for student
11 achievement.

12 e. Changes and improvements in the evaluation of

13 teachers under the Iowa teaching standards.

14 2. The report shall be made available to the
15 chairpersons and ranking members of the senate and
16 house committees on education, the state board, the
17 governor, and school districts by January 1. School
18 districts shall provide information as required by the
19 department for the compilation of the report and for
20 accounting and auditing purposes.

21 3. The department shall provide for a
22 comprehensive independent evaluation of all components
23 of the student achievement and teacher quality program
24 and shall submit the results of the evaluation in the
25 report submitted pursuant to subsection 2 by January
26 1, 2007.

27 4. The board of educational examiners shall
28 compile statistical information from the results of
29 the examinations administered pursuant to section
30 272.2, subsection 16. The information compiled shall
31 identify the practitioner preparation programs from
32 which the applicants graduated, but shall not identify
33 applicants individually. The statistical information
34 compiled by the board pursuant to this subsection is a
35 public record. The board shall submit a review of the
36 statistical information to the chairpersons and
37 ranking members of the senate and house committees on
38 education and the state board by December 1, 2003.

39 5. In developing administrative rules for
40 consideration by the state board, the department shall
41 consult with persons representing teachers,
42 administrators, school boards, approved practitioner
43 preparation institutions, and other appropriate
44 education stakeholders.

45 Sec. 14. Section 256.7, Code 2001, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 25. Prescribe standards and
48 procedures for the approval of a nontraditional
49 practitioner preparation program to be offered by
50 practitioner preparation institutions in this state in

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1 accordance with section 272.2, subsection 13.

2 Sec. 15. Section 256.9, Code 2001, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 51. Develop a core knowledge and
5 skill criteria model, based upon the Iowa teaching
6 standards, for the evaluation, the advancement, and
7 for teacher career development purposes pursuant to
8 chapter 284. The model criteria shall further define
9 the characteristics of quality teaching as established
10 by the Iowa teaching standards.

11 Sec. 16. Section 256.16, Code 2001, is amended by

12 adding the following new subsection:
13 NEW SUBSECTION. 3. The state board shall adopt
14 rules requiring that all higher education institutions
15 providing nontraditional practitioner preparation, at
16 a minimum, meet the standards and comply with the
17 standards established pursuant to section 256.7,
18 subsection 25. A nontraditional practitioner
19 preparation instruction program is exempt from the
20 student teaching or field experience requirements of
21 section 272.25. A nontraditional practitioner
22 preparation instruction program shall include
23 coursework in education theory, instructional methods,
24 classroom management, and practice teaching. The
25 program shall consist of two twelve-semester-hour, or
26 the trimester or quarter equivalent, courses of study,
27 the first of which a student shall successfully
28 complete prior to receiving a nontraditional
29 conditional license pursuant to section 272.2,
30 subsection 13, paragraphs "a" and "b". Prior to
31 licensure as an administrator or a provisional
32 teacher, a student shall successfully complete the
33 second twelve-semester-hour, or the trimester or
34 quarter equivalent, course of study in accordance with
35 section 272.2, subsection 13. The institution that
36 delivers the coursework to a practitioner pursuant to
37 this subsection shall include as a component of its
38 program supervision of a practitioner during the
39 practitioner's year of employment under a
40 nontraditional conditional license, and shall, in
41 consultation with the practitioner's evaluator at the
42 school district or accredited nonpublic school of
43 employment, submit to the board of educational
44 examiners a comprehensive evaluation of the
45 practitioner's performance by July 1 following the
46 practitioner's year of employment under a
47 nontraditional conditional license.
48 Sec. 17. Section 272.1, Code 2001, is amended by
49 adding the following new subsection:
50 NEW SUBSECTION. 5A. "Nontraditional conditional

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1 license" means the authority that is given to allow a
2 person to legally serve as a practitioner on a
3 temporary basis while the person completes a
4 nontraditional practitioner preparation program.
5 Sec. 18. Section 272.2, subsection 1, Code 2001,
6 is amended to read as follows:
7 1. a. License practitioners, who do not hold or
8 receive a license from another professional licensing
9 board, ~~and professional development programs, except~~
10 ~~for programs developed and offered by practitioner~~

11 preparation institutions or area education agencies
 12 and approved by the state board of education.
 13 Licensing authority includes the authority to
 14 establish criteria for the licenses, ~~including but not~~
 15 ~~limited to, establish~~ issuance and renewal
 16 requirements, ~~creation of create~~ application and
 17 renewal forms, ~~creation of create~~ licenses that
 18 authorize different instructional functions or
 19 specialties, ~~development of develop~~ a code of
 20 professional rights and responsibilities, practice,
 21 and ethics, and ~~the authority to~~ develop any other
 22 classifications, distinctions, and procedures which
 23 may be necessary to exercise licensing duties. A code
 24 of professional rights and responsibilities, practice,
 25 and ethics shall address but not be limited to the
 26 habitual failure of a practitioner to fulfill
 27 contractual obligations under section 279.13.

28 b. Notwithstanding section 272.28, subsection 1, a
 29 teacher shall be licensed in accordance with rules
 30 adopted pursuant to chapter 272, Code 2001, if the
 31 teacher successfully completes a beginning teacher
 32 mentoring program approved pursuant to chapter 256E on
 33 or before June 30, 2002, or is employed by a school
 34 district that does not offer a beginning teacher
 35 mentoring and induction program approved in accordance
 36 with this chapter during the school year beginning
 37 July 1, 2001.

38 c. Notwithstanding section 272.28, subsection 1, a
 39 teacher shall receive an educational license if the
 40 teacher meets the licensing requirements of this
 41 chapter and, prior to July 1, 2003, successfully
 42 completes a two-year beginning teacher mentoring and
 43 induction program approved pursuant to this chapter.

44 Sec. 19. Section 272.2, subsection 13, Code 2001,
 45 is amended to read as follows:

46 13. Adopt rules to provide for nontraditional
 47 preparation ~~and licensing~~ options for licensing
 48 persons who hold, at a minimum, a bachelor's degree
 49 from an accredited college or university, but who do
 50 not meet other requirements for licensure. At a

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1 minimum, the rules shall provide for the following:

2 a. An individual who possesses at least a master's
 3 degree in business administration, public
 4 administration, or a comparable degree, or who
 5 possesses at least a bachelor's degree from an
 6 accredited postsecondary institution and life
 7 experience equivalent to a master's degree in a
 8 management field as determined by rule, and who has
 9 been employed for at least ten of the last fifteen

10 years in a management position, may be issued a one-
 11 year, nonrenewable nontraditional conditional
 12 administrator's license if the individual successfully
 13 completes a nontraditional practitioner preparation
 14 instruction program in accordance with section 256.16,
 15 subsection 3. An individual may be issued an
 16 administrator's license if the individual successfully
 17 completes one year of employment as an administrator
 18 under a nontraditional conditional license and
 19 successfully completes the second course of study set
 20 forth in section 256.16, subsection 3. However, an
 21 individual licensed pursuant to this paragraph shall
 22 be licensed only to serve as an administrator in a
 23 school district with an actual enrollment of five
 24 thousand five hundred or more pupils.
 25 b. An individual who possesses at least a
 26 bachelor's degree from an accredited postsecondary
 27 institution, has been employed for at least five
 28 consecutive years in an area requiring knowledge and
 29 practical application of the individual's
 30 postsecondary academic background, and can document,
 31 to the satisfaction of the state board of educational
 32 examiners, successful experience working with
 33 children, may be issued a one-year, nonrenewable
 34 nontraditional conditional license to teach students
 35 in grades nine through twelve in the area of the
 36 individual's academic background and employment
 37 experience if the individual successfully completes a
 38 nontraditional practitioner preparation instruction
 39 program, in accordance with section 256.16, subsection
 40 3. In addition to these requirements, an individual
 41 seeking a nontraditional conditional license to teach
 42 special education students in grades nine through
 43 twelve shall document, to the satisfaction of the
 44 state board of educational examiners, five years of
 45 successful experience working with children requiring
 46 special education. An individual may be issued a
 47 provisional license to teach students in grades nine
 48 through twelve in the area of the individual's
 49 academic background and employment experience if the
 50 individual successfully completes one year of teaching

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1 under a nontraditional conditional license and
 2 successfully completes the second course of study set
 3 forth in section 256.16, subsection 3. A person
 4 issued a nontraditional conditional or provisional
 5 teaching license pursuant to this paragraph shall
 6 successfully complete, at a minimum, a two-year
 7 beginning teacher mentoring and induction program.
 8 Sec. 20. Section 272.2, Code 2001, is amended by

9 adding the following new subsection:
 10 **NEW SUBSECTION.** 16. a. Administer the Praxis II
 11 examination for knowledge of pedagogies and for not
 12 more than one content area to the following:
 13 (1) Each individual traditionally prepared in
 14 accordance with section 272.25 who is applying for a
 15 provisional license prior to issuance of the license.
 16 (2) Each individual who is applying for a
 17 nontraditional license in accordance with subsection
 18 13, paragraph "b".
 19 b. Examination fees for the examination required
 20 under this subsection shall be paid by the board.
 21 Costs incurred for additional content area
 22 examinations shall be paid by the applicant.
 23 c. The results of the examinations administered
 24 pursuant to paragraph "a", subparagraphs (1) and (2),
 25 shall be separately maintained from the results of
 26 examinations administered to traditionally prepared
 27 students.
 28 d. This subsection is repealed effective June 30,
 29 2003.
 30 **Sec. 21. NEW SECTION. 272.28 MENTORING AND**
 31 **INDUCTION REQUIREMENT.**
 32 1. Effective July 1, 2003, requirements for
 33 teacher licensure beyond a provisional license shall
 34 include successful completion of a beginning teacher
 35 mentoring and induction program approved by the state
 36 board of education.
 37 2. A teacher from an accredited nonpublic school
 38 or another state or country is exempt from the
 39 requirement of subsection 1 if the teacher can
 40 document three years of successful teaching experience
 41 within the past five years and meet or exceed the
 42 requirements contained in rules adopted under this
 43 chapter for endorsement and licensure.
 44 **Sec. 22. Section 279.19, unnumbered paragraphs 1**
 45 **and 2, Code 2001, are amended to read as follows:**
 46 The first ~~three~~ two consecutive years of employment
 47 of a teacher in the same school district are a
 48 probationary period. However, if the teacher has
 49 successfully completed a probationary period of
 50 employment for another school district located in

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1 Iowa, the probationary period in the current district
 2 of employment shall not exceed one year. A board of
 3 directors may waive the probationary period for any
 4 teacher who previously has served a probationary
 5 period in another school district and the board may
 6 extend the probationary period for an additional year
 7 with the consent of the teacher.

8 Notwithstanding the two-year probationary period
9 otherwise provided for in this section, if a school
10 district offers a beginning teacher a third year of a
11 beginning teacher mentoring and induction program, and
12 the teacher accepts the school district's offer, the
13 teacher's probationary period shall continue through
14 the teacher's third year of employment.

15 In the case of the termination of a probationary
16 teacher's contract, the provisions of sections 279.15
17 and 279.16 shall apply.

18 Sec. 23. Chapter 256E, Code 2001, is repealed.

19 Sec. 24. Section 272.33, Code 2001, is repealed
20 effective July 1, 2002.

21 Sec. 25. DEPARTMENTAL STUDIES. The department of
22 education shall do the following:

23 1. Compile and report, in consultation with the
24 board of educational examiners, information relating
25 to nontraditional practitioner preparation programs,
26 including the number of programs available and
27 geographic areas in which they are available, the
28 number of individuals who apply for a nontraditional
29 conditional license, the number of individuals
30 possessing a nontraditional conditional license who
31 apply for a provisional license, the subject areas in
32 which persons who possess nontraditional conditional
33 licenses are teaching and where they are teaching.
34 The department shall submit its findings and
35 recommendations in a report to the senate and house of
36 representatives standing committees on education by
37 December 1, 2002.

38 2. Analyze and compare, in consultation with the
39 board of educational examiners, the requirements for
40 practitioner licensure or endorsement that require a
41 master's degree and the master's degree requirements
42 established by approved practitioner preparation
43 graduate programs. The institutions offering approved
44 practitioner preparation programs shall submit
45 information to the department as requested by the
46 department. The department shall submit its findings
47 and recommendations in a report to the senate and
48 house of representatives standing committees on
49 education by December 1, 2001.

50 Sec. 26. PRACTITIONER PREPARATION CREDIT TRANSFER

Page 19

1 STUDY. The state board of regents shall conduct a
2 study of the transfer of credits between practitioner
3 preparation institutions, both in-state and out-of-
4 state, to determine whether the transfer of credits by
5 practitioner preparation institutions is fair and
6 consistent. The state board shall collect information

7 relating to the transfer and acceptance of credits
8 from a representative sample of in-state and out-of-
9 state practitioner preparation institutions. The
10 state board shall identify actions that may be taken
11 to improve the ability of a student to transfer
12 credits earned in one practitioner preparation
13 institution to another. The state board shall submit
14 its findings and recommendations in a report to the
15 senate and house of representatives standing
16 committees on education by December 1, 2001.

17 Sec. 27. LEGISLATIVE IMPLEMENTATION AND OVERSIGHT
18 COMMITTEE. The legislative council is requested to
19 establish a two-year legislative implementation and
20 oversight committee to conduct a comprehensive study
21 of team-based variable pay and make recommendations
22 for the implementation of a team-based variable pay
23 plan component of the student achievement and teacher
24 quality program.

25 The committee shall establish the manner in which
26 standards of performance are to be determined, the
27 level of expected growth, the development of a student
28 academic database, the timeline and procedure for the
29 collection of student achievement data, identification
30 of the structures of a team for purposes of equitable
31 operation of the plan, and a timeline for
32 implementation of the plan. The committee shall
33 select an assessment model for use in accurately
34 measuring student achievement. The committee may
35 recommend additional measures and reviews for the
36 purpose of strengthening comprehensive school
37 improvement plans through the implementation of team-
38 based variable pay plans. The committee shall monitor
39 the progress of team-based variable pay pilot
40 programs.

41 The committee shall recommend a means of evaluation
42 designed to determine the effect of the student
43 achievement and teacher quality plan on raising
44 student achievement. The committee shall submit
45 preliminary recommendations to the general assembly by
46 December 15, 2001, and shall make its final
47 recommendations to the general assembly by December
48 15, 2002.

49 The committee shall be composed of six voting
50 members representing both political parties and both

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1 houses of the general assembly. Three members shall
2 be appointed by the president of the senate, after
3 consultation with the majority leader of the senate
4 and the minority leader of the senate. The remaining
5 three members shall be appointed by the speaker of the

6 house of representatives after consultation with the
7 majority and minority leaders of the house of
8 representatives.

9 The committee shall also include the following ex
10 officio, nonvoting members:

11 1. The director of the department of education or
12 the director's designee.

13 2. One member who shall be appointed by the Iowa
14 association of school boards.

15 3. One member who shall be appointed by the school
16 administrators of Iowa.

17 4. Two members who shall be appointed
18 independently by the state's two largest professional
19 teachers associations.

20 5. One member who shall be appointed by the
21 governor to represent the office of the governor.

22 It is the intent of the general assembly that the
23 legislative implementation committee oversee the
24 implementation of the policies established pursuant to
25 this Act.

26 Sec. 28. STATE MANDATE FUNDING SPECIFIED. In
27 accordance with section 25B.2, subsection 3, the state
28 cost of requiring compliance with any state mandate
29 included in this Act shall be paid by a school
30 district from state school foundation aid received by
31 the school district under section 257.16. This
32 specification of the payment of the state cost shall
33 be deemed to meet all the state funding-related
34 requirements of section 25B.2, subsection 3, and no
35 additional state funding shall be necessary for the
36 full implementation of this Act by and enforcement of
37 this Act against all affected school districts."

MARY E. KRAMER
NANCY BOETTGER
PAUL McKINLEY
JOANN JOHNSON
JOHN W. JENSEN
RICHARD F. DRAKE
KITTY REHBERG
E. THURMAN GASKILL
JEFF LAMBERTI
MARK ZIEMAN
LARRY McKIBBEN
ANDY McKEAN
JERRY BEHN
NEAL SCHUERER
JEFF ANGELO
KEN VEENSTRA
STEWART IVERSON, JR.
O. GENE MADDOX
DAVID MILLER

S-3584

1 Amend House File 719, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, by inserting before line 1 the
 4 following: "The office of distance learning is
 5 authorized to purchase a statewide site license for
 6 web-based educational training and testing programs of
 7 online assessments, lessons, and activities related to
 8 academic performance and may provide access to such
 9 programs for educational purposes."

STEVE KING
 MARY A. LUNDBY

S-3585

1 Amend House File 732, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, lines 5 and 6, by striking the words
 4 "leaders of faith-based organizations to utilize" and
 5 inserting the following: "individuals who are
 6 authorized to solemnize a marriage under section
 7 595.10 in utilizing".
 8 2. Page 6, lines 7 and 8, by striking the words
 9 "the respective faith-based organization" and
 10 inserting the following: "such individuals".

KEN VEENSTRA

S-3586

1 Amend House File 732, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 58, by inserting after line 24 the
 4 following:
 5 "____. The department of human services shall
 6 review the disparity between the compensation provided
 7 to public employees who provide child welfare services
 8 relative to employees of private providers who have
 9 qualifications or job responsibilities that are
 10 comparable to the public employees'. The department
 11 shall submit to the governor and to those persons
 12 designated by this Act to be provided with reports, a
 13 report of its review, including findings and a plan
 14 for reducing the disparity."
 15 2. By renumbering as necessary.

KEN VEENSTRA

S-3587

1 Amend House File 732 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 58, by inserting after line 26, the
 4 following:
 5 "Sec. ____ REBUILD IOWA INFRASTRUCTURE FUND-
 6 APPROPRIATION.
 7 Notwithstanding provisions to the contrary in
 8 section 8.57, subsection 5, paragraph "e", there is
 9 appropriated from the rebuild Iowa infrastructure fund
 10 created in section 8.57, subsection 5, to the
 11 department of human services, for the fiscal year
 12 beginning July 1, 2001, and ending June 30, 2002, the
 13 following amounts or so much thereof as is necessary
 14 for utility costs:
 15 1. For the Iowa juvenile home at Toledo:
 16\$ 30,000
 17 2. For the state training school at Eldora:
 18\$ 136,032
 19 3. For the state mental health institute at
 20 Cherokee:
 21\$ 158,176
 22 4. For the state mental health institute at
 23 Clarinda:
 24\$ 46,000
 25 5. For the state mental health institute at
 26 Independence:
 27\$ 108,781
 28 6. For the state mental health institute at Mount
 29 Pleasant:
 30\$ 42,000
 31 7. For the state resource center at Glenwood:
 32\$ 117,200
 33 8. For the state resource center at Woodward:
 34\$ 348,992"
 35 2. By renumbering as necessary.

KITTY REHBERG

S-3588

1 Amend the amendment, S-3583, to Senate File 476, as
 2 follows:
 3 1. Page 3, line 4, by inserting after the word
 4 "students" the following: ", including the use of
 5 technology for curriculum integration".
 6 2. Page 3, line 50, by inserting after the word
 7 "needs" the following: ", including the integration
 8 of technology into curriculum development".
 9 3. Page 9, line 34, by inserting after the word

10 "include" the following: "video portfolios as
11 evidence of teaching practices and".

MARY E. KRAMER
NANCY BOETTGER

S-3589

1 Amend House File 732, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 32, by inserting after the word
4 "outcomes." the following: "Grants shall comply with
5 the requirements provided in 1997 Iowa Acts, chapter
6 208, section 14, subsections 1 and 2, including the
7 requirement that grant programs must emphasize sexual
8 abstinence."

9 2. Page 6, lines 5 and 6, by striking the words
10 "leaders of faith-based organizations to utilize" and
11 inserting the following: "individuals who are
12 authorized to solemnize a marriage under section
13 595.10 in utilizing".

14 3. Page 6, lines 7 and 8, by striking the words
15 "the respective faith-based organization" and
16 inserting the following: "such individuals".

17 4. Page 6, by inserting after line 26, the
18 following:
19 "18. The department shall report on or before
20 December 15, 2001, to the governor and to the persons
21 designated by this Act to receive reports providing a
22 detailed analysis as to how federal temporary
23 assistance for needy families block grant funding was
24 expended during the previous fiscal year to achieve
25 the four purposes for the funding as outlined in 42
26 U.S.C. } 601(a). For each category of expenditure,
27 the analysis shall identify which of the four purposes
28 was addressed and the amount expended."

29 5. Page 12, by inserting after line 15, the
30 following:

31 "d. For the food stamp employment and training
32 program:
33 \$ 150,000"

34 6. Page 23, line 28, by striking the word
35 "(NSAIDS)".

36 7. Page 25, by inserting after line 32 the
37 following:
38 "In any managed care contract for mental health or
39 substance abuse services entered into or extended by
40 the department on or after July 1, 2001, the request
41 for proposals shall provide for coverage of dual
42 diagnosis mental health and substance abuse treatment
43 provided at the state mental health institute at Mount
44 Pleasant. To the extent possible, the department

45 shall also amend any such contract existing on July 1,
 46 2001, to provide for such coverage."
 47 8. Page 29, by striking lines 10 through 12.
 48 9. Page 38, by striking lines 5 and 6 and
 49 inserting the following:
 50 "Sec. 17. COMMUNITY-BASED PROGRAMS.

Page 2

1 There is appropriated from the general fund of".
 2 10. Page 58, by inserting after line 24 the
 3 following:
 4 "____. The department of human services shall
 5 review the disparity between the compensation provided
 6 to public employees who provide child welfare services
 7 relative to employees of private providers who have
 8 qualifications or job responsibilities that are
 9 comparable to the public employees. The department
 10 shall submit to the governor and to those persons
 11 designated by this Act to be provided with reports, a
 12 report of its review, including findings and a plan
 13 for reducing the disparity."
 14 11. Page 62, by striking lines 11 through 18, and
 15 inserting the following:
 16 "b. The department of inspections and appeals may
 17 provide access to the single contact repository
 18 established under section 135C.33, subsection 6, for
 19 criminal and abuse history checks made by those
 20 employers, agencies, and other persons that are
 21 authorized access to child abuse information under
 22 section 235A.15 and are required by law to perform
 23 such checks."
 24 12. Page 65, by inserting after line 30 the
 25 following:
 26 "2. Upon submission to the persons designated by
 27 this Act for receiving reports of a report describing
 28 the transfers being made, the department may transfer
 29 up to \$2,500,000 to the appropriation in this Act for
 30 general administration from moneys that are budgeted
 31 for purchase of equipment in other appropriations made
 32 to the department in this Act."
 33 13. By striking page 66, line 31 through page 67,
 34 line 1.
 35 14. By renumbering as necessary.

KEN VEENSTRA

S-3590

1 Amend the amendment, S-3583, to Senate File 476, as
 2 follows:
 3 1. By striking page 13, line 45 through page 14,

- 4 line 1.
- 5 2. By striking page 14, line 11 through page 15,
- 6 line 4.
- 7 3. By striking page 15, line 44 through page 17,
- 8 line 7.
- 9 4. Page 17, by striking lines 12 through 14 and
- 10 inserting the following: "more than one content area
- 11 to each individual who is applying for a".
- 12 5. Page 17, by striking lines 16 through 18.
- 13 6. Page 17, by striking lines 23 through 27.
- 14 7. Page 18, by striking lines 21 through 49.
- 15 8. By renumbering as necessary.

PATRICIA HARPER
 JOHNIE HAMMOND
 MICHAEL E. GRONSTAL
 BETTY A. SOUKUP
 JOHN P. KIBBIE
 ROBERT E. DVORSKY
 JACK HOLVECK
 MARK SHEARER
 TOM FLYNN
 JOE BOLKCOM
 WALLY E. HORN
 EUGENE S. FRAISE
 PATRICK J. DELUHERY
 BILL FINK

S-3591

1 Amend the amendment, S-3583, to Senate File 476 as
2 follows:

3 1. By striking page 1, line 1, through page 20,
4 line 37, and inserting the following:

5 "Amend Senate File 576 as follows:

6 1. By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. APPROPRIATION. There is appropriated
9 from the general fund of the state to the department
10 of education for the fiscal year beginning July 1,
11 2001, and ending June 30, 2002, the following amount,
12 or so much thereof as is necessary, to be used for the
13 purposes designated:

14 For purposes of the student achievement and teacher
15 quality program established as provided in chapter
16 284:

| | | |
|----------|----|------------|
| 17 | \$ | 40,000,000 |
|----------|----|------------|

18 Sec. 2. INTENT. It is the intent of the general
19 assembly to create a teacher quality program that
20 acknowledges that outstanding teachers are a key
21 component in student success. The program's goals are
22 to redesign compensation strategies and teachers'

23 professional development. Such compensation
 24 strategies are designed to attract and retain high
 25 performing teachers, to reward teachers for improving
 26 their skills and knowledge in a manner that translates
 27 into better student learning, and to reward the staff
 28 of school attendance centers for improvement in
 29 student achievement.

30 Sec. 3. NEW SECTION. 284.1 STUDENT ACHIEVEMENT
 31 AND TEACHER QUALITY PROGRAM.

32 A student achievement and teacher quality program
 33 is established to promote high student achievement.

34 The program shall consist of the following four major
 35 elements:

36 1. Mentoring and induction programs that provide
 37 support for beginning teachers in accordance with
 38 sections 284.5 and 284.6.

39 2. Career paths with compensation levels that
 40 strengthen Iowa's ability to recruit and retain
 41 teachers.

42 3. Professional development designed to directly
 43 support best teaching practices.

44 4. Team-based variable pay that provides
 45 additional compensation when student performance
 46 improves.

47 Sec. 4. NEW SECTION. 284.2 DEFINITIONS.

48 As used in this chapter, unless the context
 49 otherwise requires:

50 1. "Beginning teacher" means an individual serving

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1 under an initial provisional or conditional license,
 2 issued by the board of educational examiners under
 3 chapter 272, who is assuming a position as a classroom
 4 teacher.

5 2. "Classroom teacher" means an individual who
 6 holds a valid practitioner's license and who is
 7 employed under a teaching contract with a school
 8 district or area education agency in this state to
 9 provide classroom instruction to students.

10 3. "Comprehensive evaluation" means a summative
 11 evaluation of a teacher conducted by an evaluator for
 12 purposes of performance review, or recommendation for
 13 licensure based upon models developed pursuant to
 14 section 256.9, subsection 51, and to determine whether
 15 the teacher's practice meets the school district
 16 expectations for a career, career II, or advanced
 17 level.

18 4. "Department" means the department of education.

19 5. "Director" means the director of the department
 20 of education.

21 6. "Evaluator" means an administrator or other

22 practitioner who successfully completes an evaluator
23 training program pursuant to section 284.10.

24 7. "Mentor" means an individual employed by a
25 school district or area education agency as a
26 classroom teacher who holds a valid license issued
27 under chapter 272. The individual must have a record
28 of four years of successful teaching practice, must be
29 employed as a classroom teacher on a nonprobationary
30 basis, and must demonstrate professional commitment to
31 both the improvement of teaching and learning and the
32 development of beginning teachers.

33 8. "School board" means the board of directors of
34 a school district or a collaboration of boards of
35 directors of school districts.

36 9. "State board" means the state board of
37 education.

38 10. "Teacher" means an individual holding a
39 practitioner's license issued under chapter 272, who
40 is employed as a teacher, librarian, media specialist,
41 or counselor in a nonadministrative position by a
42 school district or area education agency pursuant to a
43 contract issued by a board of directors under section
44 279.13. A teacher may be employed in both an
45 administrative and a nonadministrative position by a
46 board of directors and shall be considered a part-time
47 teacher for the portion of time that the teacher is
48 employed in a nonadministrative position. "Teacher"
49 includes a licensed individual employed on a less than
50 full-time basis by a school district through a

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1 contract between the school district and an
2 institution of higher education with a practitioner
3 preparation program in which the licensed teacher is
4 enrolled.

5 Sec. 5. NEW SECTION. 284.3 IOWA TEACHING
6 STANDARDS.

7 1. For purposes of this chapter and for developing
8 teacher evaluation criteria under chapter 279, the
9 Iowa teaching standards are as follows:

10 a. Demonstrates competence in content knowledge
11 appropriate to the teaching position.

12 b. Demonstrates competence in planning and
13 preparing for instruction.

14 c. Uses strategies to deliver instruction that
15 meets the multiple learning needs of students.

16 d. Uses a variety of methods to monitor student
17 learning.

18 e. Demonstrates competence in classroom
19 management.

20 f. Engages in professional growth.

- 21 g. Fulfills professional responsibilities
 22 established by the school district.
- 23 2. The school board and faculty shall collaborate
 24 to further define good teaching by enhancing the Iowa
 25 teaching standards in the following manner:
- 26 a. For purposes of comprehensive evaluations for
 27 beginning teachers, including the comprehensive
 28 evaluation required for the beginning teacher to
 29 progress to career teacher, the criteria shall be
 30 based upon models developed pursuant to section 256.9,
 31 subsection 51, and established pursuant to chapter 20.
- 32 b. For purposes of comprehensive evaluations for
 33 teachers other than beginning teachers, the school
 34 board shall convene the members of the school board
 35 and representatives of the faculty, elected by the
 36 faculty, to establish criteria based upon models
 37 developed pursuant to section 256.9, subsection 51.
 38 If the parties are unable to reach agreement, however,
 39 the model criteria shall become the school district's
 40 criteria. These criteria shall be in addition to
 41 criteria otherwise agreed to under chapter 20.
- 42 Sec. 6. **NEW SECTION. 284.4 PARTICIPATION.**
- 43 1. A school district is eligible to receive moneys
 44 appropriated for purposes specified in this chapter if
 45 the school board applies to the department to
 46 participate in the student achievement and teacher
 47 quality program and submits a written statement
 48 declaring the school district's willingness to do all
 49 of the following:
- 50 a. Commit and expend local moneys to improve

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- 1 student achievement and teacher quality.
- 2 b. Implement a beginning teacher mentoring and
 3 induction program as provided in this chapter.
- 4 c. Adopt a teacher career development program in
 5 accordance with this chapter.
- 6 d. Adopt a teacher evaluation plan that, at
 7 minimum, requires a comprehensive evaluation of
 8 teachers in the participating district at least every
 9 five years based upon the Iowa teaching standards and
 10 requires administrators to complete evaluator training
 11 in accordance with section 284.10.
- 12 e. Adopt teacher career paths based upon
 13 demonstrated knowledge and skills in accordance with
 14 this chapter.
- 15 f. Adopt a team-based variable pay plan that
 16 rewards attendance center success when demonstrating
 17 improvement in meeting attendance center student
 18 achievement goals that are consistent with the
 19 district comprehensive school improvement plan.

20 2. By July 1, 2003, each school district shall
21 participate in the student achievement and teacher
22 quality program.

23 Sec. 7. NEW SECTION. 284.5 BEGINNING TEACHER
24 MENTORING AND INDUCTION PROGRAM.

25 1. A beginning teacher mentoring and induction
26 program is created to promote excellence in teaching,
27 enhance student achievement, build a supportive
28 environment within school districts, increase the
29 retention of promising beginning teachers, and promote
30 the personal and professional well-being of classroom
31 teachers. Prior to the completion of the 2001-2002
32 school year, a school district shall, at a minimum,
33 provide an approved beginning teacher mentoring and
34 induction program for all classroom teachers who are
35 beginning teachers.

36 2. The state board shall adopt rules to administer
37 this section.

38 3. Notwithstanding subsection 1, a school district
39 may provide a beginning teacher mentoring and
40 induction program for all classroom teachers who are
41 beginning teachers in the school years beginning July
42 1, 2001, and July 1, 2002, and, notwithstanding
43 section 284.4, subsection 1, a school district is
44 eligible to receive moneys under section 284.13,
45 subsection 1, paragraph "c", for each fiscal year of
46 the fiscal period beginning July 1, 2001, and ending
47 June 30, 2003, to establish a beginning teacher
48 mentoring and induction program in accordance with
49 this section.

50 4. Each participating school district shall

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1 develop an initial beginning teacher mentoring and
2 induction plan. The plan shall be included in the
3 school district's comprehensive school improvement
4 plan submitted pursuant to section 256.7, subsection
5 21. The beginning teacher induction plan shall, at a
6 minimum, provide for a two-year sequence of induction
7 program content and activities to support the Iowa
8 teaching standards and beginning teacher professional
9 and personal needs; mentor training that includes, at
10 a minimum, skills of classroom demonstration and
11 coaching, and district expectations for beginning
12 teacher competence on Iowa teaching standards;
13 placement of mentors and beginning teachers; the
14 process for dissolving mentor and beginning teacher
15 partnerships; district organizational support for
16 released time for mentors and beginning teachers to
17 plan, provide demonstration of classroom practices,
18 observe teaching, and provide feedback; structure for

19 mentor selection and assignment of mentors to
20 beginning teachers; a district facilitator; and
21 program evaluation.
22 5. Upon completion of the program, the beginning
23 teacher shall be comprehensively evaluated to
24 determine if the teacher meets expectations to move to
25 the career level. The school district shall recommend
26 a beginning teacher who has successfully completed the
27 program for an educational license. A school district
28 may offer a teacher a third year of participation in
29 the program if, after conducting a comprehensive
30 evaluation, the school district determines that the
31 teacher is likely to successfully complete the
32 mentoring and induction program by the end of the
33 third year of eligibility. A teacher granted a third
34 year of eligibility shall develop a teacher's
35 mentoring and induction program plan in accordance
36 with this chapter and shall undergo a comprehensive
37 evaluation at the end of the third year. The board of
38 educational examiners shall grant a one-year extension
39 of the beginning teacher's provisional license upon
40 notification by the school district that the teacher
41 will participate in a third year of the school
42 district's program.

43 Sec. 8. NEW SECTION. 284.6 TEACHER CAREER
44 DEVELOPMENT.

45 1. The department shall coordinate a statewide
46 network of career development for Iowa teachers. A
47 participating school district or career development
48 provider that offers a career development program in
49 accordance with section 256.9, subsection 51, shall
50 demonstrate that the program contains the following:

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- 1 a. Support that meets the career development needs
2 of individual teachers and is aligned with the Iowa
3 teaching standards.
 - 4 b. Research-based instructional strategies aligned
5 with the school district's student achievement needs
6 and the long-range improvement goals established by
7 the district.
 - 8 c. Instructional improvement components including
9 student achievement data, analysis, theory, classroom
10 demonstration and practice, technology integration,
11 observation, reflection, and peer coaching.
 - 12 d. An evaluation component that documents the
13 improvement in instructional practice and the effect
14 on student learning.
- 15 2. The department shall identify models of career
16 development practices that produce evidence of the
17 link between teacher training and improved student

18 learning.

19 3. A participating school district shall
20 incorporate a district career development plan into
21 the district's comprehensive school improvement plan
22 submitted to the department in accordance with section
23 256.7, subsection 21. The district career development
24 plan shall include a description of the means by which
25 the school district will provide access to all
26 teachers in the district to career development
27 programs or offerings that meet the requirements of
28 subsection 1. The plan shall align all career
29 development with the school district's long-range
30 student learning goals and the Iowa teaching
31 standards. The plan shall indicate the school
32 district's approved career development provider or
33 providers.

34 4. In cooperation with the teacher's supervisor,
35 the teacher employed by a participating school
36 district shall develop an individual teacher career
37 development plan. The individual plan shall be based,
38 at minimum, on the needs of the teacher, the Iowa
39 teaching standards, and the student achievement goals
40 of the attendance center and the school district as
41 outlined in the comprehensive school improvement plan.
42 The individual plan shall be reviewed by the teacher
43 and the teacher's supervisor on a periodic basis to
44 reflect the individual teacher's and the school
45 district needs and the individual's progress in the
46 plan.

47 5. School districts, a consortium of school
48 districts, area education agencies, higher education
49 institutions, and other public or private entities
50 including professional associations may be approved by

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1 the state board to provide teacher career development.
2 The career development program or offering shall, at
3 minimum, meet the requirements of subsection 1. The
4 state board shall adopt rules for the approval of
5 career development providers and standards for the
6 district career development plan.

7 Sec. 9. NEW SECTION. 284.7 IOWA TEACHER CAREER
8 PATH.

9 To promote continuous improvement in Iowa's quality
10 teaching workforce and to give Iowa teachers the
11 opportunity for career recognition that reflects the
12 various roles teachers play as educational leaders, an
13 Iowa teacher career path is established for teachers
14 employed by participating school districts. A
15 participating school district shall use funding
16 allocated under section 284.13, subsection 1,

17 paragraph "f", to raise teacher salaries to meet the
18 requirements of this section. The Iowa teacher career
19 path and salary minimums are as follows:

20 1. Effective July 1, 2001, the following career
21 path levels are established and shall be implemented
22 in accordance with this chapter:

23 a. BEGINNING TEACHER.

24 (1) A beginning teacher is a teacher who meets the
25 following requirements:

26 (a) Has successfully completed an approved
27 practitioner preparation program as defined in section
28 272.1.

29 (b) Holds a provisional teacher license issued by
30 the board of educational examiners.

31 (c) Participates in the beginning teacher
32 mentoring and induction program as provided in this
33 chapter.

34 (2) The participating district shall increase the
35 district's minimum salary for a first-year beginning
36 teacher by at least one thousand five hundred dollars
37 per year above the minimum salary paid to a first-year
38 beginning teacher in the previous year unless the
39 minimum salary for a first-year beginning teacher
40 exceeds twenty-eight thousand dollars.

41 b. CAREER TEACHER.

42 (1) A career teacher is a teacher who meets the
43 following requirements:

44 (a) Has successfully completed the beginning
45 teacher mentoring and induction program as provided in
46 this chapter.

47 (b) Is reviewed by the school district as
48 demonstrating the competencies of a career teacher.

49 (c) Holds a valid license issued by the board of
50 educational examiners.

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1 (d) Participates in teacher career development as
2 set forth in this chapter and demonstrates continuous
3 improvement in teaching.

4 (3) The participating district shall provide a two
5 thousand dollar difference between the average
6 beginning teacher salary and the minimum career
7 teacher salary, unless the school district has a
8 minimum career teacher salary that exceeds thirty
9 thousand dollars.

10 2. It is the intent of the general assembly to
11 establish and require the implementation of and
12 provide for the implementation of the following
13 additional career path levels by July 1, 2003:

14 a. CAREER II TEACHER.

15 (1) A career II teacher is a teacher who meets the

16 requirements of subsection 1, paragraph "b", has met
 17 the requirements established by the school district
 18 that employs the teacher, and is evaluated by the
 19 school district as demonstrating the competencies of a
 20 career II teacher. The teacher shall have
 21 successfully completed a comprehensive evaluation in
 22 order to be classified as a career II teacher.

23 (2) It is the intent of the general assembly that
 24 the participating district shall establish a minimum
 25 salary for a career II teacher that is at least five
 26 thousand dollars greater than the minimum career
 27 teacher salary. It is further intended that the
 28 district shall adopt a plan that facilitates the
 29 transition of a career teacher to a career II level.

30 b. **ADVANCED TEACHER.**

31 (1) An advanced teacher is a teacher who meets the
 32 following requirements:

33 (a) Receives the recommendation of the review
 34 panel that the teacher possesses superior teaching
 35 skills and that the teacher should be classified as an
 36 advanced teacher.

37 (b) Holds a valid license from the board of
 38 educational examiners.

39 (c) Participates in teacher career development as
 40 outlined in this chapter and demonstrates continuous
 41 improvement in teaching.

42 (d) Possesses the skills and qualifications to
 43 assume leadership roles.

44 (2) It is the intent of the general assembly that
 45 the participating district shall establish a minimum
 46 salary for an advanced teacher that is at least
 47 thirteen thousand five hundred dollars greater than
 48 the minimum career teacher salary. In conjunction
 49 with the development of the review panel pursuant to
 50 section 284.9, the department shall make

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1 recommendations to the general assembly by January 1,
 2 2002, regarding the appropriate district-to-district
 3 recognition for advanced teachers and methods that
 4 facilitate the transition of a teacher to the advanced
 5 level.

6 3. A teacher shall be promoted one level at a time
 7 and a teacher promoted to the next career level shall
 8 remain at that level for at least one year before
 9 requesting promotion to the next career level.

10 4. A teacher employed in a participating district
 11 shall not receive less compensation in that
 12 participating district than the teacher received in
 13 the school year starting July 1, 2001, due to
 14 implementation of this chapter. A teacher who

15 achieves national board for professional teaching
 16 standards certification and meets the requirements of
 17 section 256.44 shall continue to receive the award
 18 specified in section 256.44 in addition to the
 19 compensation set forth in this section.

20 Sec. 10. NEW SECTION. 284.8 EVALUATION
 21 REQUIREMENTS.

22 1. In addition to evaluations agreed upon under
 23 chapter 20, a teacher shall be comprehensively
 24 evaluated based on the provisions of section 284.3 at
 25 least once every five years. Comprehensive
 26 evaluations shall be conducted by an administrator or
 27 the administrator's designee certified pursuant to
 28 section 284.10. The evaluation shall include, at
 29 minimum, classroom observation of the teacher, the
 30 teacher's progress and implementation of the teacher's
 31 individual career development plan, and should include
 32 supporting documentation from other supervisors,
 33 teachers, parents, and students. A teacher may be
 34 comprehensively evaluated for purposes of performance
 35 review and shall be comprehensively evaluated for
 36 advancement in the career path established pursuant to
 37 section 284.7.

38 2. If a teacher is denied advancement based upon a
 39 comprehensive evaluation, the teacher may appeal the
 40 decision to an adjudicator under the process
 41 established under section 279.17. However, the
 42 decision of the adjudicator is final. If a district
 43 does not recommend a teacher for continued employment
 44 or licensure based upon a comprehensive evaluation,
 45 the provisions of sections 279.14, 279.17, and 279.18
 46 shall apply. A teacher may file one cause of action
 47 objecting to the contents or procedures of a
 48 comprehensive evaluation and the objections shall not
 49 be subject to the grievance procedures negotiated in
 50 accordance with chapter 20.

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1 Sec. 11. NEW SECTION. 284.9 REVIEW PANEL.

2 1. A career II teacher seeking to receive an
 3 advanced designation shall submit a portfolio of work
 4 evidence aligned with the Iowa teaching standards to a
 5 review panel established in accordance with subsection
 6 2. A majority of the evidence in the portfolio shall
 7 be classroom-based. The review panel shall evaluate
 8 the career II teacher's portfolio to determine whether
 9 the teacher demonstrates superior teaching skills and
 10 shall make a recommendation to the board of
 11 educational examiners whether or not the teacher shall
 12 receive an advanced designation. The standards for
 13 recommendation include, but are not limited to,

14 meeting the Iowa teaching standards at an advanced
15 level.

16 2. The department shall establish up to five
17 regional review panels consisting of five members per
18 panel. Each panel shall include, at minimum, a
19 nationally board-certified teacher and a school
20 district administrator. Panel members shall be
21 appointed by the director and shall possess the
22 knowledge necessary to determine the quality of the
23 evidence submitted in an applicant's portfolio. Panel
24 members shall serve a staggered three-year term and
25 may be reappointed to a second term. The department
26 shall provide support and evaluation training for
27 panel members and convene panels as needed. Panel
28 members shall be reimbursed for mileage expenses
29 incurred while engaged in the performance of official
30 duties and shall receive per diem compensation by the
31 department.

32 3. To assure fairness and consistency in the
33 evaluation process, the review panels may perform
34 random audits of the comprehensive evaluations
35 conducted by evaluators throughout the state, and may
36 randomly review performance-based evaluation models
37 developed by school districts in accordance with
38 section 284.3, subsection 2. The review of the
39 evaluation models shall ensure that the model is at
40 least equivalent to the state model developed pursuant
41 to section 256.9, subsection 51.

42 4. A teacher who does not receive a recommendation
43 from a review panel may appeal that denial to an
44 administrative law judge located in the department of
45 inspections and appeals. The state shall not be
46 liable for a teacher's attorney fees, costs, or
47 damages that may result from an appeal of a review
48 panel's decision. The state board shall adopt rules
49 to administer this section.

50 Sec. 12. NEW SECTION. 284.10 EVALUATOR TRAINING

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1 PROGRAM.

2 1. The department shall establish an evaluator
3 training program to improve the skills of school
4 district evaluators in making employment decisions,
5 making recommendations for licensure, and moving
6 teachers through a career path as established under
7 this chapter. The department shall consult with
8 persons representing teachers, national board-
9 certified teachers, administrators, school boards,
10 higher education institutions with approved
11 practitioner and administrator preparation programs,
12 and with persons from the private sector knowledgeable

13 in employment evaluation and evaluator training in
14 order to develop standards and requirements for the
15 program. Evaluator training programs offered pursuant
16 to this chapter may be provided by a public or private
17 entity. The department shall distribute a list of
18 evaluator training program providers to each school
19 district.

20 2. An administrator licensed under chapter 272 who
21 conducts evaluations of teachers for purposes of this
22 chapter shall complete the evaluator training program.
23 A practitioner licensed under chapter 272 who is not
24 an administrator may enroll in the evaluator training
25 program. Enrollment preference shall be given to
26 administrators. Upon successful completion, the
27 provider shall certify that the administrator or other
28 practitioner is qualified to conduct evaluations for
29 employment, make recommendations for licensure, and
30 make recommendations that a teacher is qualified to
31 advance from one career path level to the next career
32 path level pursuant to this chapter. Certification is
33 for a period of five years and may be renewed.

34 3. Effective until July 1, 2004, a school district
35 shall be paid, from moneys allocated pursuant to
36 section 284.13, subsection 1, paragraph "d", the
37 amount of one thousand dollars for each individual who
38 is licensed as an administrator under chapter 272 on
39 or after July 1, 2001, and who has been certified in
40 accordance with this section. The district shall
41 compensate the administrator who achieves
42 certification not less than one thousand dollars. If
43 funds are available from moneys appropriated for
44 purposes of this subsection, practitioners other than
45 administrators who are certified in accordance with
46 this section are eligible to be compensated in an
47 amount determined by the department, which shall not
48 exceed one thousand dollars and shall be prorated
49 based upon the amount appropriated that remains after
50 the amount needed for distribution to the

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1 administrators pursuant to this section has been
2 determined by the department. By October 1 annually,
3 the school district shall notify the department of
4 education of the number of individuals who have
5 achieved certification in accordance with this
6 section, and shall submit any documentation requested
7 by the department.

8 4. By July 1, 2002, a higher education institution
9 approved by the state board to provide an
10 administrator preparation program shall incorporate
11 the evaluator training program into the program

12 offered by the institution.

13 5. Beginning July 1, 2002, the board of
14 educational examiners shall require certification as a
15 condition of issuing or renewing an administrator's
16 license.

17 6. By July 1, 2004, the director shall develop and
18 implement an evaluator training certification renewal
19 program for administrators who need to renew a
20 certificate issued pursuant to this section.

21 Sec. 13. NEW SECTION. 284.11 PILOT PROGRAM FOR
22 TEAM-BASED VARIABLE PAY FOR STUDENT ACHIEVEMENT.

23 1. It is the intent of the general assembly to
24 create a statewide team-based variable pay program to
25 reward individual attendance centers for improvement
26 in student achievement. A pilot program is
27 established to give Iowa school districts with one or
28 more participating attendance centers the opportunity
29 to explore and demonstrate successful methods to
30 implement team-based variable pay.

31 2. A participating school district may use moneys
32 appropriated for purposes of this chapter to provide a
33 cash award to all of the licensed practitioners at a
34 participating attendance center that has demonstrated
35 improvement in student achievement as provided in this
36 section. The school district is encouraged to extend
37 cash awards to other staff employed at the attendance
38 center.

39 3. The principal, with the participation of a team
40 of licensed practitioners appointed by the principal,
41 at each participating attendance center within a
42 school district shall annually submit district
43 attendance center student performance goals to the
44 school board for approval. The attendance center
45 goals must be aligned with the school improvement
46 goals for the district developed in accordance with
47 section 256.7, subsection 21. The district shall
48 determine the designation of an attendance center for
49 purposes of this section. The attendance center
50 student performance goals may differ from attendance

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1 center to attendance center and may contain goals and
2 indicators in addition to the comprehensive school
3 improvement plan. An attendance center shall
4 demonstrate student achievement through the use of
5 multiple measures that are valid and reliable.

6 4. Each participating district shall create its
7 own design for a team-based pay plan linked to the
8 district's comprehensive school improvement plan. The
9 plan must include attendance center student
10 performance goals, student performance levels,

11 multiple indicators to determine progress toward
12 attendance center goals, and a system for providing
13 financial rewards. The team-based pay plan shall be
14 approved by the local board.

15 5. Each district team-based pay plan shall be
16 reviewed by the department. The department shall
17 include a review of the locally established goals,
18 targeted levels of improvement, assessment strategies,
19 and financial reward system.

20 6. A district electing to initiate a team-based
21 variable pay plan according to this section during the
22 school year beginning July 1, 2001, shall notify the
23 department of its election in writing no later than
24 August 1, 2001. The department shall certify the
25 school district plan by October 1, 2001.

26 7. A team-based performance award program fund is
27 established in the state treasury under the control of
28 the department. The district team-based pay plan
29 shall specify how the funding received by the district
30 for purposes of this section is to be awarded to
31 eligible staff in attendance centers that meet or
32 exceed their goals. The district shall provide all
33 attendance centers equal access to the available
34 funds. Moneys shall be released by the department to
35 the district only upon certification by the school
36 board that an attendance center has met or exceeded
37 its goals.

38 8. Moneys received for purposes of this section
39 shall not be used for payment of any collective
40 bargaining agreement or arbitrator's decision
41 negotiated or awarded under chapter 20.

42 Sec. 14. NEW SECTION. 284.12 REPORT.

43 1. The department shall annually report the
44 statewide progress on the following:

- 45 a. Students achievement scores in mathematics and
46 reading at the fourth and eighth grade levels on a
47 district-by-district basis.
- 48 b. Improvement in teacher compensation.
- 49 c. Evaluator training program.
- 50 d. Team-based variable pay for student

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1 achievement.

2 e. Changes and improvements in the evaluation of
3 teachers under the Iowa teaching standards.

4 2. The report shall be made available to the
5 chairpersons and ranking members of the senate and
6 house committees on education, the state board, the
7 governor, and school districts by January 1. School
8 districts shall provide information as required by the
9 department for the compilation of the report and for

10 accounting and auditing purposes.

11 3. Subject to an appropriation of sufficient funds
12 by the general assembly, the department shall provide
13 for a comprehensive independent evaluation of all
14 components of the student achievement and teacher
15 quality program and shall submit the results of the
16 evaluation in the report submitted pursuant to
17 subsection 2 on January 1, 2007.

18 4. In developing administrative rules for
19 consideration by the state board, the department shall
20 consult with persons representing teachers,
21 administrators, school boards, approved practitioner
22 preparation institutions, and other appropriate
23 education stakeholders.

24 Sec. 15. NEW SECTION. 284.13 STATE PROGRAM
25 ALLOCATION.

26 1. For each fiscal year in which moneys are
27 appropriated by the general assembly for purposes of
28 the student achievement and teacher quality program,
29 the moneys shall be allocated as follows:

30 a. For the fiscal year beginning July 1, 2001, and
31 ending June 30, 2002, the department shall reserve up
32 to one million dollars of any moneys appropriated for
33 purposes of this chapter. For each fiscal year in
34 which moneys are appropriated by the general assembly
35 for purposes of team-based variable pay pursuant to
36 section 284.11, the amount of moneys allocated to
37 school districts shall be in the proportion that the
38 basic enrollment of a school district bears to the sum
39 of the basic enrollments of all participating school
40 districts for the budget year. However, the per pupil
41 amount distributed to a school district shall not
42 exceed one hundred dollars.

43 b. For the fiscal year beginning July 1, 2001, and
44 ending June 30, 2002, to the department of education,
45 the amount of one million nine hundred thousand
46 dollars for the issuance of national board
47 certification awards in accordance with section
48 256.44.

49 c. For the fiscal year beginning July 1, 2001, and
50 ending June 30, 2002, an amount up to two million four

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1 hundred thousand dollars for first-year beginning
2 teachers, and for the fiscal year beginning July 1,
3 2002, and succeeding fiscal years, an amount up to
4 four million seven hundred thousand dollars for first-
5 year and second-year beginning teachers, to the
6 department of education for distribution to school
7 districts for purposes of the beginning teacher
8 mentoring and induction programs. A school district

9 shall receive one thousand three hundred dollars per
10 beginning teacher participating in the program. If
11 the funds appropriated for the program are
12 insufficient to pay mentors and school districts as
13 provided in this paragraph, the department shall
14 prorate the amount distributed to school districts
15 based upon the amount appropriated. Moneys received
16 by a school district pursuant to this paragraph shall
17 be expended to provide each mentor with an award of
18 five hundred dollars per semester, at a minimum, for
19 participation in the school district's beginning
20 teacher mentoring and induction program; to implement
21 the plan; and to pay any applicable costs of the
22 employer's share of contributions to federal social
23 security and the Iowa public employees' retirement
24 system or a pension and annuity retirement system
25 established under chapter 294, for such amounts paid
26 by the district.

27 d. For the fiscal year beginning July 1, 2001, and
28 ending June 30, 2002, up to one million five hundred
29 thousand dollars to the department of education for
30 purposes of establishing the evaluator training
31 program, including but not limited to the development
32 of criteria models; an evaluation process; the
33 training of providers; development of a provider
34 approval process; training materials and costs; for
35 payment to practitioners under section 284.10,
36 subsection 3, and to pay any applicable costs of the
37 employer's share of contributions to federal social
38 security and the Iowa public employees' retirement
39 system or a pension and annuity retirement system
40 established under chapter 294, for such amounts paid
41 by the district; and for subsidies to school districts
42 for training costs.

43 e. For the fiscal year beginning July 1, 2001, and
44 ending June 30, 2002, up to one million five hundred
45 thousand dollars to the department of education for
46 purposes of implementing the career development
47 program requirements of section 284.6, and the review
48 panel requirements of section 284.9.

49 f. For the fiscal year beginning July 1, 2001, and
50 ending June 30, 2002, the amount of moneys remaining

Page 16

1 from funds appropriated for purposes of this chapter
2 after distribution as provided in paragraphs "a"
3 through "e" and "g" shall be allocated to school
4 districts in accordance with the following formula:
5 (1) Fifty percent of the allocation shall be in
6 the proportion that the basic enrollment of a school
7 district bears to the sum of the basic enrollments of

8 all school districts in the state for the budget year.

9 (2) Fifty percent of the allocation shall be based
10 upon the proportion that the number of full-time
11 equivalent teachers employed by a school district
12 bears to the sum of the number of full-time equivalent
13 teachers who are employed by all school districts in
14 the state for the base year.

15 g. From moneys available under paragraph "f", the
16 department shall allocate to area education agencies
17 an amount per classroom teacher employed by an area
18 education agency that is approximately equivalent to
19 the average per teacher amount allocated to the
20 districts. The average per teacher amount shall be
21 calculated by dividing the total number of classroom
22 teachers employed by school districts and the
23 classroom teachers employed by area education agencies
24 into the total amount of moneys available under
25 subsection 3.

26 2. A school district that is unable to meet the
27 provisions of section 284.7, subsection 1, with funds
28 allocated pursuant to subsection 1, paragraph "f", may
29 request a waiver from the department to use funds
30 appropriated under chapter 256D to meet the provisions
31 of section 284.7, subsection 1, if the difference
32 between the funds allocated to the school district
33 pursuant to subsection 1, paragraph "f", and the
34 amount required to comply with section 284.7,
35 subsection 1, is not less than ten thousand dollars.
36 The department shall consider the average class size
37 of the school district, the school district's actual
38 unspent balance from the preceding year, and the
39 school district's current financial position.

40 3. If a school district does not choose to
41 participate in the student achievement and teacher
42 quality program during the school year beginning July
43 1, 2001, the amount of moneys to be allocated to the
44 school district pursuant to subsection 1, paragraph
45 "f", shall be held for the school district by the
46 department until June 30, 2003, or until the school
47 district participates in the program, whichever occurs
48 earlier. Notwithstanding section 8.33, unencumbered
49 or unobligated funds remaining on June 30, 2002, shall
50 not revert but shall be available for expenditure for

Page 17

1 the following fiscal year for the purposes of this
2 chapter.

3 4. Moneys received by a school district under this
4 chapter are miscellaneous income for purposes of
5 chapter 257 or are considered encumbered. A school
6 district shall maintain a separate listing within its

7 budget for payments received and expenditures made
8 pursuant to this section.

9 Sec. 16. Section 256.9, Code 2001, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 51. Develop models of core
12 knowledge and skill criteria, based upon the Iowa
13 teaching standards, for the evaluation, the
14 advancement, and for teacher career development
15 purposes pursuant to chapter 284. The model criteria
16 shall further define the characteristics of quality
17 teaching as established by the Iowa teaching
18 standards.

19 Sec. 17. Section 272.2, subsection 1, Code 2001,
20 is amended to read as follows:

21 1. a. License practitioners, who do not hold or
22 receive a license from another professional licensing
23 board, ~~and professional development programs, except~~
24 ~~for programs developed and offered by practitioner~~
25 ~~preparation institutions or area education agencies~~
26 ~~and approved by the state board of education.~~

27 Licensing authority includes the authority to
28 establish criteria for the licenses, ~~including but not~~
29 ~~limited to, establish~~ issuance and renewal
30 requirements, ~~creation of create~~ application and
31 renewal forms, ~~creation of create~~ licenses that
32 authorize different instructional functions or
33 specialties, ~~development of develop~~ a code of
34 professional rights and responsibilities, practice,
35 and ethics, and ~~the authority to~~ develop any other
36 classifications, distinctions, and procedures which
37 may be necessary to exercise licensing duties. A code
38 of professional rights and responsibilities, practice,
39 and ethics shall address but not be limited to the
40 habitual failure of a practitioner to fulfill
41 contractual obligations under section 279.13.

42 b. Notwithstanding section 272.28, subsection 1, a
43 teacher shall be licensed in accordance with rules
44 adopted pursuant to chapter 272, Code 2001, if the
45 teacher successfully completes a beginning teacher
46 mentoring program approved pursuant to chapter 256E on
47 or before June 30, 2002, or is employed by a school
48 district that does not offer a beginning teacher
49 mentoring and induction program approved in accordance
50 with this chapter during the school year beginning

Page 18

1 July 1, 2001.

2 c. Notwithstanding section 272.28, subsection 1, a
3 teacher shall receive an educational license if the
4 teacher meets the licensing requirements of this
5 chapter and, prior to July 1, 2003, successfully

6 completes a two-year beginning teacher mentoring and
 7 induction program approved pursuant to this chapter.
 8 Sec. 18. NEW SECTION. 272.28 MENTORING AND
 9 INDUCTION REQUIREMENT.

10 1. Effective July 1, 2003, requirements for
 11 teacher licensure beyond a provisional license shall
 12 include successful completion of a beginning teacher
 13 mentoring and induction program approved by the state
 14 board of education.

15 2. A teacher from an accredited nonpublic school
 16 or another state or country is exempt from the
 17 requirement of subsection 1 if the teacher can
 18 document three years of successful teaching experience
 19 within the past five years and meet or exceed the
 20 requirements contained in rules adopted under this
 21 chapter for endorsement and licensure.

22 Sec. 19. Section 279.19, unnumbered paragraphs 1
 23 and 2, Code 2001, are amended to read as follows:

24 The first ~~three~~ two consecutive years of employment
 25 of a teacher in the same school district are a
 26 probationary period. However, if the teacher has
 27 successfully completed a probationary period of
 28 employment for another school district located in
 29 Iowa, the probationary period in the current district
 30 of employment shall not exceed one year. A board of
 31 directors may waive the probationary period for any
 32 teacher who previously has served a probationary
 33 period in another school district and the board may
 34 extend the probationary period for an additional year
 35 with the consent of the teacher.

36 Notwithstanding the two-year probationary period
 37 otherwise provided for in this section, if a school
 38 district offers a beginning teacher a third year of a
 39 beginning teacher mentoring and induction program, and
 40 the teacher accepts the school district's offer, the
 41 teacher's probationary period shall continue through
 42 the teacher's third year of employment.

43 In the case of the termination of a probationary
 44 teacher's contract, the provisions of sections 279.15
 45 and 279.16 shall apply.

46 Sec. 20. Chapter 256E, Code 2001, is repealed.

47 Sec. 21. Section 272.33, Code 2001, is repealed
 48 effective July 1, 2002.

49 Sec. 22. STATE MANDATE FUNDING SPECIFIED. In
 50 accordance with section 25B.2, subsection 3, the state

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1 cost of requiring compliance with any state mandate
 2 included in this Act shall be paid by a school
 3 district from state school foundation aid received by
 4 the school district under section 257.16. This

5 specification of the payment of the state cost shall
6 be deemed to meet all the state funding-related
7 requirements of section 25B.2, subsection 3, and no
8 additional state funding shall be necessary for the
9 full implementation of this Act by and enforcement of
10 this Act against all affected school districts.

11 Sec. 23. LEGISLATIVE IMPLEMENTATION COMMITTEE.

12 The legislative council is requested to establish a
13 two-year legislative implementation committee to study
14 and make recommendations regarding the implementation
15 of chapter 284, as enacted by this Act, including, but
16 not limited to, valid, reliable measures that school
17 districts can use to determine growth in student
18 achievement and performance on locally determined
19 indicators; development of a process to review
20 district level and building level student achievement
21 goals and goal-setting; the appropriate level of
22 funding for team-based variable pay; and an ongoing
23 evaluation to determine the effectiveness of the
24 student achievement and teacher quality program. The
25 committee shall recommend a team-based variable pay
26 plan model and a timeline for implementation of the
27 plan. The legislative council is also requested to
28 authorize up to \$25,000 for the expenses of the
29 committee. The committee shall monitor the progress
30 of team-based variable pay pilot programs.

31 The committee shall submit preliminary
32 recommendations to the general assembly by December
33 15, 2001, and shall make its final recommendations to
34 the general assembly by December 15, 2002.

35 The committee shall be composed of eleven members
36 and shall include the following:

37 1. Three members appointed by the president of the
38 senate after consultation with the majority leader of
39 the senate and the minority leader of the senate.

40 2. Three members appointed by the speaker of the
41 house of representatives after consultation with the
42 majority and minority leaders of the house of
43 representatives.

44 3. The director of the department of education or
45 the director's designee.

46 4. One member who shall be appointed by the Iowa
47 association of school boards.

48 5. One member who shall be appointed by the school
49 administrators of Iowa.

50 6. One member who shall be appointed by the Iowa

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1 state education association.

2 7. One member who shall be appointed by the

3 governor to represent the office of the governor.

4 It is the intent of the general assembly that the
 5 legislative implementation committee oversee the
 6 implementation of the policies established pursuant to
 7 this Act."
 8 2. Title page, line 2, by inserting after the
 9 word "program" the following: "and making an
 10 appropriation"."

MIKE CONNOLLY
 PATRICK J. DELUHERY
 TOM FLYNN
 MARK SHEARER
 JOHN P. KIBBIE
 JACK HOLVECK
 ROBERT E. DVORSKY
 BETTY A. SOUKUP

S-3592

HOUSE AMENDMENT TO
 SENATE FILE 528

1 Amend Senate File 528, as passed by the Senate, as
 2 follows:

3 1. Page 5, by inserting after line 23 the
 4 following:

5 "Sec. ____ There is appropriated from the road use
 6 tax fund to the department of general services for the
 7 fiscal year beginning July 1, 2001, and ending June
 8 30, 2002, the following amount, or so much thereof as
 9 is necessary, to be used for the purpose designated:

10 For planning and design of a state institutional
 11 road that shall be an extension of Twelfth street
 12 south of Court avenue, adjacent to the new judicial
 13 building in Des Moines:

14\$ 34,000

15 Notwithstanding section 8.33, moneys appropriated
 16 in this section that remain unencumbered or
 17 unobligated at the close of the fiscal year shall not
 18 revert but shall remain available for expenditure for
 19 the purpose designated until the close of the fiscal
 20 year that begins July 1, 2004.

21 For purposes of this section, a "state
 22 institutional road" is part of the state park, state
 23 institution, and other state land road system, as
 24 defined in section 306.3."

25 2. Title page, line 3, by inserting after the
 26 word "transportation" the following: "and the
 27 department of general services".

28 3. By renumbering as necessary.

S-3593

1 Amend House File 732, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 63, by inserting after line 35 the
4 following:

5 "Sec. ____ Section 426B.2, subsection 3, Code
6 2001, is amended to read as follows:

7 3. The director of human services shall draw
8 warrants on the property tax relief fund, payable to
9 the county treasurer in the amount due to a county in
10 accordance with subsection 1 and mail the warrants to
11 the county auditors in ~~September~~ July and ~~March~~
12 January of each year."

13 2. Page 64, by striking lines 20 through 28 and
14 inserting the following:

15 "Sec. 101. 2000 Iowa Acts, chapter 1232, section
16 1, is amended to read as follows:

17 SECTION 1. COUNTY MENTAL HEALTH, MENTAL
18 RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED
19 GROWTH FACTOR ADJUSTMENT ~~AND ALLOCATIONS~~. 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, 2001, and ending June 30, 2002, the
23 following amount, or so much thereof as is necessary,
24 to be used for the purpose designated:

25 For distribution to counties of the county mental
26 health, mental retardation, and developmental
27 disabilities allowed growth factor adjustment, ~~in~~
28 ~~accordance with section 331.438, subsection 2, and~~
29 ~~section 331.439, subsection 3, and chapter 426B in~~
30 accordance with law:

| | | |
|----------|----|-------------------|
| 31 | \$ | 26,492,712 |
| 32 | | <u>24,887,428</u> |

33 The funding appropriated in this section is the
34 allowed growth factor adjustment for fiscal year 2001-
35 2002, and is allocated as follows:

| | | |
|--|----|------------|
| 36 1. For distribution to counties for fiscal year 37 2001-2002 in accordance with the formula in section 38 331.438, subsection 2, paragraph "b": 39 | \$ | 12,000,000 |
|--|----|------------|

| | | |
|---|----|-------------------|
| 40 2. For deposit in the per capita expenditure 41 target pool created in the property tax relief fund 42 pursuant to section 426B.5, subsection 1: 43 | \$ | <u>10,492,712</u> |
| 44 | | <u>12,492,712</u> |

45 ~~In addition to the requirement of section 426B.5,~~
46 ~~subsection 1, paragraph "c", limiting eligibility for~~
47 ~~moneys appropriated in this paragraph to counties~~
48 ~~levying the maximum amount allowed, both of the~~
49 ~~following eligibility requirements are applicable:~~

50 a. ~~In the fiscal year beginning July 1, 2000, the~~

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1 county's services fund ending balance under generally
2 accepted accounting principles was equal to or less
3 than 35 percent of the county's projected expenditures
4 for that fiscal year.

5 ~~b. The county is in compliance with the filing
6 date requirements under section 331.403.~~

7 ~~3. For deposit in the incentive and efficiency
8 pool created in the property tax relief fund pursuant
9 to section 426B.5, subsection 2:~~

10 \$ -2,000,000

11 ~~4. 3. For deposit in the risk pool created in the
12 property tax relief fund pursuant to section 426B.5,
13 subsection 3:~~

14\$ 2,000,000

15 394,716

16 Sec. __. COUNTY MENTAL HEALTH, MENTAL
17 RETARDATION, AND DEVELOPMENTAL DISABILITIES (MH/MR/DD)
18 ALLOWED GROWTH FACTOR ADJUSTMENT AND ALLOCATIONS --
19 REVISED ALLOCATIONS FOR FY 2001-2002.

20 1. Notwithstanding any contrary provisions of
21 sections 225C.7, 331.438, subsection 2, 331.439,
22 subsection 3, and 426B.5, and 2000 Iowa Acts, chapter
23 1232, section 1, as amended by this Act, the moneys
24 appropriated in this Act, for distribution to counties
25 in the fiscal year beginning July 1, 2001, for
26 purposes of the mental health and developmental
27 disabilities (MH/DD) community services fund under
28 section 225C.7, and for the allowed growth factor
29 adjustment for services paid under a county's section
30 331.424A mental health, mental retardation, and
31 developmental disabilities services fund shall be
32 subject to withholding as provided in this section.

33 2. After applying the applicable statutory
34 distribution formulas to the amounts specified in the
35 appropriations made in this Act for the MH/DD
36 community services fund and for allowed growth in
37 section 101, as amended by this Act, the department of
38 human services shall apply a withholding factor to
39 adjust the actual amount of the funding to be
40 distributed to an eligible individual county. An
41 ending balance percentage for each county shall be
42 determined by calculating the county's ending balance
43 on a modified accrual basis under generally accepted
44 accounting principles for the fiscal year beginning
45 July 1, 2000, in the county's mental health, mental
46 retardation, and developmental disabilities services
47 fund created under section 331.424A, as a percentage
48 of the county's gross expenditures from that fund for
49 the fiscal year. The withholding factor for a county
50 shall be the following applicable percent:

Page 3

- 1 a. For an ending balance percentage of less than
 2 15 percent, a withholding factor of 0 percent.
- 3 b. For an ending balance percentage of 15 through
 4 24 percent, a withholding factor of 12.8 percent.
- 5 c. For an ending balance percentage of 25 through
 6 34 percent, a withholding factor of 35 percent.
- 7 d. For an ending balance percentage of 35 through
 8 44 percent, a withholding factor of 67.25 percent.
- 9 e. For an ending balance percentage of 45 percent
 10 or more, a withholding factor of 100 percent.
- 11 3. The total withholding amounts applied pursuant
 12 to subsection 2 shall be equal to a withholding target
 13 amount of \$15,554,307 and the appropriations made in
 14 this Act for the MH/DD community services fund and for
 15 MH/MR/DD allowed growth as amended in section 101 of
 16 this Act, shall each be reduced by 50 percent of the
 17 withholding target amount. If the department of human
 18 services determines that the amount to be withheld in
 19 accordance with subsection 2 is not equal to the
 20 target withholding amount, the department shall adjust
 21 the ending balance percentage ranges listed in
 22 subsection 2, as necessary to achieve the withholding
 23 target amount.
- 24 4. Only those counties that are in compliance with
 25 the December 1, 2001, filing deadline for the county
 26 annual financial report in accordance with section
 27 331.403 are eligible to receive a funding distribution
 28 under this section. The amount that would otherwise
 29 be available for distribution to a county that fails
 30 to so comply shall be proportionately distributed
 31 among the eligible counties.
- 32 5. The department of human services shall
 33 authorize the issuance of warrants payable to the
 34 county treasurer for the distribution amounts due to
 35 the counties eligible under this section and
 36 notwithstanding prior practice for the MH/DD community
 37 services fund, the warrants shall be issued in January
 38 2002."
- 39 3. By renumbering as necessary.

KEN VEENSTRA

S-3594

- 1 Amend the amendment, S-3587 to House File 732, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
- 4 1. Page 1, by striking lines 13 through 34, and
 5 inserting the following: "following amount or so much
 6 thereof as is necessary for transfer to the department

7 of human rights to be used for the low-income home
 8 energy assistance program:
 9\$ 987,181"

ROBERT E. DVORSKY

S-3595

1 Amend the amendment, S-3583, to Senate File 476, as
 2 follows:
 3 1. Page 12, by striking lines 31 through 36 and
 4 inserting the following: "implement team-based
 5 variable pay."

BILL FINK

S-3596

1 Amend the amendment, S-3583, to Senate File 476, as
 2 follows:
 3 1. Page 8, by striking lines 29 through 32.
 4 2. Page 8, by striking lines 44 through 46, and
 5 inserting the following: "the minimum career teacher
 6 salary. The department shall make".
 7 3. By striking page 10, line 16 through page 11,
 8 line 10.
 9 4. By renumbering as necessary.

BILL FINK

S-3597

1 Amend the amendment, S-3583, to Senate File 476, as
 2 follows:
 3 1. Page 8, line 27, by inserting after the word
 4 "who" the following: "holds a permanent professional
 5 license or who otherwise".

PATRICIA HARPER

S-3598

1 Amend the amendment, S-3306, to House File 637, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. By striking page 1, line 3 through page 2,
 5 line 11.
 6 2. Page 2, by inserting after line 14 the
 7 following:
 8 "____. Page 7, by inserting after line 15 the
 9 following:

10 " _____. The commission of libraries shall adopt
 11 rules providing for the coordination of appointments
 12 made to the board of trustees in accordance with this
 13 section.""

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

16 " _____. Page 16, by striking lines 12 through 18
 17 and inserting the following:

18 "Sec. _____. REGIONAL LIBRARY TERM EXPIRATION DATE.

19 Notwithstanding any provision to the contrary, the
 20 terms of the regional library trustees elected in a
 21 general election shall expire on July 1, 2001.""

22 4. By renumbering as necessary.

KITTY REHBERG

S-3599

1 Amend House File 697, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 2, line 12, by striking the word "eleven"
 4 and inserting the following: "twelve".

5 2. Page 2, line 14, by striking the word "member"
 6 and inserting the following: "members".

7 3. Page 2, line 15, by striking the words and
 8 letter "paragraph "f", the eleven" and inserting the
 9 following: "paragraphs "f" and "h", the twelve".

10 4. Page 2, line 16, by striking the word "eleven"
 11 and inserting the following: "twelve".

12 5. Page 2, by inserting after line 32 the
 13 following:

14 "h. One representative designated by the Iowa
 15 association of independent colleges."

MARY LOU FREEMAN

S-3600

1 Amend House File 349, 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. 500. Section 15E.193B, subsection 6,
 6 paragraph b, Code 2001, is amended to read as follows:

7 b. Sales, services, and use tax refund for taxes
 8 paid by an eligible business including an eligible
 9 business acting as a contractor or subcontractor, as
 10 provided in section 15.331A."

11 2. Page 12, by striking line 5, and inserting the
 12 following:

13 "Sec. _____. RETROACTIVE APPLICABILITY.

- 14 1. Section 500 of this Act, being deemed of
 15 immediate importance, takes effect upon enactment and
 16 is retroactively applicable to July 1, 1998.
 17 2. With the exception of section 500 of this Act,
 18 this Act is".
 19 3. Title page, lines 1 and 2, by striking the
 20 words "a retroactive applicability date" and inserting
 21 the following: "effective date and retroactive
 22 applicability date provisions".
 23 4. By renumbering as necessary.

SANDRA GREINER
 STEVE KING

S-3601

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 726

- 1 Amend the Senate amendment, H-1763, to House File
 2 726, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 7, by striking the figure
 5 "823.85" and inserting the following: "845.00".

S-3602

- 1 Amend the House amendment, S-3571, to Senate File
 2 499, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting before line 3, the
 5 following:
 6 "____. Page 1, by inserting before line 1, the
 7 following:
 8 "Section 1. Section 321.236, subsection 1,
 9 paragraph a, Code 2001, is amended to read as follows:
 10 a. May be charged and collected upon a simple
 11 notice of a fine payable to the city clerk or clerk of
 12 the district court, if authorized by ordinance. The
 13 fine shall not exceed five dollars ~~except per~~
 14 violation. The same parking violation shall not be
 15 issued more than once per hour. Four separate
 16 violations may be issued per violator on one simple
 17 notice at the same location in a twenty-four-hour
 18 period for overtime parking at a metered parking
 19 location. If separate violations are issued in a
 20 twenty-four-hour period the aggregate fine amount
 21 shall not exceed twenty dollars per violator. The
 22 fine for a snow route parking violations in which case
 23 the fine violation shall not exceed twenty-five

24 dollars. The fine for a parking violation or for a
 25 snow route violation may be increased up to ~~ten~~ five
 26 dollars in excess of the fine for each violation if
 27 the ~~parking~~ violation is not paid within thirty days
 28 of the date upon which the violation occurred, if
 29 authorized by ordinance. Violations of section
 30 321L.4, subsection 2, may be charged and collected
 31 upon a simple notice of a one hundred dollar fine
 32 payable to the city clerk or clerk of the district
 33 court, if authorized by ordinance. No costs or other
 34 charges shall be assessed. All fines collected by a
 35 city pursuant to this paragraph shall be retained by
 36 the city and all fines collected by a county pursuant
 37 to this paragraph shall be retained by the county."'''

38 2. Page 1, by inserting after line 4, the
 39 following:

40 " _____. Page 1, line 25, by striking the word
 41 "dollars." and inserting the following: "dollars per
 42 violation. Four separate violations may be issued per
 43 violator on one citation at the same location in a
 44 twenty-four-hour period. If separate violations are
 45 issued in a twenty-four-hour period the aggregate fine
 46 amount shall not exceed twenty dollars per violator."

47 _____. Page 1, line 26, by striking the words
 48 "increases in an amount" and inserting the following:
 49 "may be increased"."

50 3. Page 1, by inserting after line 6, the

Page 2

1 following:

2 "_____. Page 1, line 26, by striking the word
 3 "dollars," and inserting the following: "dollars of
 4 the fine or aggregate fine amount,""

5 4. Page 1, by inserting after line 8, the
 6 following:

7 "_____. Page 1, line 32, by striking the word
 8 "dollars." and inserting the following: "dollars or
 9 if separate violations were issued the scheduled fine
 10 shall be the aggregate fine amount which shall not
 11 exceed twenty dollars."'''

O. GENE MADDOX
 MICHAEL E. GRONSTAL

S-3603

HOUSE AMENDMENT TO
 SENATE FILE 516

1 Amend Senate File 516, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 10, by striking the word
4 "RETROACTIVE".
- 5 2. Page 1, by striking lines 19 and 20, and
6 inserting the following: "applies to tax years
7 beginning on or after January 1, 2002."
- 8 3. Title page, line 4, by striking the word
9 "retroactive".

S-3604

- 1 Amend the amendment, S-3583, to Senate File 476, as
2 follows:
- 3 1. Page 1, line 38, by striking the words "or
4 conditional".
- 5 2. Page 3, line 4, by inserting after the word
6 "students" the following: ", including the use of
7 technology for curriculum integration".
- 8 3. Page 3, line 19, by striking the word "models"
9 and inserting the following: "the model".
- 10 4. Page 3, line 27, by inserting after the word
11 "agreement" the following: "annually".
- 12 5. Page 3, line 28, by striking the figure
13 "2003,".
- 14 6. Page 3, by striking lines 29 through 31 and
15 inserting the following: "school district's
16 criteria."
- 17 7. Page 3, line 50, by inserting after the word
18 "needs" the following: ", including the integration
19 of technology into curriculum development,".
- 20 8. Page 9, line 15, by inserting after the word
21 "increase" the following: "other than a cost of
22 living increase".
- 23 9. Page 9, line 27, by inserting after the word
24 "REQUIREMENTS" the following: "FOR CAREER, CAREER II,
25 AND ADVANCED TEACHERS".
- 26 10. Page 9, line 34, by striking the word "may"
27 and inserting the following: "should".
- 28 11. Page 9, line 46, by striking the words ", and
29 should" and inserting the following: "; should".
- 30 12. Page 9, line 48, by inserting after the word
31 "students" the following: "; and may include video
32 portfolios as evidence of teaching practices".
- 33 13. Page 10, by inserting after line 15, the
34 following:
35 "4. This section applies only to career, career
36 II, and advanced teachers."
- 37 14. Page 11, line 47, by striking the words "an
38 administrator" and inserting the following: "a
39 practitioner".
- 40 15. Page 12, by striking lines 37 and 38 and
41 inserting the following:
42 "2. All licensed practitioners at a".

43 16. Page 12, line 41, by inserting after the word
 44 "section" the following: "shall share in cash awards
 45 provided in accordance with this section".
 46 17. Page 13, by inserting after line 1 the
 47 following:
 48 "____. The department shall annually report to the
 49 legislative education accountability and oversight
 50 committee the student achievement scores in

Page 2

1 mathematics and reading at the fourth and eighth grade
 2 levels on a district-by-district basis, as reported to
 3 the local communities in accordance with section
 4 256.7, subsection 21, paragraph "c".
 5 18. Page 13, by striking lines 5 through 7.
 6 19. Page 13, line 43, by striking the word "and".
 7 20. Page 13, line 44, by inserting after the word
 8 "stakeholders" the following: ", and the legislative
 9 education accountability and oversight committee".
 10 21. Page 17, by inserting after line 43, the
 11 following:
 12 "3. A teacher licensed pursuant to section 272.2,
 13 subsection 13, paragraph "b", who meets the
 14 requirements of section 272.2, subsection 13,
 15 paragraph "c", is exempt from the requirement of
 16 subsection 1."
 17 22. Page 19, line 17, by striking the word
 18 "IMPLEMENTATION" and inserting the following:
 19 "EDUCATION ACCOUNTABILITY".
 20 23. Page 19, line 19, by striking the word
 21 "implementation" and inserting the following:
 22 "education accountability".
 23 24. Page 19, line 25, by striking the word
 24 "establish" and inserting the following: "recommend".
 25 25. Page 20, by striking lines 23 and 24, and
 26 inserting the following: "legislative education
 27 accountability and oversight committee oversee the
 28 policies established pursuant to".
 29 26. By renumbering, redesignating, and correcting
 30 internal references as necessary.

MARY E. KRAMER

S-3605

1 Amend House File 742, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 15, by inserting after line 35, the
 4 following:
 5 "Sec. _____. Section 8.57, subsection 5, paragraph
 6 e, Code 2001, is amended to read as follows:

7 e. Notwithstanding provisions to the contrary in
8 sections 99D.17 and 99F.11, for the fiscal year
9 beginning July 1, 2000, and for each fiscal year
10 thereafter, not more than a total of sixty million
11 dollars shall be deposited in the general fund of the
12 state in any fiscal year pursuant to sections 99D.17
13 and 99F.11. The next fifteen million dollars of the
14 moneys directed to be deposited in the general fund of
15 the state in a fiscal year pursuant to sections 99D.17
16 and 99F.11 shall be deposited in the vision Iowa fund
17 created in section 12.72 for the fiscal year beginning
18 July 1, 2000, and for each fiscal year through the
19 fiscal year beginning July 1, 2019. The next five
20 million dollars of the moneys directed to be deposited
21 in the general fund of the state in a fiscal year
22 pursuant to sections 99D.17 and 99F.11 shall be
23 deposited in the school infrastructure fund created in
24 section 12.82 for the fiscal year beginning July 1,
25 2000, and for each fiscal year thereafter until the
26 principal and interest on all bonds issued by the
27 treasurer of state pursuant to section 12.81 are paid,
28 as determined by the treasurer of state. Once the
29 deposits in the general fund of the state and the
30 vision Iowa and school infrastructure funds are made,
31 an amount sufficient to pay any amounts due during a
32 fiscal year on bonds issued for construction of a
33 multipurpose laboratory facility pursuant to sections
34 12.29 and 12.29A, together with any interest due on
35 the bonds during the fiscal year, shall be deposited
36 in the multipurpose laboratory facility construction
37 fund established in section 12.29A from the moneys
38 directed to be deposited in the general fund of the
39 state during the fiscal year pursuant to sections
40 99D.17 and 99F.11. The total moneys in excess of the
41 moneys deposited in the general fund of the state, the
42 vision Iowa fund, ~~and~~ the school infrastructure fund,
43 ~~and the multipurpose laboratory facility construction~~
44 ~~fund,~~ in a fiscal year shall be deposited in the
45 rebuild Iowa infrastructure fund and shall be used as
46 provided in this section, notwithstanding section
47 8.60.

48 Sec. ____ **NEW SECTION. 12.29 BONDING POWERS --**
49 **STATE AGENCY PURCHASE OF REAL OR PERSONAL PROPERTY.**
50 1. The treasurer of state may issue bonds for the

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1 purchase of real or personal property for use by a
2 state agency if a constitutional majority of each
3 house of the general assembly authorizes, and the
4 governor approves, the treasurer of state to issue
5 such bonds. The treasurer of state shall have all of

6 the powers necessary to issue and secure bonds for the
7 purposes set forth in this section. The treasurer of
8 state may issue bonds in principal amounts that are
9 necessary to provide sufficient funds for the purposes
10 authorized by the general assembly and the governor,
11 the payment of interest on the bonds, the
12 establishment of reserves to secure the bonds, the
13 costs of issuance of the bonds, other expenditures of
14 the treasurer of state incident to and necessary or
15 convenient to carry out the bond issue for the
16 authorized purchase of real or personal property. The
17 bonds are investment securities and negotiable
18 instruments within the meaning of and for purposes of
19 the uniform commercial code.

20 2. Bonds issued under this section are payable
21 solely and only out of moneys deposited in a special
22 fund established by the general assembly and
23 authorized by the governor and designated for the
24 specific authorized purchase of real or personal
25 property, and any bond reserve funds established for
26 the specific authorized purchase, all of which may be
27 deposited with trustees or depositories in accordance
28 with bond or security documents and pledged by the
29 treasurer to the payment thereof. Bonds issued under
30 this section shall contain on their face a statement
31 that the bonds do not constitute an indebtedness of
32 the state. The treasurer of state shall not pledge
33 the credit or taxing power of this state or any
34 political subdivision of this state or make bonds
35 issued pursuant to this section payable out of any
36 moneys except moneys deposited in a special fund
37 designated for the specific authorized purchase.

38 3. The proceeds of bonds issued by the treasurer
39 of state and not required for immediate disbursement
40 may be deposited with a trustee or depository as
41 provided in the bond documents and invested or
42 reinvested in any investment as directed by the
43 department of general services and specified in the
44 trust indenture, resolution, or other instrument
45 pursuant to which the bonds are issued without regard
46 to any limitation otherwise provided by law.

47 4. The bonds shall be:

48 a. In a form, issued in denominations, executed in
49 a manner, and payable over terms and with rights of
50 redemption, and be subject to such other terms and

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1 conditions as prescribed in the trust indenture,
2 resolution, or other instrument authorizing their
3 issuance.

4 b. Negotiable instruments under the laws of the

5 state and may be sold at prices, at public or private
6 sale, and in a manner, as prescribed by the treasurer
7 of state. Chapters 73A, 74, 74A, and 75 do not apply
8 to the sale or issuance of the bonds.

9 c. Subject to the terms, conditions, and covenants
10 providing for the payment of the principal, redemption
11 premiums, if any, interest, and other terms,
12 conditions, covenants, and protective provisions
13 safeguarding payment, not inconsistent with this
14 section and as determined by the trust indenture,
15 resolution, or other instrument authorizing their
16 issuance.

17 5. The bonds are securities in which public
18 officers and bodies of this state; political
19 subdivisions of this state; insurance companies and
20 associations and other persons carrying on an
21 insurance business; banks, trust companies, savings
22 associations, savings and loan associations, and
23 investment companies; administrators, guardians,
24 executors, trustees, and other fiduciaries; and other
25 persons authorized to invest in bonds or other
26 obligations of the state, may properly and legally
27 invest funds, including capital, in their control or
28 belonging to them.

29 6. Bonds must be authorized by a trust indenture,
30 resolution, or other instrument of the treasurer of
31 state approved by the department of general services.
32 However, a trust indenture, resolution, or other
33 instrument authorizing the issuance of bonds may
34 delegate to an employee of the department of general
35 services the power to negotiate and fix the details of
36 an issue of bonds.

37 7. Neither the resolution or trust agreement, or
38 any other instrument by which a pledge is created
39 needs to be recorded or filed under the Iowa uniform
40 commercial code to be valid, binding, or effective.

41 8. Bonds issued under this section are declared to
42 be issued for a general public and governmental
43 purpose and all bonds issued under this section shall
44 be exempt from taxation by the state of Iowa and the
45 interest on the bonds shall be exempt from the state
46 income tax and the state inheritance and estate tax.

47 9. The treasurer of state may issue bonds for the
48 purpose of refunding any bonds or notes issued
49 pursuant to this section then outstanding, including
50 the payment of any redemption premiums thereon and any

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1 interest accrued or to accrue to the date of
2 redemption of the outstanding bonds or notes. Until
3 the proceeds of bonds issued for the purpose of

4 refunding outstanding bonds or notes are applied to
5 the purchase or retirement of outstanding bonds or
6 notes or the redemption of outstanding bonds or notes,
7 the proceeds may be placed in escrow and be invested
8 and reinvested in accordance with the provisions of
9 this section. The interest, income, and profits
10 earned or realized on an investment may also be
11 applied to the payment of the outstanding bonds or
12 notes to be refunded by purchase, retirement, or
13 redemption. After the terms of the escrow have been
14 fully satisfied and carried out, any balance of
15 proceeds and interest earned or realized on the
16 investments may be returned to the treasurer for
17 deposit in the special fund designated for the
18 specific authorized purchase. All refunding bonds
19 shall be issued and secured and subject to the
20 provisions of this chapter in the same manner and to
21 the same extent as other bonds issued pursuant to this
22 section.

23 Sec. ____ NEW SECTION. 12.29A MULTIPURPOSE
24 LABORATORY FACILITY CONSTRUCTION FUND.

25 1. A multipurpose laboratory facility construction
26 fund is created and established as a separate and
27 distinct fund in the state treasury. The moneys are
28 appropriated to the department of general services for
29 purposes of construction of a multipurpose laboratory
30 facility that will provide space for the use of the
31 state medical examiner, for the laboratories of the
32 department of agriculture and land stewardship and the
33 division of criminal investigation of the department
34 of public safety, and for the board of regents
35 hygienic laboratory. The department may use the funds
36 for purchasing land for construction of the facility,
37 for planning, design, and construction of the
38 facility, and for purchasing laboratory and
39 telecommunications equipment for the facility.

40 2. The treasurer of state shall act as custodian
41 of the fund and disburse moneys contained in the fund
42 as directed by the department of general services,
43 including automatic disbursements of funds received
44 pursuant to the terms of bond indentures and documents
45 and security provisions to trustees. The fund shall
46 be administered by the department which shall make
47 expenditures from the fund for expenses related to the
48 purposes described in subsection 1 without further
49 appropriation.

50 3. Revenue for the multipurpose laboratory

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1 facility construction fund shall include, but is not
2 limited to, the following, which shall be deposited

3 with the treasurer of state or the treasurer's
4 designee, as provided by any bond or security
5 documents and credited to the fund:

6 a. The proceeds of bonds issued to capitalize and
7 pay the costs of the fund and investment earnings on
8 the proceeds.

9 b. Interest attributable to investment of moneys
10 in the fund or on account of the fund.

11 c. Moneys in the form of a devise, gift, bequest,
12 donation, federal or other grant, reimbursement,
13 repayment, judgment, transfer, payment, or
14 appropriation from any source intended to be used for
15 purposes of the fund.

16 4. Moneys in the multipurpose laboratory facility
17 construction fund are not subject to section 8.33.
18 Notwithstanding section 12C.7, subsection 2, interest
19 or earnings on moneys in the fund shall be credited to
20 the fund.

21 5. a. The treasurer of state may create and
22 establish one or more special funds, to be known as
23 "bond reserve funds", to secure one or more issues of
24 bonds or notes issued pursuant to section 12.29. The
25 treasurer of state shall pay into each bond reserve
26 fund any moneys appropriated and made available by the
27 state or the treasurer for the purpose of the fund,
28 any proceeds of sale of notes or bonds to the extent
29 provided in the resolutions authorizing their
30 issuance, and any other moneys which may be available
31 to the treasurer for the purpose of the fund from any
32 other sources. All moneys held in a bond reserve
33 fund, except as otherwise provided in this chapter,
34 shall be used as required solely for the payment of
35 the principal of bonds secured in whole or in part by
36 the fund or of the sinking fund payments with respect
37 to the bonds, the purchase or redemption of the bonds,
38 the payment of interest on the bonds, or the payments
39 of any redemption premium required to be paid when the
40 bonds are redeemed prior to maturity.

41 b. Moneys in a bond reserve fund shall not be
42 withdrawn from it at any time in an amount that will
43 reduce the amount of the fund to less than the bond
44 reserve fund requirement established for the fund, as
45 provided in this subsection, except for the purpose of
46 making, with respect to bonds secured in whole or in
47 part by the fund, payment when due of principal,
48 interest, redemption premiums, and the sinking fund
49 payments with respect to the bonds for the payment of
50 which other moneys of the treasurer are not available.

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1 Any income or interest earned by, or incremental to, a
2 bond reserve fund due to the investment of it may be
3 transferred by the treasurer to other funds or
4 accounts to the extent the transfer does not reduce
5 the amount of that bond reserve fund below the bond
6 reserve fund requirement for it.

7 c. The treasurer of state shall not at any time
8 issue bonds, secured in whole or in part by a bond
9 reserve fund if, upon the issuance of the bonds, the
10 amount in the bond reserve fund will be less than the
11 bond reserve fund requirement for the fund, unless the
12 treasurer at the time of issuance of the bonds
13 deposits in the fund from the proceeds of the bonds
14 issued or from other sources an amount which, together
15 with the amount then in the fund will not be less than
16 the bond reserve fund requirement for the fund. For
17 the purposes of this subsection, the term "bond
18 reserve fund requirement" means, as of any particular
19 date of computation, an amount of money, as provided
20 in the resolutions authorizing the bonds with respect
21 to which the fund is established.

22 d. To assure the continued solvency of any bonds
23 secured by the bond reserve fund, provision is made in
24 paragraph "a" for the accumulation in each bond
25 reserve fund of an amount equal to the bond reserve
26 fund requirement for the fund. In order further to
27 assure maintenance of the bond reserve funds, the
28 treasurer shall, on or before January 1 of each
29 calendar year, make and deliver to the governor the
30 treasurer's certificate stating the sum, if any,
31 required to restore each bond reserve fund to the bond
32 reserve fund requirement for that fund. Within thirty
33 days after the beginning of the session of the general
34 assembly next following the delivery of the
35 certificate, the governor shall submit to both houses
36 printed copies of a budget including the sum, if any,
37 required to restore each bond reserve fund to the bond
38 reserve fund requirement for that fund. Any sums
39 appropriated by the general assembly and paid to the
40 treasurer pursuant to this subsection shall be
41 deposited by the authority in the applicable bond
42 reserve fund.

43 6. Enactment of this section constitutes
44 authorization by the general assembly and approved by
45 the governor, as required under sections 12.29 and
46 18.12A, for the issuance of bonds by the treasurer of
47 state under section 12.29 for the purposes described
48 in this section up to an aggregate principal amount of
49 sixty-two million dollars.

50 Sec. __. NEW SECTION. 12.29B PLEDGES.

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1 It is the intention of the general assembly that a
2 pledge made in respect to bonds or notes shall be
3 valid and binding from the time the pledge is made,
4 that the moneys or property so pledged and received
5 after the pledge by the treasurer of state shall
6 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. Page 16, by inserting before line 8, the
13 following:

14 "Sec. ____ NEW SECTION. 18.12A BONDING FOR STATE
15 AGENCY PURCHASE OF REAL OR PERSONAL PROPERTY.

16 If a constitutional majority of each house of the
17 general assembly authorizes, and the governor
18 approves, the treasurer of state to issue bonds for
19 the purchase of real or personal property for use by a
20 state agency as provided in section 12.29, the
21 department shall cooperate with the treasurer of state
22 in issuing the bonds and providing the information
23 necessary to complete the issuance of the bonds."

24 3. Title page, line 16, by inserting after the
25 word "changes," the following: "providing bonding
26 authority to the treasurer of state for certain state
27 projects and making a standing appropriation for
28 payment of such bonds on a specific project,".

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

MIKE CONNOLLY

S-3606

1 Amend House File 742, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 10, line 17, by striking the figure
4 "850,000" and inserting the following: "350,000".

5 2. Page 11, by inserting after line 32, the
6 following:

7 "____. For deposit in the agrichemical remediation
8 fund as created in section 161.7 and appropriated
9 exclusively to support agrichemical remediation as
10 provided in chapter 161:

11\$ 500,000"

12 3. By renumbering as necessary.

MARY A. LUNDBY

S-3607

1 Amend House File 742, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 14, by striking line 29, and inserting
 4 the following:
 5 "Sec. ____ REVERSION.
 6 1. Except as provided in subsection 2, and
 7 notwithstanding section 8.33, moneys".
 8 2. Page 14, by inserting after line 35, the
 9 following:
 10 "2. Notwithstanding section 8.33, moneys
 11 appropriated to the department of agriculture and land
 12 stewardship to provide financial assistance for the
 13 establishment of permanent soil and water conservation
 14 practices as provided in section 20, that remain
 15 unencumbered or unobligated at the close of the fiscal
 16 year shall not revert but shall remain available for
 17 expenditure for the purposes designated until the
 18 close of the fiscal year that begins July 1, 2004."

SANDRA GREINER

S-3608

1 Amend House File 695, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 24, by inserting after the word
 4 "subsection" the following: "if tuition is included
 5 as part of a stipend paid by the employer to a
 6 participant and can be identified as such".
 7 2. Page 1, line 33, by striking the word
 8 "nonpaid".
 9 3. Page 2, line 3, by striking the word
 10 "nonpaid".

MIKE CONNOLLY
PAUL McKINLEY

S-3609

1 Amend House File 742, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 24 the
 4 following:
 5 "____. To construct a 50-bed stand-alone community-
 6 based correctional facility to replace the existing
 7 34-bed leased facility in Fort Dodge:
 8\$ 2,400,000
 9 _____. To construct a 50-bed expansion of the
 10 existing 50-bed community-based correctional facility

| | | |
|----|--|---------------|
| 11 | in Ottumwa: | |
| 12 | ..... | \$ 2,000,000 |
| 13 | 13 _____. To construct a 75-bed stand-alone community- | |
| 14 | 14 based correctional facility in Sioux City: | |
| 15 | ..... | \$ 3,600,000 |
| 16 | 16 _____. To construct a 25-bed stand-alone community- | |
| 17 | 17 based correctional facility in Davenport: | |
| 18 | ..... | \$ 1,200,000" |
| 19 | 19 2. By renumbering as necessary. | |

ROBERT E. DVORSKY
EUGENE S. FRAISE

S-3610

1 Amend the amendment, S-3583, to Senate File 476 as
2 follows:

3 1. By striking page 1, line 1, through page 20,
4 line 37, and inserting the following:

5 "Amend Senate File 476 as follows:

6 1. By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. INTENT. It is the intent of the
9 general assembly to create a teacher quality program
10 that acknowledges that outstanding teachers are a key
11 component in student success. The program's goals are
12 to redesign compensation strategies and teachers'
13 professional development. Such compensation
14 strategies are designed to attract and retain high
15 performing teachers, to reward teachers for improving
16 their skills and knowledge in a manner that translates
17 into better student learning, and to reward the staff
18 of school attendance centers for improvement in
19 student achievement.

20 Sec. 2. NEW SECTION. 284.1 STUDENT ACHIEVEMENT
21 AND TEACHER QUALITY PROGRAM.

22 A student achievement and teacher quality program
23 is established to promote high student achievement.
24 The program shall consist of the following four major
25 elements:

26 1. Mentoring and induction programs that provide
27 support for beginning teachers in accordance with
28 sections 284.5 and 284.6.

29 2. Career paths with compensation levels that
30 strengthen Iowa's ability to recruit and retain
31 teachers.

32 3. Professional development designed to directly
33 support best teaching practices.

34 4. Team-based variable pay that provides
35 additional compensation when student performance
36 improves.

37 Sec. 3. NEW SECTION. 284.2 DEFINITIONS.

38 As used in this chapter, unless the context
39 otherwise requires:
40 1. "Beginning teacher" means an individual serving
41 under an initial provisional or conditional license,
42 issued by the board of educational examiners under
43 chapter 272, who is assuming a position as a classroom
44 teacher.
45 2. "Classroom teacher" means an individual who
46 holds a valid practitioner's license and who is
47 employed under a teaching contract with a school
48 district or area education agency in this state to
49 provide classroom instruction to students.
50 3. "Comprehensive evaluation" means a summative

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1 evaluation of a teacher conducted by an evaluator for
2 purposes of performance review, or recommendation for
3 licensure based upon models developed pursuant to
4 section 256.9, subsection 51, and to determine whether
5 the teacher's practice meets the school district
6 expectations for a career, career II, or advanced
7 level.
8 4. "Department" means the department of education.
9 5. "Director" means the director of the department
10 of education.
11 6. "Evaluator" means an administrator or other
12 practitioner who successfully completes an evaluator
13 training program pursuant to section 284.10.
14 7. "Mentor" means an individual employed by a
15 school district or area education agency as a
16 classroom teacher who holds a valid license issued
17 under chapter 272. The individual must have a record
18 of four years of successful teaching practice, must be
19 employed as a classroom teacher on a nonprobationary
20 basis, and must demonstrate professional commitment to
21 both the improvement of teaching and learning and the
22 development of beginning teachers.
23 8. "School board" means the board of directors of
24 a school district or a collaboration of boards of
25 directors of school districts.
26 9. "State board" means the state board of
27 education.
28 10. "Teacher" means an individual holding a
29 practitioner's license issued under chapter 272, who
30 is employed as a teacher, librarian, media specialist,
31 or counselor in a nonadministrative position by a
32 school district or area education agency pursuant to a
33 contract issued by a board of directors under section
34 279.13. A teacher may be employed in both an
35 administrative and a nonadministrative position by a
36 board of directors and shall be considered a part-time

37 teacher for the portion of time that the teacher is
 38 employed in a nonadministrative position. "Teacher"
 39 includes a licensed individual employed on a less than
 40 full-time basis by a school district through a
 41 contract between the school district and an
 42 institution of higher education with a practitioner
 43 preparation program in which the licensed teacher is
 44 enrolled.

45 Sec. 4. NEW SECTION. 284.3 IOWA TEACHING
 46 STANDARDS.

- 47 1. For purposes of this chapter and for developing
 48 teacher evaluation criteria under chapter 279, the
 49 Iowa teaching standards are as follows:
 50 a. Demonstrates competence in content knowledge

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- 1 appropriate to the teaching position.
 2 b. Demonstrates competence in planning and
 3 preparing for instruction.
 4 c. Uses strategies to deliver instruction that
 5 meets the multiple learning needs of students.
 6 d. Uses a variety of methods to monitor student
 7 learning.
 8 e. Demonstrates competence in classroom
 9 management.
 10 f. Engages in professional growth.
 11 g. Fulfills professional responsibilities
 12 established by the school district.
 13 2. The school board and faculty shall collaborate
 14 to further define good teaching by enhancing the Iowa
 15 teaching standards in the following manner:
 16 a. For purposes of comprehensive evaluations for
 17 beginning teachers, including the comprehensive
 18 evaluation required for the beginning teacher to
 19 progress to career teacher, the criteria shall be
 20 based upon models developed pursuant to section 256.9,
 21 subsection 51, and established pursuant to chapter 20.
 22 b. For purposes of comprehensive evaluations for
 23 teachers other than beginning teachers, the school
 24 board shall convene the members of the school board
 25 and representatives of the faculty, elected by the
 26 faculty, to establish criteria based upon models
 27 developed pursuant to section 256.9, subsection 51.
 28 If the parties are unable to reach agreement, however,
 29 the model criteria shall become the school district's
 30 criteria. These criteria shall be in addition to
 31 criteria otherwise agreed to under chapter 20.
 32 Sec. 5. NEW SECTION. 284.4 PARTICIPATION.
 33 1. A school district is eligible to receive moneys
 34 appropriated for purposes specified in this chapter if
 35 the school board applies to the department to

36 participate in the student achievement and teacher
37 quality program and submits a written statement
38 declaring the school district's willingness to do all
39 of the following:
40 a. Commit and expend local moneys to improve
41 student achievement and teacher quality.
42 b. Implement a beginning teacher mentoring and
43 induction program as provided in this chapter.
44 c. Adopt a teacher career development program in
45 accordance with this chapter.
46 d. Adopt a teacher evaluation plan that, at
47 minimum, requires a comprehensive evaluation of
48 teachers in the participating district at least every
49 five years based upon the Iowa teaching standards and
50 requires administrators to complete evaluator training

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1 in accordance with section 284.10.
2 e. Adopt teacher career paths based upon
3 demonstrated knowledge and skills in accordance with
4 this chapter.
5 f. Adopt a team-based variable pay plan that
6 rewards attendance center success when demonstrating
7 improvement in meeting attendance center student
8 achievement goals that are consistent with the
9 district comprehensive school improvement plan.
10 2. By July 1, 2003, each school district shall
11 participate in the student achievement and teacher
12 quality program.
13 Sec. 6. NEW SECTION. 284.5 BEGINNING TEACHER
14 MENTORING AND INDUCTION PROGRAM.
15 1. A beginning teacher mentoring and induction
16 program is created to promote excellence in teaching,
17 enhance student achievement, build a supportive
18 environment within school districts, increase the
19 retention of promising beginning teachers, and promote
20 the personal and professional well-being of classroom
21 teachers. Prior to the completion of the 2001-2002
22 school year, a school district shall, at a minimum,
23 provide an approved beginning teacher mentoring and
24 induction program for all classroom teachers who are
25 beginning teachers.
26 2. The state board shall adopt rules to administer
27 this section.
28 3. Notwithstanding subsection 1, a school district
29 may provide a beginning teacher mentoring and
30 induction program for all classroom teachers who are
31 beginning teachers in the school years beginning July
32 1, 2001, and July 1, 2002, and, notwithstanding
33 section 284.4, subsection 1, a school district is
34 eligible to receive moneys under section 284.13,

35 subsection 1, paragraph "c", for each fiscal year of
36 the fiscal period beginning July 1, 2001, and ending
37 June 30, 2003, to establish a beginning teacher
38 mentoring and induction program in accordance with
39 this section.

40 4. Each participating school district shall
41 develop an initial beginning teacher mentoring and
42 induction plan. The plan shall be included in the
43 school district's comprehensive school improvement
44 plan submitted pursuant to section 256.7, subsection
45 21. The beginning teacher induction plan shall, at a
46 minimum, provide for a two-year sequence of induction
47 program content and activities to support the Iowa
48 teaching standards and beginning teacher professional
49 and personal needs; mentor training that includes, at
50 a minimum, skills of classroom demonstration and

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1 coaching, and district expectations for beginning
2 teacher competence on Iowa teaching standards;
3 placement of mentors and beginning teachers; the
4 process for dissolving mentor and beginning teacher
5 partnerships; district organizational support for
6 released time for mentors and beginning teachers to
7 plan, provide demonstration of classroom practices,
8 observe teaching, and provide feedback; structure for
9 mentor selection and assignment of mentors to
10 beginning teachers; a district facilitator; and
11 program evaluation.

12 5. Upon completion of the program, the beginning
13 teacher shall be comprehensively evaluated to
14 determine if the teacher meets expectations to move to
15 the career level. The school district shall recommend
16 a beginning teacher who has successfully completed the
17 program for an educational license. A school district
18 may offer a teacher a third year of participation in
19 the program if, after conducting a comprehensive
20 evaluation, the school district determines that the
21 teacher is likely to successfully complete the
22 mentoring and induction program by the end of the
23 third year of eligibility. A teacher granted a third
24 year of eligibility shall develop a teacher's
25 mentoring and induction program plan in accordance
26 with this chapter and shall undergo a comprehensive
27 evaluation at the end of the third year. The board of
28 educational examiners shall grant a one-year extension
29 of the beginning teacher's provisional license upon
30 notification by the school district that the teacher
31 will participate in a third year of the school
32 district's program.

33 Sec. 7. NEW SECTION. 284.6 TEACHER CAREER

34 DEVELOPMENT.

35 1. The department shall coordinate a statewide
36 network of career development for Iowa teachers. A
37 participating school district or career development
38 provider that offers a career development program in
39 accordance with section 256.9, subsection 51, shall
40 demonstrate that the program contains the following:
41 a. Support that meets the career development needs
42 of individual teachers and is aligned with the Iowa
43 teaching standards.
44 b. Research-based instructional strategies aligned
45 with the school district's student achievement needs
46 and the long-range improvement goals established by
47 the district.
48 c. Instructional improvement components including
49 student achievement data, analysis, theory, classroom
50 demonstration and practice, technology integration,

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1 observation, reflection, and peer coaching.
2 d. An evaluation component that documents the
3 improvement in instructional practice and the effect
4 on student learning.
5 2. The department shall identify models of career
6 development practices that produce evidence of the
7 link between teacher training and improved student
8 learning.
9 3. A participating school district shall
10 incorporate a district career development plan into
11 the district's comprehensive school improvement plan
12 submitted to the department in accordance with section
13 256.7, subsection 21. The district career development
14 plan shall include a description of the means by which
15 the school district will provide access to all
16 teachers in the district to career development
17 programs or offerings that meet the requirements of
18 subsection 1. The plan shall align all career
19 development with the school district's long-range
20 student learning goals and the Iowa teaching
21 standards. The plan shall indicate the school
22 district's approved career development provider or
23 providers.
24 4. In cooperation with the teacher's supervisor,
25 the teacher employed by a participating school
26 district shall develop an individual teacher career
27 development plan. The individual plan shall be based,
28 at minimum, on the needs of the teacher, the Iowa
29 teaching standards, and the student achievement goals
30 of the attendance center and the school district as
31 outlined in the comprehensive school improvement plan.
32 The individual plan shall be reviewed by the teacher

33 and the teacher's supervisor on a periodic basis to
 34 reflect the individual teacher's and the school
 35 district needs and the individual's progress in the
 36 plan.

37 5. School districts, a consortium of school
 38 districts, area education agencies, higher education
 39 institutions, and other public or private entities
 40 including professional associations may be approved by
 41 the state board to provide teacher career development.
 42 The career development program or offering shall, at
 43 minimum, meet the requirements of subsection 1. The
 44 state board shall adopt rules for the approval of
 45 career development providers and standards for the
 46 district career development plan.

47 Sec. 8. NEW SECTION. 284.7 IOWA TEACHER CAREER
 48 PATH.

49 To promote continuous improvement in Iowa's quality
 50 teaching workforce and to give Iowa teachers the

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1 opportunity for career recognition that reflects the
 2 various roles teachers play as educational leaders, an
 3 Iowa teacher career path is established for teachers
 4 employed by participating school districts. A
 5 participating school district shall use funding
 6 allocated under section 284.13, subsection 1,
 7 paragraph "f", to raise teacher salaries to meet the
 8 requirements of this section. The Iowa teacher career
 9 path and salary minimums are as follows:

10 1. Effective July 1, 2001, the following career
 11 path levels are established and shall be implemented
 12 in accordance with this chapter:

13 a. BEGINNING TEACHER.

14 (1) A beginning teacher is a teacher who meets the
 15 following requirements:

16 (a) Has successfully completed an approved
 17 practitioner preparation program as defined in section
 18 272.1.

19 (b) Holds a provisional teacher license issued by
 20 the board of educational examiners.

21 (c) Participates in the beginning teacher
 22 mentoring and induction program as provided in this
 23 chapter.

24 (2) The participating district shall increase the
 25 district's minimum salary for a first-year beginning
 26 teacher by at least one thousand five hundred dollars
 27 per year above the minimum salary paid to a first-year
 28 beginning teacher in the previous year unless the
 29 minimum salary for a first-year beginning teacher
 30 exceeds twenty-eight thousand dollars.

31 b. CAREER TEACHER.

- 32 (1) A career teacher is a teacher who meets the
33 following requirements:
- 34 (a) Has successfully completed the beginning
35 teacher mentoring and induction program as provided in
36 this chapter.
- 37 (b) Is reviewed by the school district as
38 demonstrating the competencies of a career teacher.
- 39 (c) Holds a valid license issued by the board of
40 educational examiners.
- 41 (d) Participates in teacher career development as
42 set forth in this chapter and demonstrates continuous
43 improvement in teaching.
- 44 (3) The participating district shall provide a two
45 thousand dollar difference between the average
46 beginning teacher salary and the minimum career
47 teacher salary, unless the school district has a
48 minimum career teacher salary that exceeds thirty
49 thousand dollars.
- 50 2. It is the intent of the general assembly to

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- 1 establish and require the implementation of and
2 provide for the implementation of the following
3 additional career path levels by July 1, 2003:
- 4 a. CAREER II TEACHER.
- 5 (1) A career II teacher is a teacher who meets the
6 requirements of subsection 1, paragraph "b", has met
7 the requirements established by the school district
8 that employs the teacher, and is evaluated by the
9 school district as demonstrating the competencies of a
10 career II teacher. The teacher shall have
11 successfully completed a comprehensive evaluation in
12 order to be classified as a career II teacher.
- 13 (2) It is the intent of the general assembly that
14 the participating district shall establish a minimum
15 salary for a career II teacher that is at least five
16 thousand dollars greater than the minimum career
17 teacher salary. It is further intended that the
18 district shall adopt a plan that facilitates the
19 transition of a career teacher to a career II level.
- 20 b. ADVANCED TEACHER.
- 21 (1) An advanced teacher is a teacher who meets the
22 following requirements:
- 23 (a) Receives the recommendation of the review
24 panel that the teacher possesses superior teaching
25 skills and that the teacher should be classified as an
26 advanced teacher.
- 27 (b) Holds a valid license from the board of
28 educational examiners.
- 29 (c) Participates in teacher career development as
30 outlined in this chapter and demonstrates continuous

31 improvement in teaching.

32 (d) Possesses the skills and qualifications to
33 assume leadership roles.

34 (2) It is the intent of the general assembly that
35 the participating district shall establish a minimum
36 salary for an advanced teacher that is at least
37 thirteen thousand five hundred dollars greater than
38 the minimum career teacher salary. In conjunction
39 with the development of the review panel pursuant to
40 section 284.9, the department shall make
41 recommendations to the general assembly by January 1,
42 2002, regarding the appropriate district-to-district
43 recognition for advanced teachers and methods that
44 facilitate the transition of a teacher to the advanced
45 level.

46 3. A teacher shall be promoted one level at a time
47 and a teacher promoted to the next career level shall
48 remain at that level for at least one year before
49 requesting promotion to the next career level.

50 4. A teacher employed in a participating district

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1 shall not receive less compensation in that
2 participating district than the teacher received in
3 the school year starting July 1, 2001, due to
4 implementation of this chapter. A teacher who
5 achieves national board for professional teaching
6 standards certification and meets the requirements of
7 section 256.44 shall continue to receive the award
8 specified in section 256.44 in addition to the
9 compensation set forth in this section.

10 Sec. 9. NEW SECTION. 284.8 EVALUATION
11 REQUIREMENTS.

12 1. In addition to evaluations agreed upon under
13 chapter 20, a teacher shall be comprehensively
14 evaluated based on the provisions of section 284.3 at
15 least once every five years. Comprehensive
16 evaluations shall be conducted by an administrator or
17 the administrator's designee certified pursuant to
18 section 284.10. The evaluation shall include, at
19 minimum, classroom observation of the teacher, the
20 teacher's progress and implementation of the teacher's
21 individual career development plan, and should include
22 supporting documentation from other supervisors,
23 teachers, parents, and students. A teacher may be
24 comprehensively evaluated for purposes of performance
25 review and shall be comprehensively evaluated for
26 advancement in the career path established pursuant to
27 section 284.7.

28 2. If a teacher is denied advancement based upon a
29 comprehensive evaluation, the teacher may appeal the

30 decision to an adjudicator under the process
31 established under section 279.17. However, the
32 decision of the adjudicator is final. If a district
33 does not recommend a teacher for continued employment
34 or licensure based upon a comprehensive evaluation,
35 the provisions of sections 279.14, 279.17, and 279.18
36 shall apply. A teacher may file one cause of action
37 objecting to the contents or procedures of a
38 comprehensive evaluation and the objections shall not
39 be subject to the grievance procedures negotiated in
40 accordance with chapter 20.

41 Sec. 10. NEW SECTION. 284.9 REVIEW PANEL.

42 1. A career II teacher seeking to receive an
43 advanced designation shall submit a portfolio of work
44 evidence aligned with the Iowa teaching standards to a
45 review panel established in accordance with subsection
46 2. A majority of the evidence in the portfolio shall
47 be classroom-based. The review panel shall evaluate
48 the career II teacher's portfolio to determine whether
49 the teacher demonstrates superior teaching skills and
50 shall make a recommendation to the board of

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1 educational examiners whether or not the teacher shall
2 receive an advanced designation. The standards for
3 recommendation include, but are not limited to,
4 meeting the Iowa teaching standards at an advanced
5 level.

6 2. The department shall establish up to five
7 regional review panels consisting of five members per
8 panel. Each panel shall include, at minimum, a
9 nationally board-certified teacher and a school
10 district administrator. Panel members shall be
11 appointed by the director and shall possess the
12 knowledge necessary to determine the quality of the
13 evidence submitted in an applicant's portfolio. Panel
14 members shall serve a staggered three-year term and
15 may be reappointed to a second term. The department
16 shall provide support and evaluation training for
17 panel members and convene panels as needed. Panel
18 members shall be reimbursed for mileage expenses
19 incurred while engaged in the performance of official
20 duties and shall receive per diem compensation by the
21 department.

22 3. To assure fairness and consistency in the
23 evaluation process, the review panels may perform
24 random audits of the comprehensive evaluations
25 conducted by evaluators throughout the state, and may
26 randomly review performance-based evaluation models
27 developed by school districts in accordance with
28 section 284.3, subsection 2. The review of the

29 evaluation models shall ensure that the model is at
30 least equivalent to the state model developed pursuant
31 to section 256.9, subsection 51.

32 4. A teacher who does not receive a recommendation
33 from a review panel may appeal that denial to an
34 administrative law judge located in the department of
35 inspections and appeals. The state shall not be
36 liable for a teacher's attorney fees, costs, or
37 damages that may result from an appeal of a review
38 panel's decision. The state board shall adopt rules
39 to administer this section.

40 Sec. 11. NEW SECTION. 284.10 EVALUATOR TRAINING
41 PROGRAM.

42 1. The department shall establish an evaluator
43 training program to improve the skills of school
44 district evaluators in making employment decisions,
45 making recommendations for licensure, and moving
46 teachers through a career path as established under
47 this chapter. The department shall consult with
48 persons representing teachers, national board-
49 certified teachers, administrators, school boards,
50 higher education institutions with approved

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1 practitioner and administrator preparation programs,
2 and with persons from the private sector knowledgeable
3 in employment evaluation and evaluator training in
4 order to develop standards and requirements for the
5 program. Evaluator training programs offered pursuant
6 to this chapter may be provided by a public or private
7 entity. The department shall distribute a list of
8 evaluator training program providers to each school
9 district.

10 2. An administrator licensed under chapter 272 who
11 conducts evaluations of teachers for purposes of this
12 chapter shall complete the evaluator training program.
13 A practitioner licensed under chapter 272 who is not
14 an administrator may enroll in the evaluator training
15 program. Enrollment preference shall be given to
16 administrators. Upon successful completion, the
17 provider shall certify that the administrator or other
18 practitioner is qualified to conduct evaluations for
19 employment, make recommendations for licensure, and
20 make recommendations that a teacher is qualified to
21 advance from one career path level to the next career
22 path level pursuant to this chapter. Certification is
23 for a period of five years and may be renewed.

24 3. Effective until July 1, 2004, a school district
25 shall be paid, from moneys allocated pursuant to
26 section 284.13, subsection 1, paragraph "d", the
27 amount of one thousand dollars for each individual who

28 is licensed as an administrator under chapter 272 on
29 or after July 1, 2001, and who has been certified in
30 accordance with this section. The district shall
31 compensate the administrator who achieves
32 certification not less than one thousand dollars. If
33 funds are available from moneys appropriated for
34 purposes of this subsection, practitioners other than
35 administrators who are certified in accordance with
36 this section are eligible to be compensated in an
37 amount determined by the department, which shall not
38 exceed one thousand dollars and shall be prorated
39 based upon the amount appropriated that remains after
40 the amount needed for distribution to the
41 administrators pursuant to this section has been
42 determined by the department. By October 1 annually,
43 the school district shall notify the department of
44 education of the number of individuals who have
45 achieved certification in accordance with this
46 section, and shall submit any documentation requested
47 by the department.

48 4. By July 1, 2002, a higher education institution
49 approved by the state board to provide an
50 administrator preparation program shall incorporate

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1 the evaluator training program into the program
2 offered by the institution.

3 5. Beginning July 1, 2002, the board of
4 educational examiners shall require certification as a
5 condition of issuing or renewing an administrator's
6 license.

7 6. By July 1, 2004, the director shall develop and
8 implement an evaluator training certification renewal
9 program for administrators who need to renew a
10 certificate issued pursuant to this section.

11 Sec. 12. **NEW SECTION. 284.11 PILOT PROGRAM FOR**
12 **TEAM-BASED VARIABLE PAY FOR STUDENT ACHIEVEMENT.**

13 1. It is the intent of the general assembly to
14 create a statewide team-based variable pay program to
15 reward individual attendance centers for improvement
16 in student achievement. A pilot program is
17 established to give Iowa school districts with one or
18 more participating attendance centers the opportunity
19 to explore and demonstrate successful methods to
20 implement team-based variable pay.

21 2. A participating school district may use moneys
22 appropriated for purposes of this chapter to provide a
23 cash award to all of the licensed practitioners at a
24 participating attendance center that has demonstrated
25 improvement in student achievement as provided in this
26 section. The school district is encouraged to extend

27 cash awards to other staff employed at the attendance
28 center.

29 3. The principal, with the participation of a team
30 of licensed practitioners appointed by the principal,
31 at each participating attendance center within a
32 school district shall annually submit district
33 attendance center student performance goals to the
34 school board for approval. The attendance center
35 goals must be aligned with the school improvement
36 goals for the district developed in accordance with
37 section 256.7, subsection 21. The district shall
38 determine the designation of an attendance center for
39 purposes of this section. The attendance center
40 student performance goals may differ from attendance
41 center to attendance center and may contain goals and
42 indicators in addition to the comprehensive school
43 improvement plan. An attendance center shall
44 demonstrate student achievement through the use of
45 multiple measures that are valid and reliable.

46 4. Each participating district shall create its
47 own design for a team-based pay plan linked to the
48 district's comprehensive school improvement plan. The
49 plan must include attendance center student
50 performance goals, student performance levels,

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1 multiple indicators to determine progress toward
2 attendance center goals, and a system for providing
3 financial rewards. The team-based pay plan shall be
4 approved by the local board.

5 5. Each district team-based pay plan shall be
6 reviewed by the department. The department shall
7 include a review of the locally established goals,
8 targeted levels of improvement, assessment strategies,
9 and financial reward system.

10 6. A district electing to initiate a team-based
11 variable pay plan according to this section during the
12 school year beginning July 1, 2001, shall notify the
13 department of its election in writing no later than
14 August 1, 2001. The department shall certify the
15 school district plan by October 1, 2001.

16 7. A team-based performance award program fund is
17 established in the state treasury under the control of
18 the department. The district team-based pay plan
19 shall specify how the funding received by the district
20 for purposes of this section is to be awarded to
21 eligible staff in attendance centers that meet or
22 exceed their goals. The district shall provide all
23 attendance centers equal access to the available
24 funds. Moneys shall be released by the department to
25 the district only upon certification by the school

26 board that an attendance center has met or exceeded
27 its goals.

28 8. Moneys received for purposes of this section
29 shall not be used for payment of any collective
30 bargaining agreement or arbitrator's decision
31 negotiated or awarded under chapter 20.

32 Sec. 13. NEW SECTION. 284.12 REPORT.

33 1. The department shall annually report the
34 statewide progress on the following:

35 a. Students achievement scores in mathematics and
36 reading at the fourth and eighth grade levels on a
37 district-by-district basis.

38 b. Improvement in teacher compensation.

39 c. Evaluator training program.

40 d. Team-based variable pay for student
41 achievement.

42 e. Changes and improvements in the evaluation of
43 teachers under the Iowa teaching standards.

44 2. The report shall be made available to the
45 chairpersons and ranking members of the senate and
46 house committees on education, the state board, the
47 governor, and school districts by January 1. School
48 districts shall provide information as required by the
49 department for the compilation of the report and for
50 accounting and auditing purposes.

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1 3. Subject to an appropriation of sufficient funds
2 by the general assembly, the department shall provide
3 for a comprehensive independent evaluation of all
4 components of the student achievement and teacher
5 quality program and shall submit the results of the
6 evaluation in the report submitted pursuant to
7 subsection 2 on January 1, 2007.

8 4. In developing administrative rules for
9 consideration by the state board, the department shall
10 consult with persons representing teachers,
11 administrators, school boards, approved practitioner
12 preparation institutions, and other appropriate
13 education stakeholders.

14 Sec. 14. NEW SECTION. 284.13 STATE PROGRAM
15 ALLOCATION.

16 1. For each fiscal year in which moneys are
17 appropriated by the general assembly for purposes of
18 the student achievement and teacher quality program,
19 the moneys shall be allocated as follows:

20 a. For the fiscal year beginning July 1, 2001, and
21 ending June 30, 2002, the department shall reserve up
22 to one million dollars of any moneys appropriated for
23 purposes of this chapter. For each fiscal year in
24 which moneys are appropriated by the general assembly

25 for purposes of team-based variable pay pursuant to
26 section 284.11, the amount of moneys allocated to
27 school districts shall be in the proportion that the
28 basic enrollment of a school district bears to the sum
29 of the basic enrollments of all participating school
30 districts for the budget year. However, the per pupil
31 amount distributed to a school district shall not
32 exceed one hundred dollars.

33 b. For the fiscal year beginning July 1, 2001, and
34 ending June 30, 2002, to the department of education,
35 the amount of one million nine hundred thousand
36 dollars for the issuance of national board
37 certification awards in accordance with section
38 256.44.

39 c. For the fiscal year beginning July 1, 2001, and
40 ending June 30, 2002, an amount up to two million four
41 hundred thousand dollars for first-year beginning
42 teachers, and for the fiscal year beginning July 1,
43 2002, and succeeding fiscal years, an amount up to
44 four million seven hundred thousand dollars for first-
45 year and second-year beginning teachers, to the
46 department of education for distribution to school
47 districts for purposes of the beginning teacher
48 mentoring and induction programs. A school district
49 shall receive one thousand three hundred dollars per
50 beginning teacher participating in the program. If

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1 the funds appropriated for the program are
2 insufficient to pay mentors and school districts as
3 provided in this paragraph, the department shall
4 prorate the amount distributed to school districts
5 based upon the amount appropriated. Moneys received
6 by a school district pursuant to this paragraph shall
7 be expended to provide each mentor with an award of
8 five hundred dollars per semester, at a minimum, for
9 participation in the school district's beginning
10 teacher mentoring and induction program; to implement
11 the plan; and to pay any applicable costs of the
12 employer's share of contributions to federal social
13 security and the Iowa public employees' retirement
14 system or a pension and annuity retirement system
15 established under chapter 294, for such amounts paid
16 by the district.

17 d. For the fiscal year beginning July 1, 2001, and
18 ending June 30, 2002, up to one million five hundred
19 thousand dollars to the department of education for
20 purposes of establishing the evaluator training
21 program, including but not limited to the development
22 of criteria models; an evaluation process; the
23 training of providers; development of a provider

24 approval process; training materials and costs; for
25 payment to practitioners under section 284.10,
26 subsection 3, and to pay any applicable costs of the
27 employer's share of contributions to federal social
28 security and the Iowa public employees' retirement
29 system or a pension and annuity retirement system
30 established under chapter 294, for such amounts paid
31 by the district; and for subsidies to school districts
32 for training costs.

33 e. For the fiscal year beginning July 1, 2001, and
34 ending June 30, 2002, up to one million five hundred
35 thousand dollars to the department of education for
36 purposes of implementing the career development
37 program requirements of section 284.6, and the review
38 panel requirements of section 284.9.

39 f. For the fiscal year beginning July 1, 2001, and
40 ending June 30, 2002, the amount of moneys remaining
41 from funds appropriated for purposes of this chapter
42 after distribution as provided in paragraphs "a"
43 through "e" and "g" shall be allocated to school
44 districts in accordance with the following formula:

45 (1) Fifty percent of the allocation shall be in
46 the proportion that the basic enrollment of a school
47 district bears to the sum of the basic enrollments of
48 all school districts in the state for the budget year.

49 (2) Fifty percent of the allocation shall be based
50 upon the proportion that the number of full-time

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1 equivalent teachers employed by a school district
2 bears to the sum of the number of full-time equivalent
3 teachers who are employed by all school districts in
4 the state for the base year.

5 g. From moneys available under paragraph "f", the
6 department shall allocate to area education agencies
7 an amount per classroom teacher employed by an area
8 education agency that is approximately equivalent to
9 the average per teacher amount allocated to the
10 districts. The average per teacher amount shall be
11 calculated by dividing the total number of classroom
12 teachers employed by school districts and the
13 classroom teachers employed by area education agencies
14 into the total amount of moneys available under
15 subsection 3.

16 2. A school district that is unable to meet the
17 provisions of section 284.7, subsection 1, with funds
18 allocated pursuant to subsection 1, paragraph "f", may
19 request a waiver from the department to use funds
20 appropriated under chapter 256D to meet the provisions
21 of section 284.7, subsection 1, if the difference
22 between the funds allocated to the school district

23 pursuant to subsection 1, paragraph "f", and the
 24 amount required to comply with section 284.7,
 25 subsection 1, is not less than ten thousand dollars.
 26 The department shall consider the average class size
 27 of the school district, the school district's actual
 28 unspent balance from the preceding year, and the
 29 school district's current financial position.

30 3. If a school district does not choose to
 31 participate in the student achievement and teacher
 32 quality program during the school year beginning July
 33 1, 2001, the amount of moneys to be allocated to the
 34 school district pursuant to subsection 1, paragraph
 35 "f", shall be held for the school district by the
 36 department until June 30, 2003, or until the school
 37 district participates in the program, whichever occurs
 38 earlier. Notwithstanding section 8.33, unencumbered
 39 or unobligated funds remaining on June 30, 2002, shall
 40 not revert but shall be available for expenditure for
 41 the following fiscal year for the purposes of this
 42 chapter.

43 4. Moneys received by a school district under this
 44 chapter are miscellaneous income for purposes of
 45 chapter 257 or are considered encumbered. A school
 46 district shall maintain a separate listing within its
 47 budget for payments received and expenditures made
 48 pursuant to this section.

49 Sec. 15. Section 256.9, Code 2001, is amended by
 50 adding the following new subsection:

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1 NEW SUBSECTION. 51. Develop models of core
 2 knowledge and skill criteria, based upon the Iowa
 3 teaching standards, for the evaluation, the
 4 advancement, and for teacher career development
 5 purposes pursuant to chapter 284. The model criteria
 6 shall further define the characteristics of quality
 7 teaching as established by the Iowa teaching
 8 standards.

9 Sec. 16. Section 272.2, subsection 1, Code 2001,
 10 is amended to read as follows:

11 1. a. License practitioners, who do not hold or
 12 receive a license from another professional licensing
 13 board, and professional development programs, ~~except~~
 14 ~~for programs developed and offered by practitioner~~
 15 ~~preparation institutions or area education agencies~~
 16 ~~and approved by the state board of education.~~
 17 Licensing authority includes the authority to
 18 establish criteria for the licenses, ~~including but not~~
 19 ~~limited to, establish~~ issuance and renewal
 20 requirements, ~~creation of create~~ application and
 21 renewal forms, ~~creation of create~~ licenses that

22 authorize different instructional functions or
 23 specialties, ~~development of~~ develop a code of
 24 professional rights and responsibilities, practice,
 25 and ethics, and ~~the authority to~~ develop any other
 26 classifications, distinctions, and procedures which
 27 may be necessary to exercise licensing duties. A code
 28 of professional rights and responsibilities, practice,
 29 and ethics shall address but not be limited to the
 30 habitual failure of a practitioner to fulfill
 31 contractual obligations under section 279.13.
 32 b. Notwithstanding section 272.28, subsection 1, a
 33 teacher shall be licensed in accordance with rules
 34 adopted pursuant to chapter 272, Code 2001, if the
 35 teacher successfully completes a beginning teacher
 36 mentoring program approved pursuant to chapter 256E on
 37 or before June 30, 2002, or is employed by a school
 38 district that does not offer a beginning teacher
 39 mentoring and induction program approved in accordance
 40 with this chapter during the school year beginning
 41 July 1, 2001.
 42 c. Notwithstanding section 272.28, subsection 1, a
 43 teacher shall receive an educational license if the
 44 teacher meets the licensing requirements of this
 45 chapter and, prior to July 1, 2003, successfully
 46 completes a two-year beginning teacher mentoring and
 47 induction program approved pursuant to this chapter.
 48 Sec. 17. NEW SECTION. 272.28 MENTORING AND
 49 INDUCTION REQUIREMENT.
 50 1. Effective July 1, 2003, requirements for

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1 teacher licensure beyond a provisional license shall
 2 include successful completion of a beginning teacher
 3 mentoring and induction program approved by the state
 4 board of education.
 5 2. A teacher from an accredited nonpublic school
 6 or another state or country is exempt from the
 7 requirement of subsection 1 if the teacher can
 8 document three years of successful teaching experience
 9 within the past five years and meet or exceed the
 10 requirements contained in rules adopted under this
 11 chapter for endorsement and licensure.
 12 Sec. 18. Section 279.19, unnumbered paragraphs 1
 13 and 2, Code 2001, are amended to read as follows:
 14 The first ~~three~~ two consecutive years of employment
 15 of a teacher in the same school district are a
 16 probationary period. However, if the teacher has
 17 successfully completed a probationary period of
 18 employment for another school district located in
 19 Iowa, the probationary period in the current district
 20 of employment shall not exceed one year. A board of

21 directors may waive the probationary period for any
 22 teacher who previously has served a probationary
 23 period in another school district and the board may
 24 extend the probationary period for an additional year
 25 with the consent of the teacher.

26 Notwithstanding the two-year probationary period
 27 otherwise provided for in this section, if a school
 28 district offers a beginning teacher a third year of a
 29 beginning teacher mentoring and induction program, and
 30 the teacher accepts the school district's offer, the
 31 teacher's probationary period shall continue through
 32 the teacher's third year of employment.

33 In the case of the termination of a probationary
 34 teacher's contract, the provisions of sections 279.15
 35 and 279.16 shall apply.

36 Sec. 19. Chapter 256E, Code 2001, is repealed.

37 Sec. 20. Section 272.33, Code 2001, is repealed
 38 effective July 1, 2002.

39 Sec. 21. STATE MANDATE FUNDING SPECIFIED. In
 40 accordance with section 25B.2, subsection 3, the state
 41 cost of requiring compliance with any state mandate
 42 included in this Act shall be paid by a school
 43 district from state school foundation aid received by
 44 the school district under section 257.16. This
 45 specification of the payment of the state cost shall
 46 be deemed to meet all the state funding-related
 47 requirements of section 25B.2, subsection 3, and no
 48 additional state funding shall be necessary for the
 49 full implementation of this Act by and enforcement of
 50 this Act against all affected school districts.

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1 Sec. 22. LEGISLATIVE IMPLEMENTATION COMMITTEE.
 2 The legislative council is requested to establish a
 3 two-year legislative implementation committee to study
 4 and make recommendations regarding the implementation
 5 of chapter 284, as enacted by this Act, including, but
 6 not limited to, valid, reliable measures that school
 7 districts can use to determine growth in student
 8 achievement and performance on locally determined
 9 indicators; development of a process to review
 10 district level and building level student achievement
 11 goals and goal-setting; the appropriate level of
 12 funding for team-based variable pay; and an ongoing
 13 evaluation to determine the effectiveness of the
 14 student achievement and teacher quality program. The
 15 committee shall recommend a team-based variable pay
 16 plan model and a timeline for implementation of the
 17 plan. The legislative council is also requested to
 18 authorize up to \$25,000 for the expenses of the
 19 committee. The committee shall monitor the progress

20 of team-based variable pay pilot programs.

21 The committee shall submit preliminary
22 recommendations to the general assembly by December
23 15, 2001, and shall make its final recommendations to
24 the general assembly by December 15, 2002.

25 The committee shall be composed of eleven members
26 and shall include the following:

27 1. Three members appointed by the president of the
28 senate after consultation with the majority leader of
29 the senate and the minority leader of the senate.

30 2. Three members appointed by the speaker of the
31 house of representatives after consultation with the
32 majority and minority leaders of the house of
33 representatives.

34 3. The director of the department of education or
35 the director's designee.

36 4. One member who shall be appointed by the Iowa
37 association of school boards.

38 5. One member who shall be appointed by the school
39 administrators of Iowa.

40 6. One member who shall be appointed by the Iowa
41 state education association.

42 7. One member who shall be appointed by the
43 governor to represent the office of the governor.

44 It is the intent of the general assembly that the
45 legislative implementation committee oversee the
46 implementation of the policies established pursuant to
47 this Act.""

MIKE CONNOLLY
JOHN P. KIBBIE

S-3611

HOUSE AMENDMENT TO SENATE FILE 140

1 Amend Senate File 140, as follows:

2 1. Page 1, by inserting after line 30 the
3 following:

4 "Sec. 4A. Section 422.7, Code 2001, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 36. Notwithstanding the method
7 for computing income from an installment sale under
8 section 453 of the Internal Revenue Code, as defined
9 in section 422.3, the method to be used in computing
10 income from an installment sale shall be the method
11 under section 453 of the Internal Revenue Code, as
12 amended up to and including January 1, 2000. A
13 taxpayer affected by this subsection shall make
14 adjustments in the adjusted gross income pursuant to
15 rules adopted by the director."

16 2. By striking page 2, line 22, through page 4,
17 line 18.

18 3. Page 4, line 20, by inserting after the word
19 "through" the following: "4A,".

20 4. Page 4, by striking line 23 and inserting the
21 following:

22 "2. Section 6 of this Act applies".

23 5. Title page, by striking lines 3 and 4 and
24 inserting the following: "dependents,".

25 6. By renumbering, relettering, or redesignating
26 and correcting internal references as necessary.

S-3612

HOUSE AMENDMENT TO SENATE FILE 98

1 Amend Senate File 98, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 12, the
4 following:

5 "Sec. ____ EFFECTIVE AND RETROACTIVE APPLICABILITY
6 DATES. This Act, being deemed of immediate
7 importance, takes effect upon enactment, and applies
8 retroactively to January 1, 2001, to employer accounts
9 for benefits paid to individuals as provided in
10 section 1 of this Act."

11 2. Title page, line 3, by inserting after the
12 word "disaster" the following: "and providing
13 effective and retroactive applicability dates".

14 3. By renumbering as necessary.

S-3613

1 Amend House File 742, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 4 through 24.

4 2. Page 3, by striking lines 7 through 23.

5 3. Page 4, by striking lines 6 through 23.

6 4. Page 4, line 32, by striking the figure
7 "400,000" and inserting the following: "0".

8 5. Page 4, line 35, by striking the figure
9 "1,700,000" and inserting the following: "0".

10 6. Page 5, by striking lines 9 through 20.

11 7. By striking page 5, line 28, through page 6,
12 line 2.

13 8. Page 6, by striking lines 9 through 11.

14 9. Page 6, line 14, by striking the figure
15 "400,000" and inserting the following: "0".

16 10. Page 6, by striking lines 17 through 26.

17 11. Page 6, line 35, by striking the figure

18 "4,200,000" and inserting the following: "0".

19 12. Page 7, line 5, by striking the figure
20 "4,453,000" and inserting the following: "0".

21 13. Page 7, line 10, by striking the figure
22 "3,990,000" and inserting the following: "0".

23 14. Page 7, by striking lines 13 through 27.

24 15. By striking page 7, line 35, through page 9,
25 line 15.

26 16. Page 10, line 23, by striking the word
27 "section" and inserting the following: "subsection".

28 17. Page 15, by inserting after line 3, the
29 following:

30 "DIVISION ____

31 TOBACCO SETTLEMENT TRUST FUND

32 Sec. 501. 2000 Iowa Acts, chapter 1225, section
33 10, is amended by striking the section.

34 Sec. 502. 2000 Iowa Acts, chapter 1225, section
35 15, subsections 1 through 3, are amended to read as
36 follows:

37 1. For improvements to Gilman hall at Iowa state
38 university of science and technology, including the
39 replacement of the heating, ventilation, and air
40 conditioning system, replacement of the fume hood
41 exhaust system, and the construction of an addition to
42 house mechanical equipment:

| | | | |
|----|-------------------|----|----------------------|
| 43 | FY 2000-2001..... | \$ | 8,500,000 |
| 44 | FY 2001-2002..... | \$ | 2,500,000 |
| 45 | ..... |  | <u>0</u> |
| 46 | FY 2002-2003..... | \$ | 0 |

47 2. For continued renovation of the biological
48 sciences facility at the state university of Iowa:

| | | | |
|----|-------------------|----|----------------------|
| 49 | FY 2000-2001..... | \$ | 4,400,000 |
| 50 | FY 2001-2002..... | \$ | 7,300,000 |

Page 2

| | | | |
|---|--------------------|----|-----------|
| 1 | ..... |  | <u>0</u> |
| 2 | FY 2002-2003 | \$ | 3,000,000 |

3 3. For construction of an addition to McCollum
4 science hall at the university of northern Iowa:

| | | | |
|---|--------------------|----|----------------------|
| 5 | FY 2000-2001 | \$ | 2,700,000 |
| 6 | FY 2001-2002 | \$ | 5,800,000 |
| 7 | ..... |  | <u>0</u> |
| 8 | FY 2002-2003 | \$ | 8,400,000 |

9 Sec. 503. 2000 Iowa Acts, chapter 1225, section
10 18, unnumbered paragraph 2, is amended to read as
11 follows:

12 For deposit in the community attraction and tourism
13 fund:

| | | | |
|----|--------------------|----|-----------------------|
| 14 | FY 2001-2002 | \$ | 12,500,000 |
| 15 | FY 2002-2003 | \$ | 12,500,000 |
| 16 | ..... |  | <u>0</u> |

| | | | |
|----|--|----|------------|
| 17 | FY 2003–2004..... | | 12,500,000 |
| 18 | Sec. 504. There is appropriated from the tax- | | |
| 19 | exempt bond proceeds restricted capital funds account | | |
| 20 | of the tobacco settlement trust fund to the following | | |
| 21 | departments and agencies for the fiscal year beginning | | |
| 22 | July 1, 2001, and ending June 30, 2002, the following | | |
| 23 | amounts, or so much thereof as is necessary, to be | | |
| 24 | used for the purposes designated: | | |
| 25 | 1. DEPARTMENT OF CORRECTIONS. | | |
| 26 | a. To supplement funds appropriated in 1998 Iowa | | |
| 27 | Acts, chapter 1219, section 2, subsection 3, for | | |
| 28 | construction of a 200-bed facility at the Iowa state | | |
| 29 | penitentiary at Fort Madison: | | |
| 30 | ..... | \$ | 6,400,000 |
| 31 | b. For costs associated with connecting the | | |
| 32 | correctional facility at Oakdale to the city of | | |
| 33 | Coralville water system: | | |
| 34 | ..... | \$ | 100,000 |
| 35 | c. For the final phase of the state's share of the | | |
| 36 | construction costs associated with the Mitchellville | | |
| 37 | waste water treatment plant: | | |
| 38 | ..... | \$ | 364,400 |
| 39 | d. For costs of entering into a lease-purchase | | |
| 40 | agreement to connect the electrical system supporting | | |
| 41 | the special needs unit at Fort Madison: | | |
| 42 | ..... | \$ | 333,168 |
| 43 | 2. DEPARTMENT OF ECONOMIC DEVELOPMENT. | | |
| 44 | For accelerated career education program capital | | |
| 45 | projects at community colleges that are authorized | | |
| 46 | under chapter 260G and that meet the definition of | | |
| 47 | "vertical infrastructure" in section 8.57, subsection | | |
| 48 | 5, paragraph "c": | | |
| 49 | ..... | \$ | 2,500,000 |
| 50 | The moneys appropriated in this subsection shall be | | |

Page 3

| | | | |
|----|--|----|------------|
| 1 | allocated equally among the community colleges in the | | |
| 2 | state. If any portion of the equal allocation to a | | |
| 3 | community college is not obligated or encumbered by | | |
| 4 | April 1, 2002, the unobligated and unencumbered | | |
| 5 | portions shall be available for use by other community | | |
| 6 | colleges. | | |
| 7 | 3. DEPARTMENT OF GENERAL SERVICES. | | |
| 8 | a. For major renovation and major repair needs | | |
| 9 | including health, life, and fire safety needs, and for | | |
| 10 | compliance with the federal Americans With | | |
| 11 | Disabilities Act, for state-owned buildings and | | |
| 12 | facilities: | | |
| 13 | ..... | \$ | 11,500,000 |
| 14 | (1) In accordance with section 8.57, subsection 5, | | |
| 15 | paragraph "c", the moneys appropriated in this | | |

16 paragraph "a" shall not be used for project management
 17 services provided by the department.

18 (2) Of the amount appropriated in this paragraph
 19 "a", \$200,000 may be used for costs associated with
 20 the vertical infrastructure program, notwithstanding
 21 section 8.57, subsection 5, paragraph "c".

22 b. For the purchase of land and improvements to
 23 properties in the vicinity of the capitol complex:

24\$ 200,000

25 Funds appropriated in this paragraph "b" may be
 26 expended to prepare purchased property for utilization
 27 by the state.

28 c. For the construction of a pedestrian bridge
 29 across Court avenue to provide pedestrian access
 30 across the capitol complex:

31\$ 400,000

32 d. For capitol interior restoration:

33\$ 1,700,000

34 4. IOWA STATE FAIR AUTHORITY.

35 For vertical infrastructure projects on the state
 36 fairgrounds:

37\$ 500,000

38 For purposes of this subsection, "vertical
 39 infrastructure" means the same as defined in section
 40 8.57, subsection 5, paragraph "c".

41 5. JUDICIAL BRANCH.

42 For construction of a new judicial building:

43\$ 10,300,000

44 The judicial branch is authorized to enter into
 45 contracts for the full cost of the planning, design,
 46 and construction of a new judicial building for which
 47 appropriations are made in this subsection and in 1998
 48 Iowa Acts, chapter 1223, section 8, and 1999 Iowa
 49 Acts, chapter 204, section 6. The state shall not be
 50 obligated for costs associated with contracts

Page 4

1 identified in this paragraph in excess of funds
 2 appropriated by the general assembly. Notwithstanding
 3 any provision of this Act to the contrary or section
 4 8.33, moneys appropriated in this subsection that
 5 remain unencumbered or unobligated at the close of the
 6 fiscal year that begins July 1, 2004, shall revert at
 7 the close of that fiscal year. However, if the
 8 project for which the moneys are appropriated is
 9 completed in an earlier fiscal year, unencumbered or
 10 unobligated moneys shall revert at the close of that
 11 fiscal year.

12 6. DEPARTMENT OF NATURAL RESOURCES.

13 a. For continuation of the restore the outdoors
 14 program:

| | | | |
|----|--|----|-----------|
| 15 | ..... | \$ | 2,500,000 |
| 16 | b. For costs associated with the planning and | | |
| 17 | design of a premier destination park, notwithstanding | | |
| 18 | section 8.57, subsection 5, paragraph "c", as follows: | | |
| 19 | ..... | \$ | 1,000,000 |
| 20 | 7. DEPARTMENT OF PUBLIC DEFENSE. | | |
| 21 | a. For maintenance and repair of national guard armories | | |
| 22 | and facilities: | | |
| 23 | ..... | \$ | 700,000 |
| 24 | b. For construction of a new national guard armory | | |
| 25 | at Estherville: | | |
| 26 | ..... | \$ | 400,000 |
| 27 | 8. DEPARTMENT OF PUBLIC SAFETY. | | |
| 28 | For the location and purchase of land, a site | | |
| 29 | survey, soil sampling, and site preparation for the | | |
| 30 | construction of a new Iowa state patrol post in Mason | | |
| 31 | City: | | |
| 32 | ..... | \$ | 250,000 |
| 33 | 9. STATE BOARD OF REGENTS. | | |
| 34 | a. For construction of a new business college | | |
| 35 | building at Iowa state university of science and | | |
| 36 | technology: | | |
| 37 | ..... | \$ | 4,200,000 |
| 38 | b. For phase I of construction of the art building | | |
| 39 | at the state university of Iowa: | | |
| 40 | ..... | \$ | 4,453,000 |
| 41 | c. For upgrading the steam distribution system at | | |
| 42 | the university of northern Iowa: | | |
| 43 | ..... | \$ | 3,990,000 |
| 44 | d. For utility system replacement at the Iowa | | |
| 45 | school for the deaf: | | |
| 46 | ..... | \$ | 250,000 |
| 47 | e. For tuckpointing at the Iowa school for the | | |
| 48 | deaf: | | |
| 49 | ..... | \$ | 185,000 |
| 50 | f. For upgrading the heating, ventilation, and air | | |

Page 5

| | | | |
|----|--|----|-----------|
| 1 | conditioning system at the Iowa braille and sight | | |
| 2 | saving school: | | |
| 3 | ..... | \$ | 400,000 |
| 4 | g. For improvements to Gilman hall at Iowa state | | |
| 5 | university of science and technology, including the | | |
| 6 | replacement of the heating, ventilation, and air | | |
| 7 | conditioning system, replacement of the fume hood | | |
| 8 | exhaust system, and the construction of an addition to | | |
| 9 | house mechanical equipment: | | |
| 10 | ..... | \$ | 2,500,000 |
| 11 | h. For continued renovation of the biological | | |
| 12 | sciences facility at the state university of Iowa: | | |
| 13 | ..... | \$ | 7,300,000 |

14 i. For construction of an addition to McCollum
15 science hall at the university of northern Iowa:
16\$ 5,800,000
17 The state board of regents is authorized to enter
18 into contracts for the full cost of carrying out the
19 projects listed in paragraphs "a" through "c" and "g"
20 through "i", for which appropriations are made in
21 those paragraphs. The state shall not be obligated
22 for costs associated with contracts identified in this
23 paragraph in excess of the funds appropriated by the
24 general assembly.
25 10. STATE DEPARTMENT OF TRANSPORTATION.
26 a. For vertical infrastructure improvements at all
27 10 of the commercial air service airports within the
28 state:
29\$ 1,000,000
30 One-half of the funds appropriated in this
31 paragraph "a" shall be allocated equally between each
32 commercial service airport, 40 percent of the funds
33 shall be allocated based on the percentage that the
34 number of enplaned passengers at each commercial
35 service airport bears to the total number of enplaned
36 passengers in the state during the previous fiscal
37 year, and 10 percent of the funds shall be allocated
38 based on the percentage that the air cargo tonnage at
39 each commercial service airport bears to the total air
40 cargo tonnage in the state during the previous fiscal
41 year. In order for a commercial service airport to
42 receive funding under this paragraph "a", the airport
43 shall be required to submit applications for funding
44 of specific projects to the department for approval by
45 the state transportation commission.
46 b. For an aviation hangar grant program for
47 improvements to and design and construction of hangars
48 at general aviation airports within the state:
49\$ 500,000
50 c. For acquiring, constructing, and improving

Page 6

1 recreational trails within the state:
2\$ 1,000,000
3 Of the amount appropriated in this paragraph "c",
4 \$500,000 shall be used for funding, on a matching
5 basis, recreational trail projects, with priority
6 given to completion of trail connections and sections
7 between existing trails and parks within the
8 established state recreational trails system. Such
9 projects shall be matched by \$1 of private or other
10 funds for each \$3 of state funds.
11 Of the amount appropriated in this paragraph "c",
12 \$50,000 shall be allocated for planning and

13 development of the Iowa portion of the Mississippi
14 river trail.

15 11. OFFICE OF TREASURER OF STATE.

16 a. For county fair infrastructure improvements for
17 distribution in accordance with chapter 174 to
18 qualified fairs which belong to the association of
19 Iowa fairs:

20\$ 1,060,000

21 b. For deposit in the community attraction and
22 tourism fund:

23\$ 12,500,000

24 Payment of moneys from the appropriations in this
25 section shall be made in a manner that does not
26 adversely affect the tax-exempt status of any
27 outstanding bonds issued by the tobacco settlement
28 authority.

29 Sec. ____. CONTINGENT AND ALTERNATIVE
30 APPROPRIATIONS -- EFFECTIVE DATE. The appropriations
31 in section 504 of this division of this Act shall be
32 made from the tax-exempt bond proceeds restricted
33 capital funds account of the tobacco settlement trust
34 fund on or after the effective date of the receipt of
35 tax-exempt bond proceeds by the tobacco settlement
36 authority and the deposit of the proceeds of the tax-
37 exempt bonds in the tax-exempt bond proceeds
38 restricted capital funds account of the tobacco
39 settlement trust fund. However, if any of the
40 following occurs, the appropriations in section 504 of
41 this division of this Act shall be made from the
42 rebuild Iowa infrastructure fund to the extent they
43 cannot be made from the tax-exempt bond proceeds
44 restricted capital funds account of the tobacco
45 settlement trust fund:

- 46 1. 2001 Iowa Acts, Senate File 532 is not enacted.
- 47 2. 2001 Iowa Acts, Senate File 532 is enacted, but
- 48 the tobacco settlement authority established in
- 49 chapter 12E does not securitize tobacco master
- 50 settlement agreement payments sold to the authority

Page 7

- 1 pursuant to 2001 Iowa Acts, Senate File 532 prior to
- 2 June 30, 2002.
- 3 3. 2001 Iowa Acts, Senate File 532 is enacted and
- 4 the tobacco settlement authority securitizes tobacco
- 5 master settlement agreement payments sold to the
- 6 authority pursuant to 2001 Iowa Acts, Senate File 532,
- 7 but the bond proceeds are not received by the tobacco
- 8 settlement authority and deposited in the tax-exempt
- 9 bond proceeds restricted capital funds account of the
- 10 tobacco settlement trust fund on or before June 30,
- 11 2002.

12 4. For any other reason, any of the amounts in
13 section 504 cannot be paid from the tax-exempt bond
14 proceeds restricted capital funds account of the
15 tobacco settlement trust fund.

16 Sec. 505. There is appropriated from the tax-
17 exempt bond proceeds restricted capital funds account
18 of the tobacco settlement trust fund to the following
19 departments and agencies for the fiscal year beginning
20 July 1, 2001, and ending June 30, 2002, the following
21 amounts, or so much thereof as is necessary, to be
22 used for the purposes designated:

23 1. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
24 COMMISSION.

25 For conversion of the Iowa communications network
26 to asynchronous transfer mode technology:

27\$ 10,500,000

28 2. DEPARTMENT OF EDUCATION.

29 For allocation to the public broadcasting division
30 for completion of the conversion to high-definition
31 television:

32\$ 2,400,000

33 Payment of moneys from the appropriations in this
34 section shall be made in a manner that does not
35 adversely affect the tax-exempt status of any
36 outstanding bonds issued by the tobacco settlement
37 authority.

38 Sec. _____. CONTINGENT APPROPRIATIONS -- EFFECTIVE

39 DATE. The appropriations in section 505 of this
40 division of this Act shall be made from the tax-exempt
41 bond proceeds restricted capital funds account of the
42 tobacco settlement trust fund on or after the
43 effective date of the receipt of tax-exempt bond
44 proceeds by the tobacco settlement authority and the
45 deposit of the proceeds of the tax-exempt bonds in the
46 tax-exempt bond proceeds restricted capital funds
47 account of the tobacco settlement trust fund.

48 However, if any of the following occurs, the
49 appropriations in section 505 of this division of this
50 Act shall not be made from the tax-exempt bond

Page 8

1 proceeds restricted capital funds account of the
2 tobacco settlement trust fund:

3 1. 2001 Iowa Acts, Senate File 532 is not enacted.

4 2. 2001 Iowa Acts, Senate File 532 is enacted, but
5 the tobacco settlement authority established in
6 chapter 12E does not securitize tobacco master
7 settlement agreement payments sold to the authority
8 pursuant to 2001 Iowa Acts, Senate File 532 prior to
9 June 30, 2002.

10 3. 2001 Iowa Acts, Senate File 532 is enacted and

11 the tobacco settlement authority securitizes tobacco
12 master settlement agreement payments sold to the
13 authority pursuant to 2001 Iowa Acts, Senate File 532,
14 but the bond proceeds are not received by the tobacco
15 settlement authority and deposited in the tax-exempt
16 bond proceeds restricted capital funds account of the
17 tobacco settlement trust fund on or before June 30,
18 2002.

19 4. For any other reason, any of the amounts in
20 section 505 cannot be paid from the tax-exempt bond
21 proceeds restricted capital funds account of the
22 tobacco settlement trust fund.

23 Sec. ____. REVERSION. Notwithstanding section
24 8.33, moneys appropriated in this division of this Act
25 shall not revert at the close of the fiscal year for
26 which they were appropriated but shall remain
27 available for the purposes designated until the close
28 of the fiscal year that begins July 1, 2004, or until
29 the completion project for which the appropriation was
30 made is completed, whichever is earlier.

31 Sec. ____. EFFECTIVE DATES. Sections 501 through
32 503 of this division of this Act, amending 2000 Iowa
33 Acts, chapter 1224, sections 10, 15, and 18, being
34 deemed of immediate importance, take effect upon
35 enactment."

36 18. Page 16, by striking lines 1 through 7, and
37 inserting the following:

38 "Sec. 101. Section 8.57, subsection 5, paragraph
39 e, Code 2001, is amended by adding the following new
40 unnumbered paragraph:

41 NEW UNNUMBERED PARAGRAPH. If the total amount of
42 moneys directed to be deposited in the general fund of
43 the state under sections 99D.17 and 99F.11 in a fiscal
44 year is less than the total amount of moneys directed
45 to be deposited in the vision Iowa fund and the school
46 infrastructure fund in the fiscal year pursuant to
47 this paragraph "e", the difference shall be paid from
48 lottery revenues in the manner provided in section
49 99E.10, subsection 3.

50 Sec. ____. Section 12.73, Code 2001, is amended to

Page 9

1 read as follows:

2 12.73 VISION IOWA FUND MONEYS -- ADMINISTRATIVE
3 COSTS.

4 During the term of the vision Iowa program
5 established in section 15F.302, ~~one~~ two hundred
6 thousand dollars of the moneys deposited each fiscal
7 year in the vision Iowa fund and appropriated for the
8 vision Iowa program shall be allocated each fiscal
9 year to the department of economic development for

10 administrative costs incurred by the department for
11 purposes of administering the vision Iowa program.

12 Sec. 102. Section 12.74, subsection 2, Code 2001,
13 is amended by striking the subsection.

14 Sec. 103. Section 12.84, subsection 2, Code 2001,
15 is amended by striking the subsection.

16 Sec. 104. Section 15F.202, subsection 2,
17 unnumbered paragraph 1, Code 2001, is amended to read
18 as follows:

19 A city or county in the state or public
20 organization may submit an application to the board
21 for financial assistance for a project under the
22 program. The assistance shall be provided only from
23 funds, rights, and assets legally available to the
24 board and shall be in the form of grants, loans,
25 forgivable loans, and ~~loan guarantees~~ credit
26 enhancement and financing instruments. The
27 application shall include, but not be limited to, the
28 following information:

29 Sec. 105. Section 15F.202, subsection 3, Code
30 2001, is amended to read as follows:

31 3. A school district, in cooperation with a city
32 or county, may submit a joint application for
33 financial assistance for a project under the program.
34 The assistance shall be provided only from funds,
35 rights, and assets legally available to the board and
36 shall be in the form of grants, loans, forgivable
37 loans, and ~~loan guarantees~~ credit enhancement and
38 financing instruments. In addition to the information
39 required in subsection 2, the application shall
40 include a demonstration that the intended future use
41 of the project shall be by both joint applicants.

42 Sec. 106. Section 15F.204, subsection 3, Code
43 2001, is amended to read as follows:

44 3. The fund shall be used to provide assistance
45 only from funds, rights, and assets legally available
46 to the board in the form of grants, loans, forgivable
47 loans, and ~~loan guarantees~~ credit enhancements and
48 financing instruments under the community attraction
49 and tourism program established in section 15F.202.
50 An applicant under the community attraction and

Page 10

1 tourism program shall not receive financial assistance
2 from the fund in an amount exceeding fifty percent of
3 the total cost of the project.

4 Sec. 107. Section 15F.302, subsection 2,
5 unnumbered paragraph 1, Code 2001, is amended to read
6 as follows:

7 A city or county or a public organization in the
8 state may submit an application to the board for

9 financial assistance for a project under the program.
 10 For purposes of this subsection, "public organization"
 11 means a nonprofit economic development organization or
 12 other nonprofit organization that sponsors or supports
 13 community or tourism attractions and activities. The
 14 financial assistance from the fund shall be provided
 15 only from funds, rights, and assets legally available
 16 to the board and shall be in the form of grants,
 17 loans, forgivable loans, pledges, and ~~guarantees~~
 18 credit enhancements and financing instruments. The
 19 application shall include, but not be limited to, the
 20 following information:

21 Sec. 108. Section 15F.302, subsection 3, Code
 22 2001, is amended to read as follows:

23 3. A school district, in cooperation with a city
 24 or county, may submit a joint application for
 25 financial assistance for a project under the program.
 26 The financial assistance shall be provided only from
 27 funds, rights, and assets legally available to the
 28 board and shall be in the form of grants, loans,
 29 forgivable loans, and ~~loan guarantees~~ credit
 30 enhancements and financing instruments. In addition
 31 to the information required in subsection 2, the
 32 application shall include a demonstration that the
 33 intended future use of the project shall be by both
 34 joint applicants.

35 Sec. 109. Section 15F.303, subsection 3, Code
 36 2001, is amended by adding the following new
 37 paragraph:

38 NEW PARAGRAPH. f. The construction portion of the
 39 project will be competitively bid. If the applicant
 40 is a public organization, as defined in section
 41 15F.302, subsection 2, the construction portion of the
 42 project shall be competitively bid in a manner
 43 essentially the same as that set forth for public
 44 improvements by cities in sections 384.96 through
 45 384.101.

46 Sec. 110. Section 15F.304, subsection 4, Code
 47 2001, is amended to read as follows:

48 4. Upon review of the recommendations of the
 49 review committee, the board shall approve, defer, or
 50 deny the applications. If an application is approved,

Page 11

1 the board may enter into an agreement with the
 2 applicant to provide financial assistance authorized
 3 under section 15F.302.

4 Sec. 111. Section 99E.10, Code 2001, is amended by
 5 adding the following subsection:

6 NEW SUBSECTION. 3. a. Notwithstanding subsection
 7 1, if gaming revenues under sections 99D.17 and 99F.11

8 are insufficient in a fiscal year to meet the total
9 amount of such revenues directed to be deposited in
10 the vision Iowa fund and the school infrastructure
11 fund during the fiscal year pursuant to section 8.57,
12 subsection 5, paragraph "e", the difference shall be
13 paid from lottery revenues prior to deposit of the
14 lottery revenues in the general fund. If lottery
15 revenues are insufficient during the fiscal year to
16 pay the difference, the remaining difference shall be
17 paid from lottery revenues in subsequent fiscal years
18 as such revenues become available.

19 b. The treasurer of state shall, each quarter,
20 prepare an estimate of the gaming revenues and lottery
21 revenues that will become available during the
22 remainder of the appropriate fiscal year for the
23 purposes described in paragraph "a". The department
24 of management and the department of revenue and
25 finance shall take appropriate actions to provide that
26 the amount of gaming revenues and lottery revenues
27 that will be available during the remainder of the
28 appropriate fiscal year is sufficient to cover any
29 anticipated deficiencies."

30 19. Page 17, by striking lines 18 through 28, and
31 inserting the following:

32 "Sec. __. EFFECTIVE DATE. The following
33 provisions of this division of this Act, being deemed
34 of immediate importance, take effect upon enactment:

35 Sections 101 through 111 of this division of this
36 Act, amending sections 8.57, 12.74, 12.84, 15F.202,
37 15F.204, 15F.302, 15F.303, 15F.304, and 99E.10."

38 20. Title page, lines 1 and 2, by striking the
39 words "from the rebuild Iowa infrastructure fund".

40 21. Title page, line 9, by striking the word
41 "and".

42 22. Title page, by striking lines 10 through 14,
43 and inserting the following: "state, and the
44 department of agriculture and land stewardship, and to
45 the Iowa resources".

46 23. Title page, line 16, by inserting after the
47 word "changes," the following: "providing for
48 alternative and contingent appropriations,".

49 24. By renumbering, redesignating, and correcting
50 internal references as necessary.

JEFF LAMBERTI

S-3614

1 Amend the amendment, S-3409, to House File 349, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking line 15 and inserting the

5 following:
 6 "____. Page 7, line 20, by striking the word
 7 "five" and inserting the following: "three".
 8 ____ Page 7, line 29, by inserting after the word
 9 "certified," the following: "In enterprise zones
 10 designated pursuant to this subsection, only an
 11 eligible business under section 15E.193 shall be
 12 eligible for incentives and assistance."
 13 2. By renumbering as necessary.

MARK SHEARER

S-3615

1 Amend House File 670, 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 272.28 as enacted by 2001 Iowa
 6 Acts, Senate File 476, or House File 672, is amended
 7 by adding the following new subsection:
 8 3. A teacher licensed pursuant to section 272.2,
 9 subsection 13, paragraph "b", who meets the
 10 requirements of section 272.2, subsection 13,
 11 paragraph "c", is exempt from the requirement of
 12 subsection 1.
 13 Sec. 2. Section 284.7, as enacted by 2001 Iowa
 14 Acts, Senate File 476, or House File 672, is amended
 15 by adding the following new subsection:
 16 NEW SUBSECTION. 6. The school district shall pay
 17 an individual who is participating in a nontraditional
 18 practitioner preparation internship program in
 19 accordance with section 256.16, subsection 3, and who
 20 is employed by the district as a teacher, a minimum
 21 salary of not less than sixty percent of the salary
 22 paid to a first-year beginning teacher, and shall
 23 provide the individual with the same health or medical
 24 insurance coverage offered to all full-time teachers
 25 employed by the district.
 26 Sec. 3. Section 256.7, Code 2001, is amended by
 27 adding the following new subsection:
 28 NEW SUBSECTION. 25. Prescribe standards and
 29 procedures for the approval of nontraditional
 30 practitioner preparation internship programs to be
 31 offered by practitioner preparation institutions in
 32 this state in accordance with section 272.2,
 33 subsection 13.
 34 Sec. 4. Section 256.16, Code 2001, is amended by
 35 adding the following new subsection:
 36 NEW SUBSECTION. 3. a. The state board shall
 37 adopt rules requiring that all higher education
 38 institutions providing a nontraditional practitioner

39 preparation internship program, at a minimum, meet the
40 standards and comply with the standards established
41 pursuant to section 256.7, subsection 25. A
42 nontraditional practitioner preparation internship
43 program is exempt from the student teaching or field
44 experience requirements of section 272.25. A
45 nontraditional practitioner preparation internship
46 program shall include coursework in education theory,
47 instructional methods, classroom management, and
48 practice teaching. The program shall consist of two
49 twelve-semester-hour, or the trimester or quarter
50 equivalent, courses of study.

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1 b. The institution providing the nontraditional
2 practitioner preparation internship program shall
3 enter into a written agreement with a school district,
4 under terms and conditions as agreed upon by the
5 contracting parties, providing that the school
6 district will provide interns seeking a nontraditional
7 conditional teaching license with a one-year classroom
8 teaching experience in which the intern team teaches
9 with a practitioner, who is licensed in accordance
10 with chapter 272, and who shall be responsible for the
11 management of the classroom until the intern receives
12 a nontraditional conditional teaching license.
13 Interns teaching in a school district under the terms
14 of such a contract are entitled to the same protection
15 under section 670.8, as is afforded by that section to
16 officers and other employees of the school district,
17 during the time they are so assigned.
18 c. An individual must successfully complete the
19 first course of study prior to receiving a
20 nontraditional conditional license pursuant to section
21 272.2, subsection 13, paragraphs "a" and "b".
22 However, an intern shall not be issued a
23 nontraditional conditional license to teach until the
24 intern successfully completes the one-year classroom
25 teaching experience, except as provided in paragraph
26 "d".
27 d. Except as provided in section 272.6, if the
28 institution providing the approved internship program
29 and the school district employing an intern submit to
30 the board of educational examiners a recommendation
31 for licensure of the intern, and the intern has
32 completed at least six weeks of the classroom teaching
33 experience, the intern shall be issued a
34 nontraditional conditional teaching license by the
35 board of educational examiners.
36 e. Prior to licensure as an administrator or a
37 provisional teacher, unless the requirement is waived

38 in accordance with this subsection for interns seeking
39 licensure under section 272.2, subsection 13,
40 paragraph "b", an individual shall successfully
41 complete the second twelve-semester-hour, or the
42 trimester or quarter equivalent, course of study in
43 accordance with section 272.2, subsection 13. The
44 institution providing the approved practitioner
45 preparation internship program may waive all or part
46 of the second course of an intern's study based upon
47 the institution's comprehensive evaluation of the
48 intern.

49 f. The institution that delivers the coursework to
50 a practitioner pursuant to this subsection shall,

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1 along with the school district that employs the
2 conditional practitioner, supervise the conditional
3 practitioner during the practitioner's year of
4 employment under a nontraditional conditional license,
5 and shall, in consultation with the practitioner's
6 evaluator at the school district of employment, submit
7 to the board of educational examiners a comprehensive
8 evaluation of the practitioner's performance by July 1
9 following the practitioner's year of employment under
10 a nontraditional conditional license. If the
11 comprehensive evaluation establishes that the
12 conditional practitioner's performance fails to meet
13 the standards of the approved nontraditional
14 practitioner preparation internship program, the
15 individual shall not be admitted to a second course of
16 study offered by an approved nontraditional
17 practitioner preparation internship program.

18 g. The tuition charged by an institution for
19 participation in an approved nontraditional
20 practitioner preparation internship program shall not
21 exceed the resident tuition rate for one full-time
22 semester of study established for institutions of
23 higher learning under the control of the state board
24 of regents.

25 Sec. 5. Section 272.1, Code 2001, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 5A. "Nontraditional conditional
28 license" means the authority that is given to allow a
29 person to legally serve as a practitioner on a
30 temporary basis while the person completes a
31 nontraditional practitioner preparation internship
32 program.

33 Sec. 6. Section 272.2, subsection 13, Code 2001,
34 is amended to read as follows:

35 13. Adopt rules to provide for nontraditional
36 preparation and licensing options for licensing

37 persons who hold, at a minimum, a bachelor's degree
38 from an accredited college or university, but who do
39 not meet other requirements for licensure. At a
40 minimum, the rules shall provide for the following:
41 a. An individual who possesses at least a master's
42 degree in business administration, public
43 administration, or a comparable degree, or who
44 possesses at least a bachelor's degree from an
45 accredited postsecondary institution and life
46 experience equivalent to a master's degree in a
47 management field as determined by rule, and who has
48 been employed for at least ten of the last fifteen
49 years in a management position, may be issued a one-
50 year, nonrenewable, nontraditional conditional

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1 administrator's license if the individual successfully
2 completes a nontraditional practitioner preparation
3 internship program in accordance with section 256.16,
4 subsection 3. An individual may be issued an
5 administrator's license if the individual successfully
6 completes one year of employment as an administrator
7 under a nontraditional conditional license and
8 successfully completes the second course of study set
9 forth in section 256.16, subsection 3. However, an
10 individual licensed pursuant to this paragraph shall
11 be licensed only to serve as an administrator in a
12 school district with an actual enrollment of five
13 thousand five hundred or more pupils.
14 b. An individual who possesses at least a
15 bachelor's degree from an accredited postsecondary
16 institution, who has been employed for at least five
17 consecutive years in an area requiring knowledge and
18 practical application of the individual's
19 postsecondary academic background, who can document,
20 to the satisfaction of the state board of educational
21 examiners, successful experience working with
22 children, may be issued a one-year, nonrenewable
23 nontraditional conditional license to teach students
24 in grades nine through twelve in the area of the
25 individual's academic background and employment
26 experience if the individual meets the requirements of
27 section 256.16, subsection 3. In addition to these
28 requirements, an individual seeking a nontraditional
29 conditional license to teach special education
30 students in grades nine through twelve shall document,
31 to the satisfaction of the state board of educational
32 examiners, five years of successful experience working
33 with children requiring special education. An
34 individual may be issued a provisional license to
35 teach students in grades nine through twelve in the

36 area of the individual's academic background and
37 employment experience if the individual successfully
38 completes one year of teaching under a nontraditional
39 conditional license and successfully completes the
40 second course of study set forth in section 256.16,
41 subsection 3.

42 c. A person issued a nontraditional conditional or
43 provisional teaching license pursuant to paragraph "b"
44 shall successfully complete, at a minimum, a one-year
45 beginning teacher mentoring and induction program.
46 However, a school district may offer the individual a
47 second year of participation in the program if, after
48 conducting a comprehensive evaluation, the school
49 district determines that the individual is likely to
50 successfully complete the mentoring and induction

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1 program by the end of the second year.
2 d. An approved nontraditional practitioner
3 preparation internship program, and the school
4 district or accredited nonpublic school with which the
5 institution administering the program has a written
6 agreement in accordance with section 256.16,
7 subsection 3, shall provide information to the board
8 and any documentation regarding the student's
9 participation in the program that the board may
10 reasonably request.

11 Sec. 7. Section 272.2, Code 2001, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 16. a. Administer the Praxis II
14 examination for knowledge of pedagogies and for not
15 more than one content area to each individual who is
16 applying for a nontraditional conditional license in
17 accordance with subsection 13, paragraph "b".
18 b. Examination fees for the examination required

19 under this subsection shall be paid by the board.
20 Costs incurred for additional content area
21 examinations shall be paid by the applicant.

22 c. The results of the examinations administered
23 pursuant to paragraph "a" shall be separately
24 maintained from the results of any examinations
25 administered to traditionally prepared students.

26 d. This subsection is repealed effective June 30,
27 2003.

28 Sec. 8. DEPARTMENTAL STUDIES. The department of
29 education shall do the following:

30 1. Compile and report, in consultation with the
31 board of educational examiners, information relating
32 to nontraditional practitioner preparation internship
33 programs, including the number of programs available
34 and geographic areas in which they are available, the

35 number of individuals who apply for a nontraditional
 36 conditional license, the number of individuals
 37 possessing a nontraditional conditional license who
 38 apply for a provisional license, the subject areas in
 39 which persons who possess nontraditional conditional
 40 licenses are teaching and where they are teaching.
 41 The department shall submit its findings and
 42 recommendations in a report to the senate and house of
 43 representatives standing committees on education by
 44 December 1, 2002.
 45 2. Analyze and compare, in consultation with the
 46 board of educational examiners, the requirements for
 47 practitioner licensure or endorsement that require a
 48 master's degree and the master's degree requirements
 49 established by approved practitioner preparation
 50 graduate programs. The institutions offering approved

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1 practitioner preparation programs shall submit
 2 information to the department as requested by the
 3 department. The department shall submit its findings
 4 and recommendations in a report to the senate and
 5 house of representatives standing committees on
 6 education by December 1, 2001."
 7 2. By renumbering as necessary.

NANCY BOETTGER

S-3616

1 Amend the amendment, S-3475, to House File 349, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking line 18 and inserting the
 5 following:
 6 "___ Page 7, line 20, by striking the word
 7 "five" and inserting the following: "three".
 8 ___ Page 7, line 29, by inserting after the word
 9 "certified." the following: "In enterprise zones
 10 designated pursuant to this subsection, only an
 11 eligible business under section 15E.193 shall be
 12 eligible for incentives and assistance."
 13 2. By renumbering as necessary.

MARK SHEARER

S-3617

1 Amend and amendment, S-3613, to House File 742, as
 2 amended, passed, and reprinted by the House, as

3 follows:
 4 1. Page 2, by inserting after line 42 the
 5 following:
 6 "___ . To construct a 50-bed stand-alone community-
 7 based correctional facility to replace the existing
 8 34-bed leased facility in Fort Dodge:
 9\$ 2,400,000
 10 ___ . To construct a 50-bed expansion of the
 11 existing 50-bed community-based correctional facility
 12 in Ottumwa:
 13\$ 2,000,000
 14 ___ . To construct a 75-bed stand-alone community-
 15 based correctional facility in Sioux City:
 16\$ 3,600,000
 17 ___ . To construct a 25-bed stand-alone community-
 18 based correctional facility in Davenport:
 19\$ 1,200,000"
 20 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-3618

1 Amend House File 742, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, line 30, by striking the figure
 4 "1,000,000" and inserting the following: "2,000,000".
 5 2. Page 13, by inserting after line 29, the
 6 following:
 7 "___ . For recreational grants to be used for the
 8 restoration or construction of recreational complexes
 9 or facilities under the recreational grant matching
 10 program:
 11\$ 3,000,000
 12 Matching grants awarded from the funds appropriated
 13 in this subsection shall be awarded on a matching
 14 basis of one dollar for every two dollars the
 15 applicant had raised.
 16 The department shall give special consideration to
 17 recreational complex or facility projects which
 18 involve public and private sector participation."
 19 3. By renumbering, redesignating, and correcting
 20 internal references as necessary.

BILL FINK
 BETTY A. SOUKUP
 JOE BOLKCOM
 ROBERT E. DVORSKY
 JACK HOLVECK
 DENNIS H. BLACK
 PATRICK J. DELUHERY
 MARK SHEARER

S-3619

1 Amend House File 742, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 14, line 28, by striking the figure
 4 "10,000,000" and inserting the following:
 5 "12,500,000".

DENNIS H. BLACK
 BETTY A. SOUKUP
 PATRICK J. DELUHERY
 JOE BOLKCOM
 ROBERT E. DVORSKY
 JACK HOLVECK
 MARK SHEARER
 BILL FINK

S-3620

1 Amend House File 742, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 12, line 20, by striking the figure
 4 "70,000" and inserting the following: "130,000".
 5 2. Page 12, line 23, by striking the figure
 6 "2,500,000" and inserting the following: "3,000,000".
 7 3. Page 12, line 27, by striking the figure
 8 "180,000" and inserting the following: "250,000".
 9 4. Page 12, line 30, by striking the figure
 10 "180,000" and inserting the following: "200,000".
 11 5. Page 13, by inserting after line 29 the
 12 following:
 13 "____. For continuation of the development of a
 14 total maximum daily load program to restore impaired
 15 waters of the state:
 16\$ 300,000"
 17 6. By renumbering, redesignating, and correcting
 18 internal references as necessary.

BETTY A. SOUKUP
 PATRICK J. DELUHERY
 JOE BOLKCOM
 ROBERT E. DVORSKY
 JACK HOLVECK
 BILL FINK
 DENNIS H. BLACK

S-3621

1 Amend the amendment, S-3613, to House File 742, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, by striking lines 17 through 23, and
5 inserting the following:

6 "____. By striking page 6, line 27, through page
7 7, line 34."

8 2. Page 4, by striking lines 34 through 43.

9 3. Page 11, line 37, by striking the figure
10 "99E.10." and inserting the following: "99E.10.

11 DIVISION ____

12 STATE BOARD OF REGENTS CAPITAL PROJECTS

13 Sec. ____ STATE BOARD OF REGENTS BONDING.

14 1. FINDINGS. The general assembly finds that:

15 a. Pursuant to section 262A.3, the state board of
16 regents prepared and within seven days after the
17 convening of the Seventy-ninth General Assembly of the
18 State of Iowa, First Session, submitted to the
19 Seventy-ninth General Assembly, First Session, for
20 approval the proposed five-year building program for
21 each institution of higher learning under the
22 jurisdiction of the board, containing a list of the
23 buildings and facilities which the board deems
24 necessary to further the educational objectives of the
25 institutions, together with an estimate of the cost of
26 each of the buildings and facilities and an estimate
27 of the maximum amount of revenue bonds which the board
28 expects to issue under chapter 262A for the fiscal
29 period beginning July 1, 2001, and ending June 30,
30 2003.

31 b. The projects contained in the capital
32 improvement program are deemed necessary for the
33 proper performance of the instructional, research, and
34 service functions of the institutions.

35 c. Section 262A.4 provides that the state board of
36 regents, after authorization by a constitutional
37 majority of each house of the general assembly and
38 approval by the governor, may undertake and carry out
39 at the institutions of higher learning under the
40 jurisdiction of the board any project as defined in
41 chapter 262A.

42 d. Chapter 262A authorizes the state board of
43 regents to borrow moneys and to issue and sell
44 negotiable revenue bonds to pay all or any part of the
45 cost of carrying out projects at any institution
46 payable solely from and secured by an irrevocable
47 pledge of a sufficient portion of the student fees and
48 charges and institutional income received by the
49 particular institution.

50 e. To further the educational objectives of the

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1 institutions, the state board of regents requests
2 authorization to undertake and carry out certain

3 projects at this time and to finance their costs by
4 borrowing moneys and issuing negotiable bonds under
5 chapter 262A in a total amount provided in this Act,
6 the remaining costs of the projects to be financed by
7 appropriations or by federal or other funds lawfully
8 available.

9 2. APPROVAL -- LIMITS.

10 a. The proposed five-year building program
11 submitted by the state board of regents for each
12 institution of higher learning under its jurisdiction
13 is approved and no commitment is implied or intended
14 by approval to fund any portion of the proposed five-
15 year building program submitted by the state board of
16 regents beyond the portion that is financed and
17 approved by the Seventy-ninth General Assembly, First
18 Session, and the governor.

19 b. During the fiscal period that commences July 1,
20 2001, and that ends June 30, 2003, the maximum amount
21 of bonds which the state board of regents expects to
22 issue under chapter 262A, unless additional bonding is
23 authorized, is set forth in this Act, all or any part
24 of which may be issued during the fiscal year ending
25 June 30, 2002, and if all of that amount is not issued
26 during that fiscal year, any remaining balance may be
27 issued during the fiscal year ending June 30, 2003,
28 and this plan of financing is approved.

29 3. PROJECTS. The state board of regents is
30 authorized to undertake, plan, construct, equip, and
31 otherwise carry out the following projects at the
32 institutions of higher learning under the jurisdiction
33 of the board, and the general assembly authorizes the
34 state board of regents to borrow moneys and to issue
35 and sell negotiable revenue bonds in the manner
36 provided in sections 262A.5 and 262A.6 in order to pay
37 all or any part of the costs of carrying out the
38 projects at the institutions as follows:

- 39 a. Iowa state university of science and technology
- 40 Construction of a building for the college of
- 41 business project costs:
- 42\$ 10,900,000
- 43 b. State university of Iowa
- 44 Construction of a building for the school of art
- 45 and art history project costs:
- 46\$ 16,016,000
- 47 c. University of northern Iowa
- 48 Replacement of the steam distribution system, phase
- 49 1 project costs:
- 50\$ 12,700,000

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1 Total\$ 39,616,000

2 4. BOND AMOUNTS EXCEED COSTS. If the amount of

3 bonds issued under this section exceeds the actual

4 costs of projects approved in this section, the amount

5 of the difference shall be used to pay the principal

6 and interest due on bonds issued under chapter 262A.

7 5. CAPITALIZATION OF RESERVE FUNDS. The state

8 board of regents may capitalize the issuance costs and

9 bond reserve fund equal to eleven percent of each bond

10 issue with respect to bonds authorized pursuant to

11 this section and may increase the amount of the bonds

12 issued under this section to that extent.

13 DIVISION ____

14 SUPPLEMENTAL PROVISIONS

15 Sec. 101. 2000 Iowa Acts, chapter 1225, section

16 15, is amended to read as follows:

17 SEC. 15. There is appropriated from the rebuild

18 Iowa infrastructure fund to the state board of regents

19 for the fiscal ~~period~~ year beginning July 1, 2000, and

20 ending June 30, ~~2003~~ 2001, the following amounts, or

21 so much thereof as is necessary, to be used for the

22 purposes designated:

23 1. For improvements to Gilman hall at Iowa state

24 university of science and technology, including the

25 replacement of the heating, ventilation, and air

26 conditioning system, replacement of the fume hood

27 exhaust system, and the construction of an addition to

28 house mechanical equipment:

29 FY 2000-2001\$ 8,500,000

30 FY 2001-2002\$ ~~2,500,000~~

31 FY 2002-2003\$ 0

32 2. For continued renovation of the biological

33 sciences facility at the state university of Iowa:

34 FY 2000-2001\$ 4,400,000

35 FY ~~2001-2002~~\$ ~~7,300,000~~

36 FY ~~2002-2003~~\$ ~~3,000,000~~

37 3. For construction of an addition to McCollum

38 science hall at the university of northern Iowa:

39 FY 2000-2001\$ 2,700,000

40 FY ~~2001-2002~~\$ ~~5,800,000~~

41 FY ~~2002-2003~~\$ ~~8,400,000~~

42 4. For planning and design of a new business

43 college building at Iowa state university of science

44 and technology, notwithstanding section 8.57,

45 subsection 5, paragraph "c":

46 FY 2000-2001\$ 300,000

47 FY 2001-2002\$ 0

48 FY 2002-2003\$ 0

49 5. For improvements to or replacement of the water

50 system at the school for the deaf:

Page 4

| | | |
|---|----|------------|
| 1 | \$ | 250,000 |
| 2 The state board of regents is authorized to enter | | |
| 3 into contracts for the full cost of carrying out the | | |
| 4 projects listed in subsections 1 through 3, for which | | |
| 5 appropriations are made in those subsections. The | | |
| 6 state shall not be obligated for costs associated with | | |
| 7 contracts identified in this paragraph in excess of | | |
| 8 the funds appropriated by the general assembly. | | |
| 9 Sec. 102. BONDING AUTHORIZATION. | | |
| 10 1. Notwithstanding the provisions of section | | |
| 11 263A.3, for the fiscal year beginning July 1, 2000, | | |
| 12 and ending June 30, 2001, the general assembly | | |
| 13 declares that the state board of regents has met the | | |
| 14 general assembly's requirements regarding the | | |
| 15 preparation and submission to the general assembly of | | |
| 16 the proposed five-year building program for the fiscal | | |
| 17 period beginning July 1, 2000, and ending June 30, | | |
| 18 2005, for each institution of higher learning under | | |
| 19 the jurisdiction of the state board of regents, and | | |
| 20 the general assembly hereby approves that five-year | | |
| 21 building program as submitted. The general assembly | | |
| 22 finds that the projects contained in the building | | |
| 23 program are deemed necessary for the proper | | |
| 24 performance of the instructional, research, and | | |
| 25 service functions of the institutions, pursuant to | | |
| 26 section 262A.4. | | |
| 27 2. To further the educational objectives of the | | |
| 28 institutions, the general assembly authorizes the | | |
| 29 state board of regents to undertake, plan, construct, | | |
| 30 equip, and otherwise carry out at the institutions of | | |
| 31 higher learning under the jurisdiction of the board | | |
| 32 the following projects: | | |
| 33 a. Iowa state university of science and technology | | |
| 34 System upgrade of Gilman hall project costs: | | |
| 35 | \$ | 2,500,000 |
| 36 b. State university of Iowa | | |
| 37 Renovation of biological sciences buildings project | | |
| 38 costs: | | |
| 39 | \$ | 10,300,000 |
| 40 c. University of northern Iowa | | |
| 41 Addition to McCollum science hall project costs: | | |
| 42 | \$ | 14,200,000 |
| 43 Total | \$ | 27,000,000 |
| 44 3. The general assembly authorizes the state board | | |
| 45 of regents to borrow moneys and to issue and sell | | |
| 46 negotiable revenue bonds in the manner provided in | | |
| 47 sections 262A.5 and 262A.6, in order to pay all or any | | |
| 48 part of the costs of carrying out the projects. The | | |
| 49 negotiable revenue bonds shall be payable solely from | | |
| 50 and secured by an irrevocable pledge of a sufficient | | |

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1 portion of the student fees and charges and
 2 institutional income received by the particular
 3 institution.
 4 4. The state board of regents may capitalize the
 5 issuance costs and the bond reserve fund equal to
 6 eleven percent of each bond issue with respect to
 7 bonds authorized pursuant to this Act and may increase
 8 the amount of the bonds issued under this Act to that
 9 extent. If the amount of bonds issued under this Act
 10 exceeds the actual costs of projects approved in this
 11 Act, the amount of the difference shall be used to pay
 12 the principal and interest due on bonds issued under
 13 chapter 262A.

14 Sec. _____. The state board of regents is authorized
 15 to enter into contracts for the full costs of carrying
 16 out the projects listed in this division and for which
 17 appropriations are made and bonding authorization
 18 provided pursuant to this division. The state shall
 19 not be obligated for costs associated with contracts
 20 identified in this division in excess of the funds
 21 appropriated and bonds authorized by the general
 22 assembly.

23 Sec. _____. CONTINGENT EFFECTIVENESS. Section 101
 24 of this Act takes effect only upon the enactment,
 25 during the Seventy-ninth General Assembly, First
 26 Regular Session, of bonding authority, in lieu of
 27 appropriations struck pursuant to section 101, as set
 28 forth and provided in section 102 of this Act."

29 4. Page 11, line 48, by inserting after the word
 30 "appropriations," the following: "providing bonding
 31 authorization to the state board of regents for
 32 specific capital projects,".

33 5. By renumbering, redesignating, and correcting
 34 internal references as necessary.

ROBERT E. DVORSKY
 JOHNIE HAMMOND
 PATRICIA HARPER
 JOE BOLKCOM

S-3622

1 Amend House File 740, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 5, line 16, by striking the figure "2003"
 4 and inserting the following: "2002".

JOHNIE HAMMOND

S-3623HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 719

1 Amend the Senate amendment, H-1810, to House File
2 719, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 19 through page 2,
5 line 3, and inserting the following:
6 "____. Page 4, by striking lines 18 through 35 and
7 inserting the following: "the department of education
8 in continuing this initiative."
9 2. Page 2, line 4, by inserting after the figure
10 "14" the following: "and inserting the following:
11 "e. The next \$312,000 shall be allocated to the
12 information technology department. Of this amount,
13 \$252,000 shall be utilized for lease-purchase costs
14 related to the justice data warehouse technology
15 project, and \$60,000 shall be transferred to the
16 division of criminal and juvenile justice planning of
17 the department of human rights for 1.00 FTE to provide
18 support for the justice data warehouse technology
19 project."
20 3. Page 2, by striking lines 5 through 8 and
21 inserting the following:
22 "____. Page 5, by striking lines 15 through 17 and
23 inserting the following:
24 "____. The next \$1,000,000 shall be allocated to
25 the information technology department for
26 implementation of an enterprise data warehouse.
27 _____. The next \$500,000 shall be allocated to the
28 secretary of state's office to replace the secretary
29 of state's voter registration system.
30 _____. The next \$1,000,000 shall be allocated to the
31 Iowa department of workforce development for
32 automation of the unemployment system.
33 _____. The next \$250,000 shall be allocated to the
34 department of agriculture and land stewardship for the
35 e-commerce electronic licensing project.
36 _____. The remaining amount in the pooled technology
37 account shall be allocated to implement the
38 recommendations of the information technology council.
39 However, none of these funds may be utilized for
40 asynchronous transfer mode technology conversion, the
41 enterprise resource planning project, or digital
42 broadcast conversion, or for lease-purchase payments
43 in connection therewith. Amounts allocated pursuant to
44 this paragraph shall include any reversions in excess
45 of those necessary to fund the justice data warehouse
46 project.""

47 4. Page 2, by striking lines 17 through 30 and
 48 inserting the following:
 49 "____. Page 6, line 9, by inserting after the word
 50 "account." the following: "Of the funds appropriated

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1 to the pooled technology account pursuant to this
 2 subsection which remain after the deposit to the
 3 general fund of the state specified in unnumbered
 4 paragraph 2, \$312,000 shall be allocated to the
 5 information technology department for lease-purchase
 6 costs related to the justice data warehouse technology
 7 project.""
 8 5. Page 4, by striking line 5 and inserting the
 9 following:
 10 "____. Page 9, line 29, by inserting after the
 11 word "issues." the following: "The objective of the
 12 study shall be to evaluate the viability of
 13 establishing the state of Iowa as a distance learning
 14 center. The study shall identify distance learning
 15 technology opportunities between interested agencies
 16 and entities involved in or potentially involved in
 17 distance learning activities, including but not
 18 limited to K-12 schools, area education agencies,
 19 institutions of higher learning, the public
 20 broadcasting division of the department of education,
 21 the department of education, the Iowa communications
 22 network, the information technology department, and
 23 military and private sector institutions or
 24 agencies.""
 25 6. By renumbering, relettering, or redesignating
 26 and correcting internal references as necessary.

S-3624

1 Amend House File 740 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, line 20, by inserting after the word
 4 "costs." the following: "Any excess payment allowance
 5 realized from the direct care cost component of the
 6 modified price-based case-mix reimbursement shall be
 7 expended to increase the compensation of direct care
 8 workers or to increase the ratio of direct care
 9 workers to residents."
 10 2. Page 6, line 31, by inserting after the word
 11 "costs." the following: "Any excess payment allowance
 12 realized from the nondirect care cost component of the
 13 modified price-based case-mix reimbursement shall be
 14 used to fund quality of life improvements."

S-3625

- 1 Amend House File 740, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 11, line 2, by striking the figure "2000"
- 4 and inserting the following: "2001".
- 5 2. Page 12, by striking lines 21 through 25.
- 6 3. Title page, by striking lines 4 and 5, and
- 7 inserting the following: "department of human
- 8 services."
- 9 4. By renumbering as necessary.

JOHNIE HAMMOND
MAGGIE TINSMAN

S-3626

- 1 Amend House File 742, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 27, by striking the figure
- 4 "1,000,000" and inserting the following: "2,000,000".
- 5 2. Page 3, by inserting after line 6 the
- 6 following:
- 7 "___ . For the maintenance, storage, and cataloging
- 8 of Iowa's historical collections:
- 9\$ 250,000"
- 10 3. Page 3, by inserting before line 24 the
- 11 following:
- 12 "DEPARTMENT OF EDUCATION
- 13 Sec. ___. There is appropriated from the rebuild
- 14 Iowa infrastructure fund to the department of
- 15 education for the fiscal year beginning July 1, 2001,
- 16 and ending June 30, 2002, the following amount, to be
- 17 used for the purpose designated:
- 18 To provide resources for structural and
- 19 technological improvements to local libraries,
- 20 notwithstanding section 8.57, subsection 5, paragraph
- 21 "c":
- 22\$ 500,000"
- 23 4. Page 9, by inserting after line 28 the
- 24 following:
- 25 "DIVISION ___
- 26 REBUILD IOWA INFRASTRUCTURE FUND
- 27 TECHNOLOGY INFRASTRUCTURE
- 28 DEPARTMENT OF EDUCATION
- 29 Sec. ___. There is appropriated from the rebuild
- 30 Iowa infrastructure fund to the department of
- 31 education for the fiscal year beginning July 1, 2001,
- 32 and ending June 30, 2002, the following amounts, or so
- 33 much thereof as is necessary, to be used for the
- 34 purposes designated, notwithstanding section 8.57,

35 subsection 5, paragraph "c":
 36 1. For technology improvements at community
 37 colleges throughout the state:
 38\$ 5,500,000
 39 2. For the twenty-first century learning
 40 infrastructure:
 41\$ 1,900,000
 42 Sec. ___. REVERSION. Notwithstanding section
 43 8.33, moneys appropriated in this division of this Act
 44 that remain unencumbered or unobligated at the close
 45 of the fiscal year that begins July 1, 2002, shall
 46 revert at the close of that fiscal year. However, if
 47 the projects for which the moneys are appropriated are
 48 completed in an earlier fiscal year, unencumbered or
 49 unobligated moneys shall revert at the close of that
 50 fiscal year."

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- 1 5. Title page, line 4, by inserting after the
- 2 word "development," the following: "the department of
- 3 education,".
- 4 6. By renumbering, redesignating, and correcting
- 5 internal references as necessary.

MIKE CONNOLLY
 ROBERT E. DVORSKY
 BETTY A. SOUKUP
 THOMAS FIEGEN
 MARK SHEARER
 PATRICK J. DELUHERY

S-3627

1 Amend House File 742, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by inserting before line 24, the
 4 following:
 5 "Sec. ___. There is appropriated from the rebuild
 6 Iowa infrastructure fund to the department of economic
 7 development for the fiscal year beginning July 1,
 8 2001, and ending June 30, 2002, the following amount,
 9 or so much thereof as is necessary, to be used for the
 10 purpose designated:
 11 1. To be deposited in the physical infrastructure
 12 assistance fund created in section 15E.175:
 13\$ 2,000,000
 14 The department shall report to the general assembly
 15 by June 30 of the fiscal year for which funds are
 16 appropriated in this subsection regarding the amount
 17 of such funds used for "vertical infrastructure"
 18 projects and the amount of such funds used for

19 projects which result in the creation of "vertical
20 infrastructure".

21 2. To provide financial assistance in the form of
22 grants, loans, or forgivable loans for advanced
23 research and commercialization projects involving
24 value-added agriculture, advanced technology, or
25 biotechnology, notwithstanding section 8.57,
26 subsection 5, paragraph "c":

27\$ 4,000,000

28 Of the amount appropriated in this subsection,
29 \$2,075,000 shall be allocated for activities supported
30 by the Iowa new economy council created in 2001 Iowa
31 Acts, House File 697, if enacted."

32 2. Page 5, by inserting after line 8, the
33 following:

34 "IOWA FINANCE AUTHORITY
35 Sec. _____. There is appropriated from the rebuild
36 Iowa infrastructure fund to the Iowa finance authority
37 for the fiscal year beginning July 1, 2001, and ending
38 June 30, 2002, the following amount, or so much
39 thereof as is necessary, to be used for the purpose
40 designated:

41 For deposit in the housing trust fund, if created
42 by the 2001 general assembly, notwithstanding section
43 8.57, subsection 5, paragraph "c":

44\$ 2,200,000"

45 3. Page 9, by inserting after line 28, the
46 following:

47 "DIVISION ____
48 REBUILD IOWA INFRASTRUCTURE FUND
49 TECHNOLOGY INFRASTRUCTURE
50 DEPARTMENT OF ECONOMIC DEVELOPMENT

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1 Sec. _____. There is appropriated from the rebuild
2 Iowa infrastructure fund to the department of economic
3 development for the fiscal year beginning July 1,
4 2001, and ending June 30, 2002, the following amounts,
5 or so much thereof as is necessary, to be used for the
6 purposes designated:

7 1. For the establishment of an Iowa alliance for
8 advanced telecommunications services (ATS) and for the
9 development of a comprehensive statewide plan,
10 notwithstanding section 8.57, subsection 5, paragraph
11 "c":

12\$ 200,000

13 2. For the establishment of an Iowa network access
14 point and peering points for telecommunications
15 traffic among multiple service providers,
16 notwithstanding section 8.57, subsection 5, paragraph
17 "c":

18\$ 200,000
19 3. For creation of a community advanced
20 telecommunications fund to aid communities in
21 developing access to advanced telecommunications
22 services, notwithstanding section 8.57, subsection 5,
23 paragraph "c":
24\$ 600,000"
25 4. Page 15, by inserting after line 35, the
26 following:
27 "Sec. __. Section 15.354, subsection 1, Code
28 2001, is amended to read as follows:
29 1. The local housing assistance program fund is
30 created consisting of ~~one million dollars appropriated~~
31 ~~from the rebuild Iowa infrastructure fund each fiscal~~
32 ~~year starting with the fiscal year beginning July 1,~~
33 ~~1997, and ending June 30, 1998, and ending with the~~
34 ~~fiscal year beginning July 1, 2001, and ending June~~
35 ~~30, 2002, notwithstanding section 8.57, subsection 5,~~
36 ~~paragraph "c", and any other moneys appropriated to or~~
37 ~~received by the department for deposit in the fund."~~
38 5. Title page, line 5, by inserting after the
39 word "services," the following: "the Iowa finance
40 authority,".
41 6. By renumbering, redesignating, and correcting
42 internal references as necessary.

MARK SHEARER
ROBERT E. DVORSKY
BETTY A. SOUKUP
THOMAS FIEGEN
PATRICK J. DELUHERY

S-3628

1 Amend the amendment, S-3613, to House File 742, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by striking lines 14 through 16, and
5 inserting the following:
6 "FY 2001-2002\$ 12,500,000
7 0
8 FY 2002-2003\$ 12,500,000"

JEFF LAMBERTI

S-3629

1 Amend House File 637, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 13, by striking lines 26 through 32 and
4 inserting the following:

5 "The maintenance of a ~~county~~ library established in
 6 accordance with this chapter shall be on the basis of
 7 each participating unit bearing its share of the total
 8 cost in proportion to its population as compared to
 9 the total population of the ~~county~~ library district.
 10 The board of library trustees shall make".
 11 2. Page 14, by inserting after line 19, the
 12 following:
 13 "This section shall not affect the taxing authority
 14 provided under section 256.69."

KITTY REHBERG

S-3630

1 Amend House File 714, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by striking lines 16 through 23, and
 4 inserting the following: "programs, training for the
 5 physically or mentally challenged, and other
 6 educational programs deemed beneficial to the
 7 participants."

PAUL MCKINLEY

S-3631

1 Amend Senate File 522 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. NEW SECTION. 15.380 SHORT TITLE.
 5 This part shall be known as and may be cited as the
 6 "Community Development Program Act".
 7 Sec. 2. NEW SECTION. 15.381 DEFINITIONS.
 8 As used in this part, unless the context otherwise
 9 requires:
 10 1. "Business" means all businesses operating
 11 within the state and includes individuals operating a
 12 sole proprietorship or having rental, royalty, or farm
 13 income in this state and includes a consortium of
 14 businesses.
 15 2. a. "Child care" means the same as defined in
 16 section 237A.1.
 17 b. "Child care center" means a facility licensed
 18 pursuant to section 237A.2 to provide child care.
 19 3. "Community services" means, but is not limited
 20 to, individual, group, and family counseling; parent
 21 and early childhood education; mental health services;
 22 primary care and community medical health centers;
 23 child and adult care services; senior citizen service
 24 centers; recreation programs; nutrition programs;

25 emergency shelters for persons suffering from physical
26 abuse or rape; services for the handicapped; sheltered
27 workshops, vocational counseling; substance abuse
28 counseling; and referral services.

29 4. "Contribution" includes cash, material or
30 supplies, real estate, labor, professional services,
31 technical assistance, or equipment. "Contribution"
32 does not include investments made by a financial
33 institution or insurance company in the normal course
34 of its business.

35 5. "Crime prevention" means activities which
36 include but are not limited to services to ex-
37 offenders, local civilian organizations that help
38 prevent crime or provide aid to victims of crime,
39 mediation services aimed at resolving disputes and
40 conflicts before they become criminal incidents, or
41 services to juveniles who have had contact with the
42 court or police.

43 6. "Distressed or blighted area" means an area
44 designated or that qualifies under section 15E.194 to
45 be designated an enterprise zone pursuant to chapter
46 15E, division XVIII, designated as a slum or blighted
47 area pursuant to chapter 403, or designated as a
48 revitalization area pursuant to chapter 404.

49 7. "Economic development" means the acquisition,
50 renovation, improvement, or the furnishing or

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1 equipping of existing buildings and real estate in
2 distressed or blighted areas of the state when this
3 acquisition, renovation, improvement, or the
4 furnishing or equipping of the existing buildings and
5 real estate will result in the creation or retention
6 of jobs within the state.

7 8. "Education" includes literacy programs, adult
8 basic education and general educational development
9 certificate programs, English as a second language
10 program designed to teach English to students or
11 adults whose native language is other than English,
12 training for the physically or mentally challenged,
13 and educational programs to assist persons who have
14 dropped out of school for reason other than death or
15 transfer to another school or to assist students who
16 are at-risk of dropping out or failing to meet the
17 goals of the educational agenda established by the
18 school district.

19 9. "Job training" means those activities which
20 provide specific vocational skills including special
21 apprenticeship or on-the-job training programs not
22 otherwise available.

23 10. "Neighborhood area" means a specific

24 geographic area certified by the department as having
25 a readily identifiable residential population and
26 which may include, but is not limited to, any of the
27 following factors:
28 a. A sense of belonging or identity that ties
29 residents to a given area.
30 b. Social, cultural, political, or economic
31 activities around which people organize themselves.
32 c. The existence of cohesive organizations formed
33 by residents.
34 d. A city with a population of less than ten
35 thousand or a region within a rural area may be
36 certified as a neighborhood area.
37 e. A history of acting or being treated as a
38 distinct or cohesive unit.
39 f. The area is designated as a community
40 empowerment area in accordance with chapter 28.
41 11. "Physical revitalization" means activities
42 designed for the physical improvement of any part or
43 all of a neighborhood area. These activities may
44 include, but are not limited to, such programs as
45 commercial area revitalization; housing construction
46 or rehabilitation; improvements to or acquisition or
47 construction of facilities used by nonprofit
48 organizations for community purposes or related
49 planning and promotional activities designed to aid in
50 those programs.

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1 12. a. "Qualifying organization" means an
2 organization performing community services or economic
3 development activities in the state and is any of the
4 following:
5 (1) A person or organization that is exempt from
6 federal income taxation under the Internal Revenue
7 Code as defined in section 422.3.
8 (2) A nonprofit corporation organized under the
9 laws of this state.
10 (3) Designated as a community development
11 corporation by the federal government pursuant to,
12 Title VII of the Economic Opportunity Act of 1964,
13 Pub. L. No. 88-452.
14 (4) A community empowerment area board created in
15 accordance with chapter 28.
16 b. "Qualifying organization" does not include any
17 of the following:
18 (1) A unit or agency of the state, local
19 government, or educational institution. This
20 subparagraph shall not be interpreted to prevent a
21 community empowerment area board from being considered
22 a qualifying organization.

23 (2) A foundation or trust of a postsecondary
24 educational institution.

25 (3) A church-affiliated religious organization
26 unless the organization is without religious
27 discrimination or is not controlled by a single
28 denomination.

29 Sec. 3. NEW SECTION. 15.382 COMMUNITY
30 DEVELOPMENT AND CHILD CARE CENTER TAX CREDITS --
31 APPROVAL OF PROJECTS AND PROPOSALS.

32 1. TAX CREDITS.

33 a. A business which engages in the activities of
34 providing physical revitalization, economic
35 development, job training or education for
36 individuals, community services, or crime prevention
37 in the state shall receive a community development tax
38 credit as provided in section 15.383 if the director
39 annually approves the proposal of the business.

40 However, a proposal for a community development tax
41 credit shall not be approved which does not have the
42 endorsement of the local government for the area in
43 which the business is engaging in such activities that
44 the proposal is consistent with the overall community
45 or neighborhood development plan adopted by that local
46 government.

47 b. A business which for the benefit of its
48 employees builds, contributes to, or operates a new or
49 existing child care center in the state or subsidizes
50 access to a child care center in the state shall

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1 receive a child care center tax credit as provided in
2 section 15.383 if the director annually approves the
3 proposal of the business.

4 2. ECONOMIC DEVELOPMENT PROJECTS. For economic
5 development projects in distressed or blighted areas
6 for which community development tax credits under this
7 part may be approved, the following guidelines apply:

8 a. Applications shall be accepted from any locally
9 based qualifying organization wishing to conduct an
10 economic development project in a distressed or
11 blighted area.

12 b. Applicants may not administer more than one
13 economic development project at a time. A project may
14 include more than one building, provided that the
15 proposal meets all other eligibility requirements as
16 set forth in this subsection and rules of the
17 department.

18 c. Applications will be accepted by the department
19 at any time of the year and will be approved on a
20 case-by-case basis as all the necessary requirements
21 are met and as credits become available.

22 d. A maximum authorization of one hundred fifty
23 thousand dollars in community development tax credits
24 will be permitted per project and no more than five
25 percent of the credits authorized for the project
26 shall normally be allowed for administrative and
27 operating expenses. In unusual circumstances, a
28 higher percentage may be allowed at the discretion of
29 the department.

30 e. Applicants must obtain a nonbinding commitment
31 from a prospective business or businesses willing to
32 locate to the facility and demonstrate that at least
33 one job will be created or retained for every ten
34 thousand dollars in credits requested. Eligible types
35 of businesses include retail, commercial, service, and
36 manufacturing.

37 3. COMMUNITY DEVELOPMENT PROJECTS. For community
38 development projects, other than economic development
39 projects, for which community development tax credits
40 under this part may be approved, the following
41 procedures, criteria, and priorities apply:

42 a. A proposal for a proposed program shall be
43 submitted by a qualifying organization for carrying
44 out a specific project consistent with the purposes of
45 this part.

46 b. All proposals shall be made on the forms
47 supplied by the department. Each proposal shall
48 contain a project budget and shall identify, if
49 possible, the items and amounts of the budget which
50 will be provided for from contributions from any

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1 business. A project budget shall be approved by the
2 department. The department may request any additional
3 information it determines necessary to evaluate a
4 proposal or plan.

5 c. Community development projects and the budgets
6 for them may be approved for a period of up to three
7 years at the discretion of the director.

8 d. An annual application deadline shall be
9 determined by the department and application materials
10 shall be distributed upon request no less than sixty
11 days prior to the actual application deadline.

12 e. All proposals must address at least one of the
13 following priorities in order to qualify for approval:

14 (1) The project substantially contributes to self-
15 help efforts by residents of the neighborhood area to
16 be served in addressing locally defined objectives.

17 (2) The project will result in the provision of
18 essential services to low-income and moderate-income
19 families which would not otherwise be provided in the
20 affected neighborhood area and for which there are not

21 other resources. "Low-income and moderate-income
22 families" means those families, including single-
23 person households, earning no more than eighty percent
24 of the higher of the median family income of the
25 county or the statewide nonmetropolitan area as
26 determined by the latest United States department of
27 housing and urban development, section 8 income
28 guidelines.

29 (3) The project tangibly contributes to the
30 development of lasting cooperation and partnership
31 efforts of neighborhood organizations and businesses.

32 f. Approval or disapproval of proposals shall be
33 based on the following criteria:

34 (1) The director must certify an area as
35 experiencing problems endangering the area's existence
36 as a viable and stable neighborhood to be eligible for
37 assistance.

38 (2) The qualifying organization submitting the
39 proposal must demonstrate its capacity to adequately
40 administer the project.

41 (3) There must be a demonstrated need for the
42 program in the neighborhood area within which the
43 project is to be carried out.

44 (4) The proposal must demonstrate that residents
45 of the affected neighborhood area have been involved
46 in the planning of the proposed project and describe
47 the extent to which they will be involved in its
48 implementation.

49 (5) The proposal must be consistent with all
50 locally approved community or neighborhood development

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1 plans for the area.

2 (6) Proposals submitted subsequent to the first
3 year will be evaluated on performance of the first-
4 year project, other resources developed, continued
5 need, and potential for eventual self-sufficiency.

6 g. In no case shall a project be approved that
7 does not have a written endorsement of the appropriate
8 local public authority with notification given to the
9 community empowerment board.

10 h. The maximum amount of community development tax
11 credits allowed per project is one hundred fifty
12 thousand dollars.

13 i. For purposes of the criterion in paragraph "f",
14 subparagraph (1), an area is experiencing problems
15 endangering its existence as a viable and stable
16 neighborhood if some of the following factors are
17 present: declining population, high percentage of
18 people dependent on public assistance, persistent or
19 substantial unemployment or underemployment, lower

20 than average family incomes, financial disinvestment,
 21 insurance and financial redlining, general weakened
 22 market conditions on the neighborhood commercial strip
 23 as indicated by declining rents or vacant stores,
 24 excessive abandonment of properties, a significant
 25 percentage of neighborhood residents on fixed incomes,
 26 unsanitary or inadequate housing, overcrowding,
 27 significant proportion of the property is rental
 28 property, property speculation, high rates of crime
 29 and delinquency, high degree of drug or alcohol abuse,
 30 increasing cases of mental health problems,
 31 significant numbers of single-parent households, high
 32 degree of infant mortality and disease, disabilities,
 33 general unsanitary conditions in the area, or poor
 34 city and public utility services.

35 4. CHILD CARE EMPLOYEE BENEFITS. For child care
 36 employee benefits for which a child care center tax
 37 credit under this part may be approved, the following
 38 apply:

- 39 a. A proposal for a project shall be submitted by
 40 a business located in or doing business in the state.
- 41 b. The proposal shall be on forms supplied by the
 42 department. The proposal shall identify the location
 43 of the child care center which must be in the state.
 44 The proposal shall contain a statement on whether the
 45 business is also seeking a community development tax
 46 credit for providing child care for its employees.
- 47 c. To be eligible for a child care center tax
 48 credit, the business must provide child care employee
 49 benefits for its employees through any of the
 50 following:

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- 1 (1) Build a new structure or rehabilitate an
 2 existing structure to be used as a child care center.
 3 A business may do the building or rehabilitating in
 4 conjunction with another business or entity but only
 5 the business's actual costs shall be considered in
 6 determining the amount of credit. At least five
 7 children of its employees are provided child care at
 8 the center.
- 9 (2) Operate or lease a child care center where at
 10 least five children of its employees are provided
 11 child care at the center.
- 12 (3) Donate money, supplies, or other tangible
 13 personal property to a child care center where at
 14 least five children of its employees are provided
 15 child care.
- 16 (4) Pay the cost for the equivalent of five
 17 children of its employees to attend a child care
 18 center.

19 d. A business is ineligible for a child care
20 center tax credit if any of the following applies:
21 (1) It derives income from the operation, lease,
22 or management of more than one child care center.
23 (2) The business has received a community
24 development tax credit for activities related to the
25 child care center for which it is seeking a tax
26 credit.

27 e. An annual application deadline shall be
28 determined by the department and application material
29 shall be distributed upon request no less than sixty
30 days prior to the actual application deadline.

31 5. TAX CREDIT APPLICATION.

32 a. The department shall approve or disapprove
33 applications for community development tax credits to
34 businesses which have invested in approved economic
35 development projects or other community development
36 projects or for child care center tax credits for
37 businesses that have provided child care for the
38 benefit of their employees. The director, upon
39 approval of an application, shall notify the director
40 of revenue and finance and the governor of those
41 businesses entitled to a tax credit.

42 If the business meets the criteria for eligibility,
43 the department of economic development shall issue to
44 the business a certification of entitlement for the
45 community development tax credit or child care center
46 tax credit. The certification shall contain the name
47 of the business, address, tax identification number,
48 the amount of the credit, the tax year for which the
49 certificate applies, and any other information
50 required by the department of revenue and finance.

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1 b. The procedures and requirements for filing a
2 tax credit application are as follows:
3 (1) Businesses wanting to donate to a particular
4 community development project or wanting to provide
5 child care employee benefits, but first wishing to
6 verify the eligibility of the donation or provision of
7 child care employee benefits for a tax credit, may
8 submit a tax credit eligibility confirmation form to
9 the department. The department will confirm in
10 writing whether or not the donation or the provision
11 of child care employee benefits qualifies for credit
12 and how the value of the credit will be determined.
13 This confirmation will not constitute credit approval.

14 (2) In order to qualify for credit, donations or
15 providing of child care employee benefits must occur
16 during the approved project period with the exception
17 of donated audit services, which may occur anytime

18 during the six-month period following the project
19 period, and must be directly related to the approved
20 project.

21 (3) Businesses wishing to apply for credit must
22 complete a community development tax credit
23 application or child care center tax credit
24 application. A business providing child care for the
25 benefit of its employees may complete and file both
26 applications, but only one credit shall be approved.

27 (4) Tax credit applications are to be signed by
28 the qualifying organization or the managing entity of
29 the child care center, as applicable, and submitted
30 directly to the department not later than one year
31 following the date of donation or providing of child
32 care employee benefits.

33 (5) The order in which completed credit
34 applications are received by the department will
35 determine the order in which credits are approved.
36 Facsimile copies will not be considered completed
37 applications.

38 (6) Every transmittal of community development tax
39 credit applications to the department must be
40 accompanied by a project report prepared by the
41 qualifying organization.

42 (7) The department shall examine all submitted
43 applications and determine which donations or child
44 care employee benefits meet the eligibility criteria.

45 c. The department shall establish by rule the
46 methods to be used in determining the value of
47 contributions or child care employee benefits of a
48 business.

49 Sec. 4. NEW SECTION. 15.383 TAX CREDITS --
50 DOCUMENTATION.

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1 1. For a tax credit application approved pursuant
2 to section 15.382, the community development tax
3 credit or child care center tax credit available under
4 this part may be used to reduce the tax liability
5 imposed under chapter 422, division II, III, or V, or
6 chapter 432 or 533.

7 2. Subject to subsections 4 and 5, the amount of
8 the community development tax credit shall be fifty
9 percent of the contribution made by the business
10 during the tax year.

11 3. Subject to subsections 4 and 6, the amount of
12 the child care center tax credit shall be twenty-five
13 percent of the cost to provide the child care employee
14 benefits.

15 4. a. The tax credit shall not exceed one hundred
16 thousand dollars annually.

- 17 b. Any tax credit in excess of the business's tax
18 liability for a tax year may be credited to the tax
19 liability for the following five tax years or until
20 depleted, whichever is the earlier.
- 21 c. A financial institution or insurance company
22 shall not receive a tax credit for activities that are
23 part of its normal course of business.
- 24 d. To be eligible to receive the tax credit, a
25 business shall provide documentation of the
26 contributions or costs on which the credit is based.
27 The documentation shall be as specified by rules of
28 the department.
- 29 5. The total amount of community development tax
30 credits that may be approved pursuant to this part
31 shall not exceed two million dollars in any fiscal
32 year.
- 33 6. The total amount of child care center tax
34 credits that may be approved pursuant to this part
35 shall not exceed two million dollars in any fiscal
36 year.

37 Sec. 5. NEW SECTION. 422.11C COMMUNITY
38 DEVELOPMENT OR CHILD CARE CENTER TAX CREDIT.

39 The taxes imposed under this division, less the
40 credits allowed under sections 422.12 and 422.12B,
41 shall be reduced by a community development tax credit
42 or child care center tax credit received pursuant to
43 sections 15.380 through 15.383.

44 An individual may claim the tax credit allowed a
45 partnership, limited liability company, S corporation,
46 or estate or trust electing to have the income taxed
47 directly to the individual. The amount claimed by the
48 individual shall be based upon the pro rata share of
49 the individual's earnings of the partnership, limited
50 liability company, S corporation, or estate or trust.

Page 10

- 1 Any credit in excess of the tax liability for the
2 tax year may be credited to the tax liability for the
3 following five tax years or until depleted, whichever
4 is earlier.
- 5 If the community development tax credit or child
6 care center tax credit is taken on the tax return, a
7 deduction shall not be allowed for Iowa tax purposes
8 for contributions made to a community development
9 project or expenditures for providing child care
10 employee benefits which are deductible for federal tax
11 purposes.
- 12 Sec. 6. Section 422.33, Code 2001, is amended by
13 adding the following new subsection:
14 NEW SUBSECTION. 11. The taxes imposed under this
15 division shall be reduced by a community development

16 tax credit or child care center tax credit received
17 pursuant to sections 15.380 through 15.383.
18 Any credit in excess of the tax liability for the
19 tax year may be credited to the tax liability for
20 following five tax years or until depleted, whichever
21 is earlier.

22 If the community development tax credit or child
23 care center tax credit is taken on the tax return, a
24 deduction shall not be allowed for Iowa tax purposes
25 for contributions made to a community development
26 project or expenditures for providing child care
27 employee benefits which are deductible for federal tax
28 purposes.

29 Sec. 7. Section 422.60, Code 2001, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 4. The taxes imposed under this
32 division shall be reduced by a community development
33 tax credit or child care center tax credit received
34 pursuant to sections 15.380 through 15.383.

35 Any credit in excess of the tax liability for the
36 tax year may be credited to the tax liability for the
37 following five tax years or until depleted, whichever
38 is earlier.

39 If the community development tax credit or child
40 care center tax credit is taken on the tax return, a
41 deduction shall not be allowed for Iowa tax purposes
42 for contributions made to a community development
43 project or expenditures for providing child care
44 employee benefits which are deductible for federal tax
45 purposes.

46 Sec. 8. NEW SECTION. 432.12A COMMUNITY
47 DEVELOPMENT OR CHILD CARE CENTER TAX CREDIT.

48 The tax imposed under this chapter shall be reduced
49 by a community development tax credit or child care
50 center tax credit received pursuant to sections 15.380

Page 11

1 through 15.383.

2 Any credit in excess of the tax liability for the
3 calendar year may be credited to the tax liability for
4 the following five calendar years or until depleted,
5 whichever is earlier.

6 Sec. 9. Section 533.24, Code 2001, is amended by
7 adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. The tax imposed on
9 moneys and credits under this section shall be reduced
10 by a community development tax credit or child care
11 center tax credit received pursuant to sections 15.380
12 through 15.383. Any credit in excess of the tax
13 liability for the tax year may be credited to the tax
14 liability for the following five tax years or until

15 depleted, whichever is earlier.

16 Sec. 10. EFFECTIVE AND APPLICABILITY PROVISION.

17 This Act takes effect only if the revenue estimating
 18 conference estimates that, as a result of the
 19 enactment of federal income tax legislation prior to
 20 January 1, 2002, Iowa income tax receipts for the
 21 fiscal year beginning July 1, 2001, will be increased
 22 by \$7.9 million or more over the amount of Iowa income
 23 tax receipts which would have been realized in the
 24 absence of the enactment of such federal income tax
 25 legislation. If this Act takes effect, sections 5
 26 through 9 of this Act apply to tax years beginning on
 27 or after January 1, 2002."

PAUL MCKINLEY

S-3632

HOUSE AMENDMENT TO
 SENATE FILE 535

1 Amend Senate File 535, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 4, line 8, by striking the figure "98.45"
 4 and inserting the following: "104.45".

5 2. Page 8, by striking lines 33 through 35 and
 6 inserting the following: "salaries, support,
 7 maintenance, and miscellaneous purposes:"

8 3. Page 9, by striking line 2.

9 4. Page 9, by striking lines 25 through 34 and
 10 inserting the following:

11 "b. Notwithstanding any other provision of law to
 12 the contrary, for the fiscal year beginning July 1,
 13 2001, the total amount available for distribution for
 14 that fiscal year from the school ready children grants
 15 account from the appropriation made in this
 16 subsection, in 2001 Iowa Acts, Senate File 537, if
 17 enacted, and in any other appropriation made to the
 18 account for the fiscal year beginning July 1, 2001,
 19 shall be distributed as follows:

20 (1) The designated community empowerment areas
 21 that first received a school ready children grant in a
 22 fiscal year prior to fiscal year 2000-2001 shall
 23 receive 94 percent of the amount distributed to each
 24 area in fiscal year 2000-2001.

25 (2) The designated community empowerment areas
 26 that first received a school ready children grant in
 27 fiscal year 2000-2001 shall receive 74.185 percent of
 28 the amount distributed to each area in fiscal year
 29 2000-2001, as adjusted for annualization."

30 5. Page 13, by inserting after line 28, the
 31 following:

32 "Funds appropriated in this lettered paragraph
 33 shall not be available for expenditure for medically
 34 induced termination of a pregnancy, including but not
 35 limited to usage of mifepristone or RU-486, offered or
 36 administered by the student health center."

37 6. Page 18, by inserting after line 14, the
 38 following:

39 "Funds appropriated in this lettered paragraph
 40 shall not be available for expenditure for medically
 41 induced termination of a pregnancy, including but not
 42 limited to usage of mifepristone or RU-486, offered or
 43 administered by the student health center."

44 7. Page 19, by inserting after line 18, the
 45 following:

46 "Funds appropriated in this lettered paragraph
 47 shall not be available for expenditure for medically
 48 induced termination of a pregnancy, including but not
 49 limited to usage of mifepristone or RU-486, offered or
 50 administered by the student health center."

Page 2

- 1 8. By renumbering, relettering, or redesignating
- 2 and correcting internal references as necessary.

S-3633

HOUSE AMENDMENT TO SENATE FILE 515

1 Amend Senate File 515, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 3, line 4, by inserting after the word
 4 "board" the following: ", in consultation with the
 5 state department of transportation,".
- 6 2. Page 4, line 1, by inserting after the word
 7 "fee" the following: ", if applicable,".
- 8 3. Page 4, line 10, by inserting after the word
 9 "right-of-way" the following: "for a crossing, other
 10 than a crossing along the public roads of the state
 11 pursuant to chapter 477,".
- 12 4. By renumbering, redesignating, and correcting
 13 internal references as necessary.

S-3634

HOUSE AMENDMENT TO SENATE FILE 211

- 1 Amend Senate File 211, as amended, passed, and
- 2 reprinted by the Senate, as follows:

3 1. Page 3, line 4, by striking the words
 4 "previous fiscal year" and inserting the following:
 5 "two previous fiscal year years".

S-3635

1 Amend Senate File 541 as follows:

2 1. By striking page 3, line 2, through page 5,
 3 line 21, and inserting the following:
 4 "Sec. ____ STATE OFFICERS -- SALARY RATES AND
 5 RANGES. The following annual salary ranges are
 6 effective for the positions specified in this section
 7 for the fiscal year beginning July 1, 2001, and for
 8 subsequent fiscal years until otherwise provided by
 9 the general assembly. The governor or other person
 10 designated in section 3 of this Act shall determine
 11 the salary to be paid to the person indicated at a
 12 rate within the salary ranges indicated from funds
 13 appropriated by the general assembly for that purpose.

14 1. The following are salary ranges 1 through 5 for
 15 the fiscal year beginning July 1, 2001, effective with
 16 the pay period beginning June 22, 2001:

| 17 SALARY RANGES | <u>Minimum</u> | <u>Maximum</u> |
|---------------------|----------------|----------------|
| 18 a. Range 1 | \$ 8,800 | \$ 29,870 |
| 19 b. Range 2 | \$ 32,200 | \$ 60,255 |
| 20 c. Range 3 | \$ 44,100 | \$ 70,246 |
| 21 d. Range 4 | \$ 53,100 | \$ 80,340 |
| 22 e. Range 5 | \$ 62,400 | \$ 90,434 |

23 2. The following are range 1 positions: There are
 24 no range 1 positions for the fiscal year beginning
 25 July 1, 2001.

26 3. The following are range 2 positions:
 27 administrator of the arts division of the department
 28 of cultural affairs, administrators of the division of
 29 persons with disabilities, the division on the status
 30 of women, the division on the status of African-
 31 Americans, the division of deaf services, and the
 32 division of Latino affairs of the department of human
 33 rights, and administrator of the division of
 34 professional licensing and regulation of the
 35 department of commerce.

36 4. The following are range 3 positions:
 37 administrator of the division of emergency management
 38 of the department of public defense, administrator of
 39 the division of criminal and juvenile justice planning
 40 of the department of human rights, administrator of
 41 the division of community action agencies of the
 42 department of human rights, executive director of the
 43 commission of veterans affairs, and chairperson and
 44 members of the employment appeal board of the
 45 department of inspections and appeals.

46 5. The following are range 4 positions:

47 superintendent of banking, superintendent of credit
48 unions, and chairperson, vice chairperson, and members
49 of the board of parole.
50 6. The following are range 5 positions: consumer

Page 2

1 advocate, state public defender, drug policy
2 coordinator, labor commissioner, workers' compensation
3 commissioner, administrator of the alcohol beverages
4 division of the department of commerce, and
5 administrator of the historical division of the
6 department of cultural affairs.

7 7. The following are salary ranges 6 through 9 for
8 the fiscal year beginning July 1, 2001, effective with
9 the pay period beginning June 22, 2001:

| 10 SALARY RANGES..... | <u>Minimum</u> | <u>Maximum</u> |
|-----------------------|----------------|----------------|
| 11 a. Range 6 | \$ 48,200 | \$ 80,340 |
| 12 b. Range 7 | \$ 66,000 | \$ 91,155 |
| 13 c. Range 8 | \$ 70,800 | \$ 105,781 |
| 14 d. Range 9 | \$ 79,000 | \$ 126,175 |

15 8. The following are range 6 positions: director
16 of the department of human rights, director of the
17 Iowa state civil rights commission, executive director
18 of the college student aid commission, director of the
19 department for the blind, and executive director of
20 the ethics and campaign disclosure board.

21 9. The following are range 7 positions: director
22 of the department of cultural affairs, director of the
23 department of elder affairs, and director of the law
24 enforcement academy.

25 10. The following are range 8 positions: the
26 administrator of the state racing and gaming
27 commission of the department of inspections and
28 appeals, director of the department of inspections and
29 appeals, commandant of the veterans home, director of
30 the department of general services, director of the
31 department of personnel, administrator of the public
32 broadcasting division of the department of education,
33 commissioner of public safety, commissioner of
34 insurance, executive director of the Iowa finance
35 authority, director of the department of natural
36 resources, director of the department of corrections,
37 and chairperson of the utilities board. The other
38 members of the utilities board shall receive an annual
39 salary within a range of not less than 90 percent but
40 not more than 95 percent of the annual salary of the
41 chairperson of the utilities board.

42 11. The following are range 9 positions: director
43 of the department of education, director of human
44 services, director of the department of economic
45 development, director of the information technology

46 department, executive director of the Iowa
 47 communications and technology commission, executive
 48 director of the state board of regents, director of
 49 the state department of transportation, director of
 50 the department of workforce development, director of

Page 3

1 revenue and finance, lottery commissioner, director of
 2 public health, the state court administrator,
 3 secretary of the state fair board, and the director of
 4 the department of management.

5 Sec. ____ PUBLIC EMPLOYMENT RELATIONS BOARD.

6 1. The salary rates specified in this section are
 7 effective for the fiscal year beginning July 1, 2001,
 8 with the pay period beginning June 22, 2001, and for
 9 subsequent fiscal years until otherwise provided by
 10 the general assembly. The salaries provided for in
 11 this section shall be paid from funds appropriated to
 12 the public employment relations board from the salary
 13 adjustment fund, or if the appropriation is not
 14 sufficient from funds appropriated to the public
 15 employment relations board pursuant to any other Act
 16 of the general assembly.

17 2. The following annual salary rates shall be paid
 18 to the persons holding the positions indicated:

- 19 a. Chairperson of the public employment relations
 20 board:
 21\$ 70,761
- 22 b. Two members of the public employment relations
 23 board:
 24\$ 65,920"

25 2. By striking page 12, line 30, through page 13,
 26 line 3, and inserting the following:
 27 "NEW SUBSECTION. 6. There is appropriated from
 28 the unassigned revenue fund administered by the Iowa
 29 comprehensive underground storage tank fund board to
 30 the following funds for the fiscal year beginning July
 31 1, 2001, and ending June 30, 2002, the following
 32 amounts as specified:

- 33 a. To the terminal liability health insurance fund
 34 created in section 421.46:
 35\$ 9,000,000
- 36 b. To the salary adjustment fund provided for in
 37 section 5 of this Act:
 38\$ 9,000,000"

39 3. By renumbering as necessary.

S-3636

1 Amend House File 740 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, line 20, by inserting after the word
4 "costs." the following: "The department of human
5 services shall implement a new monitoring and
6 reporting system to assess compliance with the
7 provisions of this paragraph."
8 2. Page 6, line 31, by inserting after the word
9 "costs." the following: "The department of human
10 services shall implement a new monitoring and
11 reporting system to assess compliance with the
12 provisions of this paragraph."

JACK HOLVECK

S-3637

1 Amend the amendment, S-3613, to House File 742, as
2 amended, passed, and reprinted by the house, as
3 follows:
4 1. Page 3, by striking lines 14 through 17 and
5 inserting the following:
6 "(1) Of the amount appropriated in this paragraph
7 "a", up to \$300,000 may be used for costs associated
8 with project management services in the division of
9 design and construction of the department,
10 notwithstanding section 8.57, subsection 5, paragraph
11 "c"."

JOHN W. JENSEN

S-3638

1 Amend House File 746, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 12, line 8, through page 12,
4 line 21, and inserting the following:
5 "Sec. ____. STATE EMPLOYEE BENEFIT PROGRAMS --
6 ADMINISTRATIVE COSTS.
7 1. For the fiscal year beginning July 1, 2001, and
8 ending June 30, 2002, the department of personnel
9 shall include a monthly administration charge of \$2.00
10 per contract on all health insurance plans
11 administered by the department. This is an
12 administration fee attributable only to the employer
13 share for those employees who are eligible for the
14 state share of insurance. If the contract holder is
15 without a state employer to pay the fee, the contract
16 holder shall not be assessed the fee of \$2.00 per

17 month.

18 2. For the fiscal year beginning July 1, 2001, and
 19 ending June 30, 2002, the state board of regents, all
 20 regional libraries, the state fair board, the
 21 department of transportation, and the eight judicial
 22 district departments of correctional services shall
 23 report and remit the administration charge on a
 24 monthly basis to the department of revenue and
 25 finance. The report shall contain the number and type
 26 of health insurance contracts held by each of its
 27 employees whose health insurance is administered by
 28 the department of personnel.

29 3. A health insurance administration fund is
 30 created in the state treasury. The proceeds of the
 31 monthly administration charge shall be remitted to the
 32 health insurance administration fund. The department
 33 of revenue and finance shall collect from each
 34 department on centralized payroll the administration
 35 charge each month and shall remit the amount to the
 36 health insurance administration fund. The department
 37 of personnel may expend no more than \$600,000 from the
 38 health insurance administration fund for the fiscal
 39 year beginning July 1, 2001, and ending June 30, 2002.
 40 Any unencumbered or unobligated balance in the health
 41 insurance administration fund at the end of the fiscal
 42 year shall be transferred to the health insurance
 43 surplus fund."

44 2. By renumbering as necessary.

TOM FLYNN
 JEFF LAMBERTI

S-3639

1 Amend Senate File 542 as follows:
 2 1. Page 9, by inserting after line 1, the
 3 following:
 4 "Sec. ___. Section 135.24, subsection 2, paragraph
 5 c, Code 2001, is amended to read as follows:
 6 c. Identification of the medical services to be
 7 provided under the program. The medical services
 8 provided ~~shall may include, but shall not be limited~~
 9 to, obstetrical and gynecological medical services,
 10 and psychiatric services provided by a physician
 11 licensed under chapter 148, 150, or 150A".

JOHN REDWINE

S-3640

HOUSE AMENDMENT TO
SENATE FILE 480

1 Amend Senate File 480, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 30 the
 4 following:
 5 "____. One member who shall be employed by a
 6 community college as an instructor in vocational
 7 education and who shall be appointed by the director
 8 of the department of education; and one member who
 9 shall be employed by a community college as an
 10 instructor in arts and science courses who shall be
 11 appointed by the director of the department of
 12 education. In making these appointments, the director
 13 shall give consideration to enrollment, subject area,
 14 and representation of different geographic regions."
 15 2. By renumbering as necessary.

S-3641

1 Amend House File 746, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 11, by inserting after line 26 the
 4 following:
 5 "Sec. ____ . COMMUNITY COLLEGE EMPLOYEES. There is
 6 appropriated from the general fund of the state to the
 7 department of education for the fiscal year beginning
 8 July 1, 2001, and ending June 30, 2002, the following
 9 amount, or so much thereof as is necessary, to be used
 10 for the purpose designated:
 11 To provide salary increases to community college
 12 employees:
 13\$ 1,178,136
 14 Funds appropriated in this section shall be
 15 distributed to community colleges by the department of
 16 education based upon each community college's
 17 proportional share of the total actual salary
 18 expenditures for the fiscal year beginning July 1,
 19 2001."

WALLY E. HORN
 JOHN P. KIBBIE
 JACK HOLVECK

S-3642

1 Amend House File 745, as amended, passed, and
 2 reprinted by the House, as follows:

- 3 1. Page 2, by inserting after line 9, the
 4 following:
 5 "___ Notwithstanding chapter 167, if an animal is
 6 determined to be infected according to procedures
 7 required by the department, the animal shall be
 8 immediately destroyed and the animal's carcass
 9 disposed of as required by the department to prevent
 10 the transmission of the disease, but in no case more
 11 than twenty-four hours following the determination."
 12 2. By renumbering as necessary.

MIKE SEXTON

S-3643

- 1 Amend House File 745, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 28, by inserting after the word
 4 "section." the following: "However, the owner may
 5 elect to be compensated by the executive council for
 6 an amount determined by the executive council, which
 7 may be in the form of a reimbursement or loan payment,
 8 according to procedures required by the executive
 9 council. If the destroyed animal is determined not to
 10 be infected, the owner who makes the election shall be
 11 reimbursed for one hundred percent of the loss after
 12 deducting all other compensatory payments owing to or
 13 received by the owner."

MIKE SEXTON

S-3644

- 1 Amend the House amendment, S-3632, to Senate File
 2 535, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. By striking page 1, line 30, through page 2,
 5 line 2.
 6 2. By renumbering as necessary.

PATRICIA HARPER
 ROBERT E. DVORSKY
 DONALD B. REDFERN
 JOE BOLKCOM
 JOHNIE HAMMOND

S-3645HOUSE AMENDMENT TO
SENATE FILE 537

- 1 Amend Senate File 537, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 5, by striking the figure
4 "11,825,000" and inserting the following:
5 "11,900,000".
- 6 2. Page 5, by striking lines 17 through 25.
- 7 3. Page 7, by striking lines 1 through 11, and
8 inserting the following:
9 "The moneys appropriated in this subsection shall
10 be used along with other appropriations made to the
11 Iowa empowerment fund and shall be distributed as
12 provided in 2001 Iowa Acts, Senate File 535, if
13 enacted by the Seventy-ninth General Assembly, 2001
14 session."
- 15 4. Page 8, line 10, by striking the word
16 "appropriated" and inserting the following:
17 "transferred".
- 18 5. Page 8, line 13, by inserting after the word
19 "and" the following: "appropriated or transferred".
- 20 6. By renumbering, relettering, or redesignating
21 and correcting internal references as necessary.

S-3646

- 1 Amend House File 745, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, line 20, by inserting after the word
4 "areas." the following: "Notwithstanding chapter 167,
5 if an animal is determined to be or suspected of being
6 infected or exposed, the animal shall be immediately
7 destroyed and the animal's carcass disposed of by the
8 department to prevent the transmission of the disease,
9 but in no case more than twenty-four hours following
10 the time that the animal is first determined to be or
11 suspected of being infected or exposed."
- 12 2. By renumbering as necessary.

MIKE SEXTON

S-3647

- 1 Amend Senate Resolution 50 as follows:
- 2 1. By striking page 1, line 5 through page 2,
3 line 12 and inserting the following:
4 "WHEREAS, the legislative service bureau upheld
5 admirably the spirit and integrity of Iowa's

6 nonpartisan, nonpolitical process for redistricting;
7 and
8 WHEREAS, the first plan presented by the
9 legislative service bureau to the legislature
10 maximized the compactness of Congressional and
11 legislative districts, maintained the boundaries of
12 counties and cities at unprecedented levels, and
13 maintained extremely low population deviations; and
14 WHEREAS, the first plan presented to the
15 legislature met and exceeded every requirement for
16 redistricting presented in the Iowa Code and in
17 existing case law; and
18 WHEREAS, the first plan presented established
19 districts that would have created competitive
20 elections and fostered greater public debate on key
21 issues that are of great concern to Iowans, including
22 the education of our children, ensuring quality health
23 care for our families, bringing quality jobs for our
24 workers, and improving Iowans quality of life; NOW
25 THEREFORE,
26 BE IT RESOLVED BY THE SENATE, That the Senate
27 extends its congratulations to the legislative service
28 bureau for drafting in an appropriate and nonpartisan
29 manner a first redistricting plan which meets and
30 exceeds all legal requirements, which maintains the
31 tradition of compact districts and the concept of "one
32 person, one vote", and which could allow for an
33 improved, fair political dialogue in Iowa."

MICHAEL E. GRONSTAL
ROBERT E. DVORSKY
BILL FINK
PATRICIA HARPER
PATRICK J. DELUHERY
TOM FLYNN
MIKE CONNOLLY
JACK HOLVECK
DICK L. DEARDEN
THOMAS FIEGEN
JOHNIE HAMMOND
JOHN P. KIBBIE
EUGENE S. FRAISE
STEVEN D. HANSEN
MARK SHEARER
DENNIS H. BLACK
JOE BOLKCOM
WALLY E. HORN
BETTY A. SOUKUP

S-3648

1 Amend Senate Resolution 50 as follows:
 2 1. Page 2, by inserting after line 12 the
 3 following:
 4 "BE IT FURTHER RESOLVED, That the Senate requests
 5 the Temporary Redistricting Advisory Commission to
 6 schedule and conduct at least three public hearings,
 7 in different geographic regions of the state, on a
 8 second plan of legislative and Congressional
 9 redistricting submitted by the legislative service
 10 bureau to the general assembly pursuant to Iowa Code
 11 section 42.3, subsection 2, and following the hearings
 12 and prior to consideration of the second plan by the
 13 general assembly, to prepare and submit to the
 14 secretary of the senate and the chief clerk of the
 15 house a report summarizing information and testimony
 16 received in the course of the hearings."

ROBERT E. DVORSKY
 JOE BOLKCOM
 PATRICK J. DELUHERY
 MIKE CONNOLLY
 JOHNIE HAMMOND
 TOM FLYNN
 BETTY A. SOUKUP

S-3649

1 Amend House File 745, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Section 1. Section 163.2, Code 2001, is amended
 6 by adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. As used in this chapter,
 8 "foot and mouth disease" means a virus of the family
 9 picornaviridae, genus aphthovirus, including any
 10 immunologically distinct serotypes."
 11 2. Page 1, line 20, by inserting after the word
 12 "areas." the following: "This section does not
 13 authorize the department to provide for the
 14 destruction of personal property other than an
 15 animal."
 16 3. Page 2, line 10, by inserting after the figure
 17 "2." the following: "a."
 18 4. Page 2, line 13, by striking the letter "a."
 19 and inserting the following: "(1)".
 20 5. Page 2, line 18, by striking the letter "b."
 21 and inserting the following: "(2)".
 22 6. Page 2, by inserting after line 20, the

23 following:

24 "b. If the department confirms an outbreak of foot
25 and mouth disease in this state, the department shall
26 cooperate with the governor; federal agencies,
27 including the United States department of agriculture;
28 and state agencies, including the emergency management
29 division of the department of public defense, in order
30 to provide the public with timely and accurate
31 information regarding the outbreak. The department
32 shall cooperate with organizations representing
33 agricultural producers in order to provide all
34 necessary information to agricultural producers
35 required to control the outbreak."

36 7. Page 2, line 26, by inserting after the figure
37 "4." the following: "a."

38 8. Page 2, by inserting after line 28, the
39 following:

40 "b. Upon the request of the executive council, the
41 department shall develop and submit a plan to the
42 executive council that compensates an owner of
43 property, other than an animal, that is inadvertently
44 destroyed by the department as a result of the
45 department's regulation of activities in a quarantined
46 area. The plan shall not be implemented without the
47 approval of at least three members of the executive
48 council. The payment of the compensation under the
49 plan shall be made in the same manner as provided in
50 section 163.15. The owner may submit a claim for

Page 2

1 compensation prior to the plan's implementation. The
2 executive council may apply the plan retroactively,
3 but not earlier than the effective date of this Act."

MERLIN E. BARTZ
THOMAS FIEGEN
KEN VEENSTRA
SANDRA GREINER

S-3650

1 Amend the amendment, S-3632, to Senate File 535, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 33 through 36, and
5 inserting the following: "shall not be used for
6 actual payment for any drugs administered for the
7 purpose of medically inducing a termination of
8 pregnancy, including but not limited to mifepristone
9 or RU-486, by the student health center."
10 2. Page 1, by striking lines 40 through 43, and

11 inserting the following: "shall not be used for
12 actual payment for any drugs administered for the
13 purpose of medically inducing a termination of
14 pregnancy, including but not limited to mifepristone
15 or RU-486, by the student health center."
16 3. Page 1, by striking lines 47 through 50, and
17 inserting the following: "shall not be used for
18 actual payment for any drugs administered for the
19 purpose of medically inducing a termination of
20 pregnancy, including but not limited to mifepristone
21 or RU-486, by the student health center."

JACK HOLVECK

S-3651

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 732

1 Amend the Senate amendment, H-1855, to House File
2 732, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, by inserting after line 10, the
5 following:

6 "___ Page 50, by striking lines 31 through 35,
7 and inserting the following: "assistance for state
8 child protection staff and for services and activities
9 currently funded with juvenile court services, county,
10 or community moneys and state moneys used in
11 combination with such moneys."

12 "___ Page 51, lines 9 and 10, by striking the
13 words "child protection".

14 2. Page 2, by inserting after line 22, the
15 following:

16 "___ Page 58, line 33, by inserting after the
17 word "funding" the following: "or to implement, in
18 accordance with this Act, targeted case management for
19 child protection and for activities currently funded
20 with juvenile court services, county, or community
21 moneys and state moneys used in combination with such
22 moneys".

23 3. Page 4, by striking lines 46 and 47, and
24 inserting the following: "this Act, shall be reduced
25 by the amounts necessary to attain the withholding
26 target amount. If the department of human".

27 4. Page 5, by striking lines 1 through 3, and
28 inserting the following: "the withholding factors
29 listed in subsection 2 as necessary to achieve the
30 withholding target amount. However, in making such
31 adjustments to the withholding factors the department
32 shall strive to minimize changes to the withholding

33 factors for those ending balance percentage ranges
 34 that are lower than others and shall not adjust the
 35 zero withholding factor specified in subsection 2,
 36 paragraph "a".
 37 5. By renumbering, relettering, or redesignating
 38 and correcting internal references as necessary.

S-3652

- 1 Amend Senate File 542 as follows:
 2 1. Page 9, by striking lines 2 through 13.

JOHNIE HAMMOND

S-3653

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 670

1 Amend the Senate amendment, H-1937, to House File
 2 670, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. By striking page 1, line 5 through page 5,
 5 line 8, and inserting the following:
 6 "Sec. ____ Section 256.7, Code 2001, is amended by
 7 adding the following new subsection:
 8 NEW SUBSECTION. 25. Prescribe standards and
 9 procedures for the approval by the state board of
 10 nontraditional practitioner and administrator
 11 preparation internship programs to be offered by
 12 practitioner preparation institutions.
 13 Sec. ____ Section 256.16, Code 2001, is amended by
 14 adding the following new subsections:
 15 NEW SUBSECTION. 3. a. The state board shall
 16 adopt rules requiring that practitioner preparation
 17 institutions, which provide a nontraditional
 18 practitioner preparation internship program, at a
 19 minimum, meet the standards and comply with the
 20 standards established pursuant to section 256.7,
 21 subsection 25. A nontraditional practitioner
 22 preparation internship program is exempt from the
 23 student teaching or field experience requirements of
 24 section 272.25. A nontraditional practitioner
 25 preparation internship program shall include
 26 coursework in education theory, instructional methods,
 27 and classroom management. The program shall consist
 28 of two twelve-semester-hour, or the trimester or
 29 quarter equivalent, courses of study.
 30 b. The institution providing the nontraditional
 31 practitioner preparation internship program shall

32 enter into a written agreement with a school district,
33 under terms and conditions as agreed upon by the
34 contracting parties, providing that the school
35 district will provide interns seeking a nontraditional
36 conditional teaching license with a one-year classroom
37 teaching experience. The intern must successfully
38 complete the first twelve-semester-hour, or the
39 trimester or quarter equivalent, course of study prior
40 to beginning the one-year classroom teaching
41 experience. Interns teaching in a school district
42 under the terms of such a contract are entitled to the
43 same protection under section 670.8, as is afforded by
44 that section to officers and other employees of the
45 school district, during the time they are so assigned.
46 c. Upon completion of the first twelve-semester-
47 hour, or the trimester or quarter equivalent, course
48 of study, the institution providing the approved
49 nontraditional practitioner preparation internship
50 program shall submit to the board of educational

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1 examiners a recommendation for licensure of the intern
2 pursuant to section 272.2, subsection 13, paragraph
3 "b". If the institution recommends licensure, the
4 intern shall be issued a nontraditional conditional
5 teaching license by the board of educational
6 examiners. However, the provisions of section 272.6
7 shall apply.

8 d. Prior to licensure as a provisional teacher,
9 unless the requirement is waived in accordance with
10 this subsection for interns seeking licensure under
11 section 272.2, subsection 13, paragraph "b", an
12 individual shall successfully complete the second
13 twelve-semester-hour, or the trimester or quarter
14 equivalent, course of study. The institution
15 providing the approved nontraditional practitioner
16 preparation internship program may waive all or part
17 of the second course of an intern's study based upon
18 the institution's comprehensive evaluation of the
19 intern.

20 f. During the first nine weeks of employment, the
21 practitioner preparation institution shall monitor the
22 performance of the intern. The institution that
23 delivers the coursework to a practitioner pursuant to
24 this subsection shall, along with the school district
25 that employs the conditional practitioner, supervise
26 the conditional practitioner during the practitioner's
27 year of employment under a nontraditional conditional
28 license, and shall, in consultation with the
29 practitioner's evaluator at the school district of
30 employment, submit to the board of educational

31 examiners a comprehensive evaluation of the
32 practitioner's performance sixty days prior to the
33 expiration of the nontraditional conditional license.
34 If the comprehensive evaluation establishes that the
35 conditional practitioner's performance fails to meet
36 the standards of the approved nontraditional
37 practitioner preparation internship program, the
38 individual shall not be admitted to a second course of
39 study offered by an approved nontraditional
40 practitioner preparation internship program.
41 NEW SUBSECTION. 4. a. The state board shall
42 adopt rules requiring that practitioner preparation
43 institutions which provide a nontraditional
44 administrator preparation internship program, at a
45 minimum, meet the standards and comply with the
46 standards established pursuant to section 256.7,
47 subsection 25. A nontraditional administrator
48 preparation internship program shall include
49 coursework in education management, governance
50 organization, and planning. The program shall consist

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1 of two twelve-semester-hour, or the trimester or
2 quarter equivalent, courses of study.
3 b. The institution providing the nontraditional
4 administrator preparation internship program shall
5 enter into a written agreement with the board of
6 directors of a school district, under terms and
7 conditions as agreed upon by the contracting parties,
8 providing that the school district will provide
9 interns seeking a nontraditional conditional
10 administrator license with one year of administrative
11 experience. Interns employed under the written
12 agreement are entitled to the same protection under
13 section 670.8, as is afforded by that section to
14 officers and other employees of the school district,
15 during the time they are so assigned.
16 c. Upon completion of the first twelve-semester-
17 hour, or the trimester or quarter equivalent, course
18 of study, the institution providing the approved
19 nontraditional administrator preparation internship
20 program shall submit to the board of educational
21 examiners a recommendation for licensure of the intern
22 pursuant to section 272.2, subsection 13, paragraph
23 "a". If the institution recommends licensure, the
24 intern shall be issued a nontraditional conditional
25 license by the board of educational examiners.
26 However, section 272.6 shall apply.
27 d. Prior to licensure as an administrator, unless
28 the requirement is waived in accordance with this
29 subsection for interns seeking licensure under section

30 272.2, subsection 13, paragraph "a", an individual
 31 shall successfully complete the second twelve-
 32 semester-hour, or the trimester or quarter equivalent,
 33 course of study. The institution providing the
 34 approved nontraditional administrator preparation
 35 internship program may waive all or part of the second
 36 course of an intern's study based upon the
 37 institution's comprehensive evaluation of the intern.
 38 f. The institution that delivers the coursework to
 39 an intern pursuant to this subsection shall supervise
 40 the conditional administrator during the intern's year
 41 of employment under a nontraditional conditional
 42 license, and shall, in consultation with the board of
 43 directors of the school district of employment, submit
 44 to the board of educational examiners a comprehensive
 45 evaluation of the intern's performance sixty days
 46 prior to the expiration of the nontraditional
 47 conditional license. If the comprehensive evaluation
 48 establishes that the intern's performance fails to
 49 meet the standards of the approved nontraditional
 50 administrator preparation internship program, the

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1 individual shall not be admitted to a second course of
 2 study offered by an approved nontraditional
 3 administrator preparation internship program.
 4 Sec. ____ Section 272.1, Code 2001, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 5A. "Nontraditional conditional
 7 license" means the authority that is given to allow a
 8 person to legally serve as a teacher or administrator
 9 on a temporary basis while the person completes a
 10 nontraditional practitioner preparation internship
 11 program.
 12 Sec. ____ Section 272.2, subsection 13, Code 2001,
 13 is amended to read as follows:
 14 13. Adopt rules to provide for nontraditional
 15 preparation licensing options for licensing persons
 16 who hold, at a minimum, a bachelor's degree from an
 17 accredited college or university, but who do not meet
 18 other requirements for licensure. At a minimum, the
 19 rules shall provide for the following:
 20 a. An individual who possesses at least a master's
 21 degree in business administration, public
 22 administration, or a comparable degree, or who
 23 possesses at least a bachelor's degree from an
 24 accredited postsecondary institution and life
 25 experience equivalent to a master's degree in a
 26 management field as determined by rule, and who has
 27 been employed for at least ten of the last fifteen
 28 years in a management position, may be issued a one-

29 year, nonrenewable, nontraditional conditional
30 administrator's license if the individual successfully
31 completes a nontraditional administrator preparation
32 internship program in accordance with section 256.16,
33 subsection 3. An individual may be issued an
34 administrator's license if the individual successfully
35 completes one year of employment as an administrator
36 under a nontraditional conditional license and
37 successfully completes the second course of study set
38 forth in section 256.16, subsection 3. However, an
39 individual licensed pursuant to this paragraph shall
40 be licensed only to serve as a superintendent in a
41 school district with an actual enrollment of five
42 thousand five hundred or more pupils, at the time of
43 signing the initial contract for employment as a
44 superintendent.

45 b. An individual who possesses at least a
46 bachelor's degree from an accredited postsecondary
47 institution, who has been employed for at least five
48 consecutive years in an area requiring knowledge and
49 practical application of the individual's
50 postsecondary academic background, who can document,

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1 to the satisfaction of the board of educational
2 examiners, successful experience working with
3 children, may be issued a one-year, nonrenewable
4 nontraditional conditional license to teach students
5 in grades nine through twelve in the area of the
6 individual's academic background and employment
7 experience, in the vocational education field or
8 subject area or in a shortage area as determined by
9 the department, if the individual meets the
10 requirements of section 256.16, subsection 3. In
11 addition to these requirements, an individual seeking
12 a nontraditional conditional license to teach special
13 education students in grades nine through twelve shall
14 document, to the satisfaction of the board of
15 educational examiners, five years of successful
16 experience working with children requiring special
17 education. An individual may be issued a provisional
18 license to teach students in grades nine through
19 twelve in the area of the individual's academic
20 background and employment experience if the individual
21 successfully completes one year of teaching under a
22 nontraditional conditional license and successfully
23 completes the second course of study set forth in
24 section 256.16, subsection 3.

25 c. A person issued a provisional teaching license
26 pursuant to paragraph "b" shall successfully complete,
27 at a minimum, a two-year beginning teacher mentoring

28 and induction program.
 29 d. An approved nontraditional practitioner or
 30 administrator preparation internship program, and the
 31 school district with which the institution
 32 administering the program has a written agreement in
 33 accordance with section 256.16, subsection 3, shall
 34 provide information to the board and any documentation
 35 regarding the intern's".

S-3654

1 Amend Senate File 542 as follows:

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

4 "DIVISION I

5 MH/MR/DD -- ALLOWED GROWTH

6 Section 1. COUNTY MENTAL HEALTH, MENTAL
7 RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED
8 GROWTH FACTOR ADJUSTMENT AND ALLOCATIONS. There is

9 appropriated from the general fund of the state to the
10 department of human services for the fiscal year
11 beginning July 1, 2002, and ending June 30, 2003, the
12 following amount, or so much thereof as is necessary,
13 to be used for the purpose designated:

14 For distribution to counties of the county mental
15 health, mental retardation, and developmental
16 disabilities allowed growth factor adjustment, as
17 provided in this section in lieu of the provisions of
18 section 331.438, subsection 2, and section 331.439,
19 subsection 3, and chapter 426B:

20\$ 14,874,702

21 The funding appropriated in this section is the
22 allowed growth factor adjustment for fiscal year 2002-
23 2003, and is allocated for distribution as provided by
24 law.

25 DIVISION II

26 STANDING APPROPRIATIONS -- REDUCTIONS

27 Sec. 2. GENERAL ASSEMBLY. The budgets approved
28 pursuant to section 2.12 for the expenses of the
29 general assembly and legislative agencies for the
30 fiscal year beginning July 1, 2001, and ending June
31 30, 2002, are reduced by the following amount:

32\$ 1,550,324

33 Sec. 3. PERFORMANCE OF DUTY. The appropriation
34 made from the general fund of the state in section
35 7D.29, for the fiscal year beginning July 1, 2001, and
36 ending June 30, 2002, for performance of duty by the
37 executive council, is reduced by the following amount:

38\$ 1,000,000

39 Sec. 4. STATE APPEAL BOARD CLAIMS.

40 Notwithstanding the standing appropriations in section
41 25.2, subsection 3, the amount appropriated from the

42 general fund of the state under section 25.2,
 43 subsection 3, to the state appeal board to pay claims
 44 against the state for the fiscal year beginning July
 45 1, 2001, and ending June 30, 2002, is reduced by the
 46 following amount:
 47\$ 2,000,000
 48 Sec. 5. CONSTITUTIONAL AMENDMENTS AND PUBLIC
 49 MEASURES. Notwithstanding the standing appropriation
 50 in section 49A.9, the amount appropriated from the

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1 general fund of the state under section 49A.9, to the
 2 office of the secretary of state for the fiscal year
 3 beginning July 1, 2001, and ending June 30, 2002, is
 4 reduced by the following amount:
 5\$ 2,565
 6 Sec. 6. AREA EDUCATION AGENCIES. Notwithstanding
 7 the provisions of chapter 257 that determine the
 8 funding for area education agencies, the state school
 9 foundation aid for these agencies and the portion of
 10 the combined district cost calculated for these
 11 agencies for the fiscal year beginning July 1, 2001,
 12 and ending June 30, 2002, are reduced by the
 13 department of management by \$7,500,000. The
 14 department shall calculate a reduction such that each
 15 area education agency shall receive a reduction
 16 proportionate to the amount that it would have
 17 received under section 257.35 if the reduction imposed
 18 pursuant to this section did not apply.
 19 Notwithstanding the provisions of section 257.37, an
 20 area education agency may use the funds determined to
 21 be available under section 257.35 in a manner which it
 22 believes is appropriate to best maintain the level of
 23 required area education agency special education
 24 services.
 25 Sec. 7. EARLY INTERVENTION BLOCK GRANT.
 26 Notwithstanding the standing appropriation in section
 27 256D.5, subsection 1, the amount appropriated from the
 28 general fund of the state under section 256D.5,
 29 subsection 1, to the department of education for the
 30 fiscal year beginning July 1, 2001, and ending June
 31 30, 2002, is reduced by the following amount:
 32\$ 10,000,000
 33 Sec. 8. SCHOOL IMPROVEMENT TECHNOLOGY.
 34 Notwithstanding the standing appropriation in section
 35 256D.5, subsection 2, the amount appropriated from the
 36 general fund of the state under section 256D.5,
 37 subsection 2, to the department of education for the
 38 fiscal year beginning July 1, 2001, and ending June
 39 30, 2002, is reduced by the following amount:
 40\$ 20,000,000

41 In implementing the reduction in this section, the
 42 department of education shall compute under section
 43 256D.6 the amount each school district, as defined in
 44 section 256D.6, and area education agency would have
 45 received but for the reduction in this section and
 46 shall reduce by two-thirds such amount.
 47 Sec. 9. AT-RISK CHILDREN PROGRAMS.
 48 Notwithstanding the standing appropriation in section
 49 279.51, subsection 1, the amount appropriated from the
 50 general fund of the state under section 279.51,

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1 subsection 1, to the department of education for the
 2 fiscal year beginning July 1, 2001, and ending June
 3 30, 2002, is reduced by the following amount:
 4\$ 1,000,000
 5 The amount of the reduction in this section shall
 6 be prorated among the programs specified in section
 7 279.51, subsection 1, paragraphs "a", "b", and "c".
 8 Sec. 10. NONPUBLIC SCHOOL TRANSPORTATION.
 9 Notwithstanding the standing appropriation in section
 10 285.2, the amount appropriated from the general fund
 11 of the state under section 285.2 to the department of
 12 education for the fiscal year beginning July 1, 2001,
 13 and ending June 30, 2002, shall be the following
 14 amount:
 15\$ 7,645,000
 16 If total approved claims for reimbursement for
 17 nonpublic school pupil transportation claims exceed
 18 the amount appropriated in this section, the
 19 department of education shall prorate the amount of
 20 each claim.
 21 Sec. 11. EDUCATIONAL EXCELLENCE. Notwithstanding
 22 section 294A.25, subsection 1, the amount appropriated
 23 from the general fund of the state under section
 24 294A.25, subsection 1, to the department of education
 25 for phase III moneys for the fiscal year beginning
 26 July 1, 2001, and ending June 30, 2002, is reduced by
 27 the following amount:
 28\$ 2,000,000
 29 Sec. 12. PUBLIC TRANSIT ASSISTANCE APPROPRIATION.
 30 Notwithstanding section 312.2, subsection 14, the
 31 amount appropriated from the general fund of the state
 32 under section 312.2, subsection 14, to the state
 33 department of transportation for public transit
 34 assistance under chapter 324A for the fiscal year
 35 beginning July 1, 2001, and ending June 30, 2002, is
 36 reduced by the following amount:
 37\$ 659,820
 38 Sec. 13. INDIAN SETTLEMENT OFFICER.
 39 Notwithstanding the standing appropriation in section

40 331.660, the amount appropriated from the general fund
 41 of the state under section 331.660, to the county of
 42 Tama for the fiscal year beginning July 1, 2001, and
 43 ending June 30, 2002, is reduced by the following
 44 amount:
 45\$ 25,000
 46 Sec. 14. COURT COSTS FOR SPECIAL STATE CASES.
 47 Notwithstanding the standing appropriation in section
 48 815.1, the amount appropriated from the general fund
 49 of the state under section 815.1, to pay special court
 50 costs and attorney fees for the fiscal year beginning

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1 July 1, 2001, and ending June 30, 2002, is reduced by
 2 the following amount:
 3\$ 66,370
 4 Sec. 15. Section 196.8, subsection 2, Code 2001,
 5 is amended to read as follows:
 6 2. Notwithstanding subsection 1, eggs gathered for
 7 sale at a poultry show from fowl exhibited at the
 8 show, which show has received financial assistance
 9 from the state in prior fiscal years, shall be exempt
 10 from the storage temperature and consumer grade
 11 quality requirements contained in subsection 1. ~~If~~
 12 ~~eggs are offered for sale at such an exhibit, five~~
 13 ~~hundred dollars is appropriated to the department to~~
 14 ~~reimburse the sponsoring agency of the exhibit for the~~
 15 ~~expenses associated with the exhibit.~~

DIVISION III

LAW ENFORCEMENT PHYSICAL EXAMS

18 Sec. 16. Section 400.8, subsection 1, Code 2001,
 19 is amended to read as follows:
 20 1. The commission, when necessary under the rules,
 21 including minimum and maximum age limits, which shall
 22 be prescribed and published in advance by the
 23 commission and posted in the city hall, shall hold
 24 examinations for the purpose of determining the
 25 qualifications of applicants for positions under civil
 26 service, other than promotions, which examinations
 27 shall be practical in character and shall relate to
 28 matters which will fairly test the mental and physical
 29 ability of the applicant to discharge the duties of
 30 the position to which the applicant seeks appointment.
 31 The physical examination of applicants for appointment
 32 to the positions of police officer, police matron, or
 33 fire fighter shall be held in accordance with medical
 34 protocols established by the board of trustees of the
 35 fire and police retirement system established by
 36 section 411.5 and shall be conducted ~~by the medical~~
 37 ~~board as established in section 411.5 in accordance~~
 38 with the directives of the board of trustees. The

39 board of trustees may change the medical protocols at
 40 any time the board so determines. The physical
 41 examination of an applicant for the position of police
 42 officer, police matron, or fire fighter shall be
 43 conducted after a conditional offer of employment has
 44 been made to the applicant. An applicant shall not be
 45 discriminated against on the basis of height, weight,
 46 sex, or race in determining physical or mental ability
 47 of the applicant. Reasonable rules relating to
 48 strength, agility, and general health of applicants
 49 shall be prescribed. The costs of the physical
 50 examination required under this subsection shall be

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1 paid from the trust and agency fund of the city.
 2 Sec. 17. 2000 Iowa Acts, chapter 1077, section
 3 111, is amended to read as follows:
 4 SEC. 111. EFFECTIVE DATE. Section 87 of this Act
 5 amending section 411.1, subsection 10, and section 94
 6 of this Act, amendment section 411.5, subsection 8,
 7 take effect July 1, ~~2001~~ 2002.
 8 Sec. 18. EFFECTIVE DATE. Section 17 of this
 9 division of this Act, being deemed of immediate
 10 importance, takes effect upon enactment.

DIVISION IV

12 DEBT SERVICE AND TOBACCO FUND APPROPRIATIONS
 13 TUITION REPLACEMENT

14 Sec. 19. TUITION REPLACEMENT -- GENERAL FUND. In
 15 lieu of the appropriation made to the state board of
 16 regents for tuition replacement in 2001 Iowa Acts,
 17 Senate File 535, section 8, subsection 1, paragraph
 18 "b", if enacted, there is appropriated from the
 19 general fund of the state to the state board of
 20 regents for the fiscal year beginning July 1, 2001,
 21 and ending June 30, 2002, the following amount, or so
 22 much thereof as is necessary, to be used for the
 23 purpose designated:

24 For allocation by the state board of regents to the
 25 state university of Iowa, the Iowa state university of
 26 science and technology, and the university of northern
 27 Iowa to reimburse the institutions for deficiencies in
 28 their operating funds resulting from the pledging of
 29 tuitions, student fees and charges, and institutional
 30 income to finance the cost of providing academic and
 31 administrative buildings and facilities and utility
 32 services at the institutions:

33\$ 26,081,384

34 Sec. 20. TUITION REPLACEMENT -- TOBACCO SETTLEMENT
 35 FUND. In addition to the appropriation made in this
 36 division of this Act from the general fund of the
 37 state to the state board of regents for purposes of

38 tuition replacement, there is appropriated from the
 39 tax-exempt bond proceeds restricted capital funds
 40 account of the tobacco settlement trust fund created
 41 in section 12E.12, pursuant to 2001 Iowa Acts, Senate
 42 File 532, if enacted, to the state board of regents
 43 for the fiscal year beginning July 1, 2001, and ending
 44 June 30, 2002, the following amount, or so much
 45 thereof as is necessary, to be used for the purpose
 46 designated:

47 For allocation by the state board of regents to the
 48 state university of Iowa, the Iowa state university of
 49 science and technology, and the university of northern
 50 Iowa to reimburse the institutions for deficiencies in

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1 their operating funds resulting from the pledging of
 2 tuitions, student fees and charges, and institutional
 3 income to finance the cost of providing academic and
 4 administrative buildings and facilities and utility
 5 services at the institutions:
 6\$ 600,330

7 IOWA COMMUNICATIONS NETWORK

8 Sec. 21. IOWA COMMUNICATIONS NETWORK DEBT SERVICE
 9 -- GENERAL FUND. In lieu of the appropriation made to
 10 the treasurer of state for Iowa communications network
 11 debt service in 2001 Iowa Acts, House File 719,
 12 section 1, if enacted, there is appropriated from the
 13 general fund of the state to the treasurer of state
 14 for the fiscal year beginning July 1, 2001, and ending
 15 June 30, 2002, the following amount, or so much
 16 thereof as is necessary, to be used for the purpose
 17 designated:

18 For debt service for the Iowa communications
 19 network:
 20\$ 9,939,165

21 Sec. 22. IOWA COMMUNICATIONS NETWORK DEBT SERVICE

22 -- TOBACCO SETTLEMENT FUND. In addition to the
 23 appropriation made in this division of this Act from
 24 the general fund of the state to the treasurer of
 25 state for purposes of Iowa communications network debt
 26 service, there is appropriated from the tax-exempt
 27 bond proceeds restricted capital funds account of the
 28 tobacco settlement trust fund created in section
 29 12E.12, pursuant to 2001 Iowa Acts, Senate File 532,
 30 if enacted, to the treasurer of state for the fiscal
 31 year beginning July 1, 2001, and ending June 30, 2002,
 32 the following amount, or so much thereof as is
 33 necessary, to be used for the purpose designated:

34 For debt service for the Iowa communications
 35 network:
 36\$ 1,465,835

37 Sec. 23. DEBT SERVICE FUND. Funds appropriated in
 38 this division of this Act for Iowa communications
 39 network debt service shall be deposited in a separate
 40 fund established in the office of the treasurer of
 41 state to be used solely for debt service for the Iowa
 42 communications network. The Iowa telecommunications
 43 and technology commission shall certify to the
 44 treasurer of state when a debt service payment is due,
 45 and upon receipt of the certification, the treasurer
 46 shall make the payment. The commission shall pay any
 47 additional amount due from funds deposited in the Iowa
 48 communications network fund.

49 PRISON DEBT SERVICE

50 Sec. 24. There is appropriated from the tax-exempt

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1 bond proceeds restricted capital funds account of the
 2 tobacco settlement trust fund created in section
 3 12E.12, pursuant to 2001 Iowa Acts, Senate File 532,
 4 if enacted, to the treasurer of state for the fiscal
 5 year beginning July 1, 2001, and ending June 30, 2002,
 6 the following amount, or so much thereof as is
 7 necessary, to be used for the purpose designated:
 8 For repayment of prison infrastructure bonds under
 9 section 16.177:

10\$ 5,182,272

11 TOBACCO MASTER SETTLEMENT AGREEMENT LITIGATION

12 Sec. 25. There is appropriated from the tax-exempt
 13 bond proceeds restricted capital funds account of the
 14 tobacco settlement trust fund created in section
 15 12E.12, pursuant to 2001 Iowa Acts, Senate File 532,
 16 if enacted, to the treasurer of state for the fiscal
 17 year beginning July 1, 2001, and ending June 30, 2002,
 18 the following amount, or so much thereof as is
 19 necessary, to be used for the purpose designated:
 20 For payment of litigation fees incurred pursuant to
 21 the tobacco master settlement agreement:

22\$ 10,617,000

23 Sec. 26. CONTINGENT EFFECTIVE DATE. This division
 24 of this Act shall take effect only if 2001 Iowa Acts,
 25 Senate File 532 is enacted and only if the tobacco
 26 settlement authority established in chapter 12E
 27 securitizes tobacco master settlement agreement
 28 payments sold to the authority pursuant to 2001 Iowa
 29 Acts, Senate File 532. If the contingencies of this
 30 section are met, the effective date of this division
 31 of this Act shall be the effective date of the receipt
 32 of the bond proceeds by the tobacco settlement
 33 authority and the deposit of the proceeds of the tax-
 34 exempt bonds and the taxable bonds in the respective
 35 accounts of the tobacco settlement trust fund pursuant

36 to chapter 12E, and specifically pursuant to section
37 12E.9.

38 DIVISION V
39 MISCELLANEOUS

40 Sec. 27. Notwithstanding section 8.55, subsection
41 4, and section 8.56, subsection 1, for the fiscal year
42 beginning July 1, 2001, and ending June 30, 2002, the
43 interest and earnings on moneys deposited in the Iowa
44 economic emergency fund and the cash reserve fund
45 shall be credited to the general fund of the state.

46 Sec. 28. Notwithstanding any contrary provision in
47 section 455E.11, subsection 1, Code 2001, any
48 unencumbered or unobligated balance in the groundwater
49 protection fund and in any of the accounts within the
50 groundwater protection fund on June 30, 2001, shall be

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1 transferred to the general fund of the state.

2 Sec. 29. Section 257.6, subsection 3, unnumbered
3 paragraph 1, as amended by 2001 Iowa Acts, House File
4 643, section 6, if enacted, is amended to read as
5 follows:

6 A school district shall determine its additional
7 enrollment because of special education, as defined in
8 this section, ~~on~~ by November 1 of each year and shall
9 certify its additional enrollment because of special
10 education to the department of education by November
11 15 of each year, and the department shall promptly
12 forward the information to the department of
13 management.

14 Sec. 30. Section 257.6, subsection 5, unnumbered
15 paragraph 1, as amended by 2001 Iowa Acts, House File
16 643, section 7, if enacted, is amended to read as
17 follows:

18 Weighted enrollment is the budget enrollment plus
19 the district's additional enrollment because of
20 special education calculated ~~on~~ by November 1 of the
21 base year plus additional pupils added due to the
22 application of the supplementary weighting.

23 Sec. 31. MENTAL ILLNESS SPECIAL SERVICES. For the
24 fiscal year beginning July 1, 2001, and ending June
25 30, 2002, it is the intent of the general assembly
26 that the Iowa finance authority shall provide \$121,220
27 from funding available to the authority to be used for
28 mental illness special services.

29 1. The Iowa finance authority shall use the
30 funding to continue the financing for existing
31 community-based facilities and the financing for the
32 development of affordable community-based housing
33 facilities as funded pursuant to 2000 Iowa Acts,
34 chapter 1228, section 22. The department of human

35 services shall assure that clients are referred to the
36 housing as it is developed.

37 2. The purpose of the financing is to provide
38 funds for construction and start-up costs to develop
39 community living arrangements to provide for persons
40 with mental illness who are homeless. These funds may
41 be used to match federal Stewart B. McKinney Homeless
42 Assistance Act grant funds.

43 Sec. 32. Section 260G.4B, subsection 1, Code 2001,
44 is amended to read as follows:

45 1. The total amount of program job credits from
46 all employers which shall be allocated for all
47 accelerated career education programs in the state in
48 any one fiscal year shall not exceed the sum of three
49 million dollars in the fiscal year beginning July 1,
50 2000, ~~six~~ three million dollars in the fiscal year

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1 beginning July 1, 2001, and six million dollars in the
2 fiscal year beginning July 1, 2002, and every fiscal
3 year thereafter. Any increase in program job credits
4 above the six-million-dollar limitation per fiscal
5 year shall be developed, based on recommendations in a
6 study which shall be conducted by the department of
7 economic development of the needs and performance of
8 approved programs in the fiscal years beginning July
9 1, 2000, and July 1, 2001. The study's findings and
10 recommendations shall be submitted to the general
11 assembly by the department by December 31, 2002. The
12 study shall include but not be limited to an
13 examination of the quality of the programs, the number
14 of program participant placements, the wages and
15 benefits in program jobs, the level of employer
16 contributions, the size of participating employers,
17 and employer locations. A community college shall
18 file a copy of each agreement with the department of
19 economic development. The department shall maintain
20 an annual record of the proposed program job credits
21 under each agreement for each fiscal year. Upon
22 receiving a copy of an agreement, the department shall
23 allocate any available amount of program job credits
24 to the community college according to the agreement
25 sufficient for the fiscal year and for the term of the
26 agreement. When the total available program job
27 credits are allocated for a fiscal year, the
28 department shall notify all community colleges that
29 the maximum amount has been allocated and that further
30 program job credits will not be available for the
31 remainder of the fiscal year. Once program job
32 credits have been allocated to a community college,
33 the full allocation shall be received by the community

34 college throughout the fiscal year and for the term of
 35 the agreement even if the statewide program job credit
 36 maximum amount is subsequently allocated and used.
 37 Sec. 33. Section 273.22, subsection 5, as amended
 38 by 2001 Iowa Acts, House File 674, section 4, if
 39 enacted, is amended to read as follows:
 40 5. The board of directors of a school district
 41 that is contiguous to a newly reorganized area
 42 education agency may petition the board of directors
 43 of a ~~contiguous~~ their current area education agency
 44 and the newly reorganized area education agency to
 45 join ~~that the newly reorganized area education agency.~~
 46 ~~If the contiguous both~~ area education agency board
 47 ~~approves~~ boards approve the petition, the
 48 reorganization shall take effect on July 1 of the
 49 school year following approval of the petition by the
 50 state board. A school district may appeal to the

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1 state board the decision of an area education agency
 2 board to deny the school district's petition.
 3 Sec. 34. Section 273.22, as amended by 2001 Iowa
 4 Acts, House File 674, section 4, if enacted, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 6. The board of directors of a
 7 school district that is within a newly reorganized
 8 area education agency and whose school district was
 9 contiguous to another area education agency prior to
 10 the reorganization, may petition the board of
 11 directors of the newly reorganized area education
 12 agency and the contiguous area education agency to
 13 join that area education agency. If both area
 14 education agency boards approve the petition, the
 15 reorganization shall take effect on July 1 of the
 16 school year following approval of the petition by the
 17 state board. A school district may appeal to the
 18 state board the decision of an area education agency
 19 board to deny the school district's petition.
 20 Sec. 35. Section 299.8, as amended by 2001 Iowa
 21 Acts, House File 643, section 16, if enacted, is
 22 amended to read as follows:
 23 299A.8 DUAL ENROLLMENT.
 24 If a parent, guardian, or legal custodian of a
 25 child who is receiving competent private instruction
 26 under this chapter or a child over compulsory age who
 27 is receiving private instruction submits a request,
 28 the child shall also be registered in a public school
 29 for dual enrollment purposes. If the child is
 30 enrolled in a public school district for dual
 31 enrollment purposes, the child shall be permitted to
 32 participate in any academic activities in the district

33 and shall also be permitted to participate on the same
 34 basis as public school children in any extracurricular
 35 activities available to children in the child's grade
 36 or group, and the parent, guardian, or legal custodian
 37 shall not be required to pay the costs of any annual
 38 evaluation under this chapter. If the child is
 39 enrolled for dual enrollment purposes, the child shall
 40 be included in the public school's basic enrollment
 41 under section 257.6. A pupil who is participating
 42 only in extracurricular activities shall be counted
 43 under section 257.6, subsection 1, paragraph "f". A
 44 pupil enrolled in grades nine through twelve under
 45 this section shall be counted in the same manner as a
 46 shared-time pupil under section 257.6, subsection 1,
 47 paragraph "c".

48 Sec. 36. Section 403.19, subsection 2, Code 2001,
 49 is amended to read as follows:

50 2. That portion of the taxes each year in excess

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1 of such amount shall be allocated to and when
 2 collected be paid into a special fund of the
 3 municipality to pay the principal of and interest on
 4 loans, moneys advanced to, or indebtedness, whether
 5 funded, refunded, assumed, or otherwise, including
 6 bonds issued under the authority of section 403.9,
 7 subsection 1, incurred by the municipality to finance
 8 or refinance, in whole or in part, an urban renewal
 9 project within the area, and to provide assistance for
 10 low and moderate income family housing as provided in
 11 section 403.22, except that taxes for the regular and
 12 voter-approved physical plant and equipment levy of a
 13 school district imposed pursuant to section 298.2 and
 14 taxes for the payment of bonds and interest of each
 15 taxing district must be collected against all taxable
 16 property within the taxing district without limitation
 17 by the provisions of this subsection. However, all or
 18 a portion of the taxes for the physical plant and
 19 equipment levy shall be paid by the school district to
 20 the municipality if the ~~municipality auditor~~ certifies
 21 to the school district by July 1 the amount of such
 22 levy that is necessary to pay the principal and
 23 interest on ~~indebtedness incurred~~ bonds issued by the
 24 municipality to finance an urban renewal project,
 25 which ~~indebtedness was incurred~~ bonds were issued
 26 before July 1, ~~2000~~ 2001. Indebtedness incurred to
 27 refund bonds issued prior to July 1, 2001, shall not
 28 be included in the certification. Such school
 29 district shall pay over the amount certified by
 30 November 1 and May 1 of the fiscal year following
 31 certification to the school district. Unless and

32 until the total assessed valuation of the taxable
33 property in an urban renewal area exceeds the total
34 assessed value of the taxable property in such area as
35 shown by the last equalized assessment roll referred
36 to in subsection 1, all of the taxes levied and
37 collected upon the taxable property in the urban
38 renewal area shall be paid into the funds for the
39 respective taxing districts as taxes by or for the
40 taxing districts in the same manner as all other
41 property taxes. When such loans, advances,
42 indebtedness, and bonds, if any, and interest thereon,
43 have been paid, all moneys thereafter received from
44 taxes upon the taxable property in such urban renewal
45 area shall be paid into the funds for the respective
46 taxing districts in the same manner as taxes on all
47 other property.

48 Sec. 37. Section 403.19, Code 2001, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 7. For any fiscal year, a

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1 municipality may certify to the county auditor for
2 physical plant and equipment revenue necessary for
3 payment of principal and interest on bonds issued
4 prior to July 1, 2001, only if the municipality
5 certified for such revenue for the fiscal year
6 beginning July 1, 2001. A municipality shall not
7 certify to the county auditor for a school district
8 more than the amount the municipality certified for
9 the fiscal year beginning July 1, 2001. If for any
10 fiscal year a municipality fails to certify to the
11 county auditor for a school district by July 1 the
12 amount of physical plant and equipment revenue
13 necessary for payment of principal and interest on
14 such bonds, as provided in subsection 2, the school
15 district is not required to pay over the revenue to
16 the municipality. If a school district and a
17 municipality are unable to agree on the amount of
18 physical plant and equipment revenue certified by the
19 municipality for the fiscal year beginning July 1,
20 2002, either party may request that the state appeal
21 board review and finally pass upon the amount that may
22 be certified. Such appeals must be presented in
23 writing to the state appeal board no later than July
24 31 following certification. The burden shall be on
25 the municipality to prove that the physical plant and
26 equipment levy revenue is necessary to pay principal
27 and interest on bonds issued prior to July 1, 2001. A
28 final decision must be issued by the state appeal
29 board no later than the following October 1.

30 Sec. 38. Section 427.1, subsection 19, Code 2001,

31 as amended by 2001 Iowa Acts, Senate File 514, is
 32 amended by adding the following new unnumbered
 33 paragraph:
 34 NEW UNNUMBERED PARAGRAPH. For purposes of
 35 establishing the valuation limitation under this
 36 subsection, if more than one person has an ownership
 37 interest in the property, the multiple owners shall be
 38 considered one owner so that the two hundred thousand
 39 dollar limitation cannot be exceeded as a result of
 40 multiple ownership. For purposes of applying the
 41 valuation limitation to multiple properties owned by
 42 the same person, the two hundred thousand dollar
 43 limitation shall apply per owner on a statewide basis.
 44 Sec. 39. Section 483A.27, Code 2001, is amended by
 45 adding the following new subsection:
 46 NEW SUBSECTION. 11. A hunter safety and ethics
 47 instructor certified by the department shall be
 48 allowed to conduct an approved hunter safety and
 49 ethics education course on public school property with
 50 the approval of a majority of the board of directors

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1 of the school district. The conduct of an approved
 2 hunter safety and ethics education course is not a
 3 violation of any public policy, rule, regulation,
 4 resolution, or ordinance which prohibits the
 5 possession, display, or use of a firearm, bow and
 6 arrow, or other hunting weapon on public school
 7 property or other public property in this state.
 8 Sec. 40. EFFECTIVE AND APPLICABILITY DATES.
 9 Sections 36 and 37 of this division of this Act, being
 10 deemed of immediate importance, take effect upon
 11 enactment and apply to property taxes due and payable
 12 in fiscal years beginning on or after July 1, 2002.
 13 Sec. 41. CONTINGENT EFFECTIVE DATE. Section 38 of
 14 this Act shall take effect only if 2001 Iowa Acts,
 15 Senate File 514 is enacted without adoption of
 16 amendment H-1883 or, in the alternative, Senate File
 17 514 is enacted without adoption of H-1914 to amendment
 18 H-1897 to Senate File 514.

19 DIVISION VI
 20 SCHEDULED VIOLATIONS

21 Sec. 42. Section 321.17, Code 2001, is amended to
 22 read as follows:
 23 321.17 MISDEMEANOR TO VIOLATE REGISTRATION
 24 PROVISIONS.
 25 It is a simple misdemeanor punishable as a
 26 scheduled violation under section 805.8A, subsection
 27 2, paragraph "b", for any person to drive or move or
 28 for an owner knowingly to permit to be driven or moved
 29 upon the highway a vehicle of a type required to be

30 registered under this chapter which is not registered,
 31 or for which the appropriate fee has not been paid,
 32 except as provided in section 321.109, subsection 3.
 33 Sec. 43. Section 321.98, Code 2001, is amended to
 34 read as follows:
 35 321.98 OPERATION WITHOUT REGISTRATION.
 36 ~~No~~ A person shall ~~not~~ operate, ~~nor shall~~ and an
 37 owner shall not knowingly permit to be operated upon
 38 any highway any vehicle required to be registered and
 39 titled hereunder unless there shall be attached
 40 thereto and displayed thereon when and as required by
 41 this chapter a valid registration card and
 42 registration plate or plates issued therefor for the
 43 current registration year and unless a certificate of
 44 title has been issued for such vehicle except as
 45 otherwise expressly permitted in this chapter. Any
 46 violation of this section is a simple misdemeanor
 47 punishable as a scheduled violation under section
 48 805.8A, subsection 2, paragraph "b".
 49 Sec. 44. Section 321.193, unnumbered paragraph 4,
 50 Code 2001, is amended to read as follows:

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1 It is a simple misdemeanor punishable as a
 2 scheduled violation under section 805.8A, subsection
 3 4, paragraph "a", for a person to operate a motor
 4 vehicle in any manner in violation of the restrictions
 5 imposed on a restricted license issued to that person
 6 under this section.
 7 Sec. 45. Section 321.216, unnumbered paragraph 1,
 8 Code 2001, is amended to read as follows:
 9 It is a simple misdemeanor punishable as a
 10 scheduled violation under section 805.8A, subsection
 11 4, paragraph "b", for any person:
 12 Sec. 46. Section 321.216B, Code 2001, is amended
 13 to read as follows:
 14 321.216B USE OF DRIVER'S LICENSE OR NONOPERATOR'S
 15 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN
 16 ALCOHOL.
 17 A person who is under the age of twenty-one, who
 18 alters or displays or has in the person's possession a
 19 fictitious or fraudulently altered driver's license or
 20 nonoperator's identification card and who uses the
 21 license to violate or attempt to violate section
 22 123.47, commits a simple misdemeanor punishable ~~by a~~
 23 fine of one hundred dollars as a scheduled violation
 24 under section 805.8A, subsection 4, paragraph "c".
 25 The court shall forward a copy of the conviction to
 26 the department.
 27 Sec. 47. Section 321.216C, Code 2001, is amended
 28 to read as follows:

29 321.216C USE OF DRIVER'S LICENSE OR NONOPERATOR'S
 30 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN
 31 CIGARETTES OR TOBACCO PRODUCTS.

32 A person who is under the age of eighteen, who
 33 alters or displays or has in the person's possession a
 34 fictitious or fraudulently altered driver's license or
 35 nonoperator's identification card and who uses the
 36 license or card to violate or attempt to violate
 37 section 453A.2, subsection 2, commits a simple
 38 misdemeanor punishable by a fine of one hundred
 39 dollars as a scheduled violation under section 805.8A,
 40 subsection 4, paragraph "c". The court shall forward
 41 a copy of the conviction to the department.

42 Sec. 48. Section 321L.3, unnumbered paragraph 2,
 43 Code 2001, is amended to read as follows:

44 A person who fails to return the persons with
 45 disabilities parking permit and subsequently misuses
 46 the permit by illegally parking in a persons with
 47 disabilities parking space is guilty of a simple
 48 misdemeanor and subject to a fine of up to one hundred
 49 dollars punishable as a scheduled violation under
 50 section 805.8A, subsection 1, paragraph "c".

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1 Sec. 49. Section 321L.7, Code 2001, is amended to
 2 read as follows:

3 321L.7 PENALTY FOR FAILING TO PROVIDE PERSONS WITH
 4 DISABILITIES PARKING SPACES AND SIGNS.

5 Failure to provide proper persons with disabilities
 6 parking spaces as provided in section 321L.5 or to
 7 properly display persons with disabilities parking
 8 signs as provided in section 321L.6 is a simple
 9 misdemeanor for which a fine of one hundred dollars
 10 shall be imposed for each violation punishable as a
 11 scheduled violation under section 805.8A, subsection
 12 1, paragraph "c".

13 Sec. 50. Section 452A.52, unnumbered paragraph 2,
 14 Code 2001, is amended to read as follows:

15 Any person who is unable to display either of the
 16 permits or the license provided in section 452A.53 and
 17 brings into the state in the fuel supply tanks of a
 18 commercial motor vehicle more than thirty gallons of
 19 motor fuel or special fuel in violation of the
 20 provisions of the preceding paragraph is guilty of
 21 subsection 1 commits a simple misdemeanor punishable
 22 as a scheduled violation under section 805.8A,
 23 subsection 13, paragraph "c".

24 Sec. 51. CONFLICTING LEGISLATION. If both 2001
 25 Iowa Acts, Senate File 499 and 2001 Iowa Acts, House
 26 File 561 are enacted by the Seventy-ninth General
 27 Assembly and if House File 561 maintains the scheduled

28 fine for a violation of section 321.234A at one
 29 hundred dollars, the scheduled fine of fifty dollars,
 30 as enacted in Senate File 499, shall prevail and the
 31 scheduled fine of one hundred dollars, as enacted in
 32 House File 561, shall be void.

33 Sec. 52. CONTINGENT EFFECTIVENESS. This division
 34 of this Act takes effect only if 2001 Iowa Acts,
 35 Senate File 499 is enacted.

36 DIVISION VII

37 CORRECTIVE AMENDMENTS

38 Sec. 53. Section 103A.3, subsections 10, 11, 20,
 39 and 25, Code 2001, are amended to read as follows:

40 10. "Ground anchoring system" means any device or
 41 combination of devices used to securely anchor a
 42 manufactured or mobile home to the ground.

43 11. "Ground support system" means any device or
 44 combination of devices placed beneath a manufactured
 45 or mobile home and used to provide support.

46 20. "Permanent site" means any lot or parcel of
 47 land on which a manufactured or mobile home used as a
 48 dwelling or place of business, is located for ninety
 49 consecutive days except a construction site when the
 50 manufactured or mobile home is used by a commercial

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1 contractor as a construction office or storage room.
 2 25. "Tiedown system" means a ground support system
 3 and a ground anchoring system used in concert to
 4 provide anchoring and support for a manufactured or
 5 mobile home.

6 Sec. 54. Section 103A.26, Code 2001, if enacted by
 7 2001 Iowa Acts, Senate File 185, section 4, is amended
 8 to read as follows:

9 103A.26 MANUFACTURED OR MOBILE HOME INSTALLERS
 10 CERTIFICATION -- VIOLATION -- CIVIL PENALTY.

11 1. a. A person who installs a manufactured or
 12 mobile home for another person shall be certified in
 13 accordance with rules adopted by the commissioner
 14 pursuant to chapter 17A. The commissioner may assess
 15 a fee sufficient to recover the costs of administering
 16 the certification of manufactured or mobile home
 17 installers. The commissioner may suspend or revoke
 18 the certification of a manufactured or mobile home
 19 installer for failure to perform installation of a
 20 manufactured or mobile home, pursuant to certification
 21 standards as provided by rules of the commissioner.

22 b. Notwithstanding section 103A.23, all fees
 23 collected by the commissioner for the administration
 24 of the manufactured or mobile home program shall be
 25 credited to the general fund of the state and are
 26 appropriated to the commissioner for the purpose of

27 administering this certification program including the
28 employment of personnel for the enforcement and
29 administration of this program.

30 2. If a provision of this chapter or a rule
31 adopted pursuant to this chapter relating to the
32 manufacture or installation of a manufactured or
33 mobile home is violated, the commissioner may assess a
34 civil penalty not to exceed one thousand dollars for
35 each offense. Each violation involving a separate
36 manufactured or mobile home, or a separate failure or
37 refusal to allow an act to be performed or to perform
38 an act as required by this chapter, or a rule adopted
39 pursuant to this chapter constitutes a separate
40 offense. However, the maximum amount of civil
41 penalties which may be assessed for any series of
42 violations occurring within one year from the date of
43 the first violation shall not exceed one million
44 dollars.

45 Sec. 55. Section 165A.5, subsection 1, as enacted
46 by 2001 Iowa Acts, Senate File 209, section 5, is
47 amended to read as follows:

48 1. ~~Except as provided in this subsection, a~~
49 person violating a provision of this chapter or any
50 rule adopted pursuant to this chapter shall be subject

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1 to a civil penalty of at least one hundred dollars but
2 not more than one thousand dollars. The proceeding to
3 assess a civil penalty shall be conducted as a
4 contested case proceeding under chapter 17A.

5 Sec. 56. Section 172E.1, subsection 3, as enacted
6 by 2001 Iowa Acts, Senate File 209, section 6, is
7 amended to read as follows:

8 3. "Livestock market" means any place where
9 livestock are assembled from two or more sources for
10 public auction, private sale, or sale on a commission
11 basis, which is under state or federal supervision,
12 including a livestock auction market, if such
13 livestock are kept in the place for ten days or less.

14 Sec. 57. Section 232.21, subsection 4, Code 2001,
15 as amended by 2001 Acts, Senate File 458, section 5,
16 if enacted, is amended to read as follows:

17 4. A child placed in a shelter care facility under
18 this section shall not be held for a period in excess
19 of forty-eight hours without an oral or written court
20 order authorizing the shelter care. When the action
21 is authorized by an oral court order, the court shall
22 enter a written order before the end of the next day
23 confirming the oral order and indicating the reasons
24 for the order. A child placed in shelter care
25 pursuant to section 232.19, subsection 1, paragraph

26 "c", shall not be held in excess of seventy-two hours
 27 in any event. If deemed appropriate by the court, an
 28 order authorizing shelter care placement may include a
 29 determination that continuation of the child in the
 30 child's home is contrary to the child's welfare and
 31 that reasonable efforts as defined in section 232.57
 32 have been made. The inclusion of such a determination
 33 shall not under any circumstances be deemed a
 34 prerequisite for entering an order pursuant to this
 35 section. However, the inclusion of such a ~~finding~~
 36 determination, supported by the record, may assist the
 37 department in obtaining federal funding for the
 38 child's placement.

39 Sec. 58. Section 321.113, subsection 5, paragraph
 40 b, unnumbered paragraph 1, if enacted by 2001 Iowa
 41 Acts, Senate File 350, section 4, is amended to read
 42 as follows:

43 If the title of a 1993 model year or older motor
 44 vehicle is transferred to a new owner or if such a
 45 motor vehicle is brought into the state on or after
 46 January 1, 2002, the registration fee shall not be
 47 based on the weight and list price of the motor
 48 vehicle, but shall be as follows:

49 Sec. 59. Section 322B.2, subsection 4, if enacted
 50 by 2001 Iowa Acts, House File 656, section 2, is

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1 amended to read as follows:

2 4. "Manufactured or mobile home distributor" means
 3 a person who sells or distributes manufactured or
 4 mobile homes to manufactured or mobile home retailers.

5 Sec. 60. Section 331.303, subsection 1, paragraph
 6 b, Code 2001, as amended by 2001 Iowa Acts, Senate
 7 File 453, section 1, is amended to read as follows:

8 b. A "warrant book" which records each warrant
 9 drawn in the order of issuance by number, date,
 10 amount, and name of drawee, and refers to the order in
 11 the minute book authorizing its drawing. The board
 12 may authorize the auditor to issue checks in lieu of
 13 warrants. If the issuance of checks is authorized,
 14 the word "check" shall be substituted for the word
 15 "warrant" in those sections of this chapter and
 16 chapters ~~6B, 11~~ 6B, 11, 35B, 336, 349, 350, 427B, and
 17 468 in which the issuance of a check is authorized in
 18 lieu of a warrant.

19 Sec. 61. Section 351.39, Code 2001, as amended by
 20 2001 Iowa Acts, House File 179, section 1, is amended
 21 to read as follows:

22 351.39 CONFINEMENT.

23 If a local board of health receives information
 24 that an animal has bitten a person or that a dog or

25 animal is suspected of having rabies, the board shall
26 order the owner to confine such animal in the manner
27 it directs. If the owner fails to confine such animal
28 in the manner directed, the animal shall be
29 apprehended and impounded by such board, and after ten
30 days the board may humanely destroy the animal. If
31 such animal is returned to its owner, the owner shall
32 pay the cost of impoundment. This section shall not
33 apply to ~~if~~ a police service dog or a horse used by a
34 law enforcement agency, ~~that is~~ and acting in the
35 performance of its duties ~~which~~ has bitten a person.

36 Sec. 62. Section 466.8, unnumbered paragraph 1, as
37 enacted by 2001 Iowa Acts, Senate File 479, section 2,
38 is amended to read as follows:

39 The department of natural resources shall establish
40 an on-site wastewater systems assistance program for
41 the purpose of providing low-interest loans to
42 homeowners residing outside the boundaries of a city
43 for improving on-site wastewater disposal systems.

44 Sec. 63. Section 466.8, subsection 4, as enacted
45 by 2001 Iowa Acts, Senate File 479, section 2, is
46 amended to read as follows:

47 4. The department shall report to the general
48 assembly annually on the progress of the on-site
49 wastewater systems assistance program.

50 Sec. 64. Section 507B.4A, subsection 2, paragraph

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1 c, as enacted by 2001 Iowa Acts, Senate File 500,
2 section 8, is amended to read as follows:

3 c. The commissioner shall adopt rules establishing
4 processes for timely adjudication and payment of
5 claims by insurers for health care benefits. The
6 rules shall be consistent with the time frames and
7 other procedural standards for claims decisions by
8 group health plans established by the United States
9 department of labor pursuant to 29 C.F.R. pt. 2560 in
10 effect ~~at the time of passage of this Act on January~~
11 1, 2002.

12 Sec. 65. Section 522B.14, subsection 11, as
13 enacted by 2001 Iowa Acts, Senate File 276, section
14 28, is amended to read as follows:

15 11. An insurer, the authorized representative of
16 the insurer, or an insurance producer that fails to
17 report as required under this section, or that is
18 found to have reported with actual malice by a court
19 of competent jurisdiction, after notice and hearing,
20 may have its license or certificate of authority
21 suspended or revoked and may be ~~fin~~ penalized as
22 provided in section 522B.17.

23 Sec. 66. Section 523A.401, subsection 5, paragraph

24 c, if enacted by 2001 Iowa Acts, Senate File 473,
25 section 28, is amended to read as follows:
26 c. The policy shall have an increasing death
27 benefit or similar feature that provides some means
28 for increasing the funding as the cost of cemetary
29 merchandise, funeral merchandise, and cemetary goods
30 and funeral services increases.
31 Sec. 67. Section 523A.405, subsection 1, if
32 enacted by 2001 Iowa Acts, Senate File 473, section
33 32, is amended to read as follows:
34 1. In lieu of trust requirements, a seller may
35 file with the commissioner a surety bond issued by a
36 surety company authorized to do business and doing
37 business within this state. The bond must be
38 conditioned upon the seller's faithful performance of
39 purchase agreements subject to this chapter. The
40 surety's liability extends to each such agreement
41 executed while the bond is in force and until
42 performance or rescision of the purchase agreement.
43 The aggregate liability of the surety for any and all
44 breaches of the conditions of the bond shall not
45 exceed the penal sum of the bond. To the extent
46 expressly agreed to in writing by the surety, the
47 surety's liability extends to each such agreement
48 subject to this chapter executed prior to the time the
49 bond was in force and until performance or rescision of
50 the agreement. A purchaser aggrieved by a breach of a

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1 condition of the bond covering the purchaser's
2 agreement may maintain an action against the bond.
3 If, at the time of the breach, the purchaser is aware
4 of the purchaser's rights under the bond and how to
5 file a claim against the bond, the surety shall not be
6 liable for any breach of condition unless the surety
7 receives notice of a claim within sixty days following
8 discovery of the acts, omissions, or conditions
9 constituting the breach of condition, except as
10 otherwise provided in this section. A surety bond
11 shall not be canceled by a surety except upon a
12 written notice of cancellation given by the surety to
13 the commissioner by restricted certified mail, and not
14 prior to the expiration of sixty days after receipt of
15 the notice by the commissioner. The surety's
16 liability shall extend to each purchase agreement
17 subject to this chapter executed prior to cancellation
18 of the surety bond until the seller has complied with
19 section subsection 3.
20 Sec. 68. Section 554.9525, subsections 3 and 4, as
21 enacted by 2000 Iowa Acts, chapter 1149, section 96,
22 are amended to read as follows:

23 ~~3.~~ 2. NUMBER OF NAMES. The number of names
 24 required to be indexed does not affect the amount of
 25 the fee in ~~subsections~~ subsection 1 and 2.
 26 ~~4.~~ 3. RESPONSE TO INFORMATION REQUEST. A rule ~~or~~
 27 ~~ordinance~~ adopted pursuant to subsection 1 must set
 28 the fee for responding to a request for information
 29 from the filing office, including for communicating
 30 whether there is on file any financing statement
 31 naming a particular debtor. A fee for responding to a
 32 request communicated in writing must be not less than
 33 twice the amount of the fee for responding to a
 34 request communicated by another medium authorized by
 35 the office of secretary of state or the board of
 36 supervisors for the filing office where its filing
 37 office is located.

38 Sec. 69. Section 558.39, unnumbered paragraph 1,
 39 Code 2001, as amended by 2001 Iowa Acts, House File
 40 259, is amended to read as follows:
 41 The following forms of acknowledgment shall be
 42 sufficient in the cases to which they are respectively
 43 applicable. In each case where one of these forms is
 44 used, the name of the state and county where the
 45 acknowledgment is taken shall precede the body of the
 46 certificate, and the signature and official title of
 47 the officer shall follow it as indicated in the first
 48 form and shall constitute a part of the certificate,
 49 and the stamp or seal of the officer shall be attached
 50 when necessary under the provision of this chapter and

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1 as provided in section ~~9E.6~~ 9E.6A. No certificate of
 2 acknowledgment shall be held to be defective on
 3 account of the failure to show the official title of
 4 the officer making the certificate if such title
 5 appears either in the body of such certificate or in
 6 connection therewith, or with the signature thereto.

7 Sec. 70. Section 627.6, subsection 8, paragraph f,
 8 subparagraph (3), Code 2001, as amended by 2001 Iowa
 9 Acts, House File 654, section 3, if enacted, is
 10 amended to read as follows:
 11 (3) For simplified employee pension plans, self-
 12 employed pension plans (also known as Keogh plans or
 13 H.R. 10 plans), individual retirement accounts
 14 established under section 408(a) of the Internal
 15 Revenue Code, individual retirement annuities
 16 established under section 408(b) of the Internal
 17 Revenue Code, savings incentive matched plans for
 18 employees, salary reduction simplified employee
 19 pension plans (also known as SARSEPs), and similar
 20 plans for retirement investments authorized in the
 21 future under federal law, the exemption for

22 contributions shall not exceed, for each tax year of
 23 contributions, the actual amount of the contribution
 24 deducted for individual retirement accounts and
 25 annuities established under section 408 of the
 26 Internal Revenue Code or the maximum amount which
 27 could be contributed and deducted in the tax year of
 28 the contribution on the debtor's tax return or the
 29 maximum amount which could be contributed to an
 30 individual retirement account established under
 31 section 408(a) of the Internal Revenue Code and
 32 deducted in the tax year of the contribution,
 33 whichever is less. The exemption for accumulated
 34 earnings and market increases in value of plans under
 35 this subparagraph shall be limited to an amount
 36 determined by multiplying all the accumulated earnings
 37 and market increases in value by a fraction, the
 38 numerator of which is the total amount of exempt
 39 contributions as determined by this subparagraph, and
 40 the denominator of which is the total of exempt and
 41 nonexempt contributions to the plan.

42 Sec. 71. Section 633.4213, subsection 5, Code
 43 2001, is amended to read as follows:

44 5. A trustee shall prepare and send to the
 45 beneficiaries an account of the trust property,
 46 liabilities, receipts, and disbursements at least
 47 annually, at the termination of the trust, and upon a
 48 change of a trustee. An accounting on behalf of a
 49 former trustee shall be prepared by the former
 50 trustee, or if the trustee's appointment is terminated

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1 by reason of death or incapacity, by the former
 2 trustee's personal representative or guardian or
 3 conservator.

4 Sec. 72. Section 702.11, subsection 2, paragraph
 5 e, as enacted by 2001 Iowa Acts, Senate File 63,
 6 section 1, is amended to read as follows:

7 e. Child endangerment resulting in bodily injury
 8 to a child or a minor in violation of section 726.6,
 9 subsection 2A.

10 Sec. 73. 2001 Iowa Acts, House File 656, section
 11 15, is amended to read as follows:

12 SEC. 15. Sections ~~403A.3~~, 103A.30, 103A.31, 321.1,
 13 321.47, 321.123, 321.251, 321.284A, 321.457, 321E.28,
 14 321E.31, 331.429, 331.653, 422.43, 422A.1, 425.17,
 15 426A.11, 427.11, 435.22, 441.17, 445.1, 445.36A,
 16 445.37, 445.38, 515C.1, 534.605, 562B.2, 562B.13,
 17 631.1, 631.4, and 648.3, Code 2001, are amended by
 18 inserting before the words "mobile home" the words
 19 "manufactured or".

20 Sec. 74. DIRECTION TO CODE EDITOR. In codifying

21 provisions of 2000 Iowa Acts, chapter 1149, in Code
 22 Supplement 2001, the Code editor may change references
 23 from "this Act" to an appropriate reference, including
 24 but not limited to "this Article", wherever it appears
 25 in the Act, after consultation with the Iowa state bar
 26 association. The Iowa state bar association is
 27 requested to respond to the Code editor's
 28 consultations by no later than July 31, 2001. Nothing
 29 in this section limits the authority of the Code
 30 editor under section 2B.13.

31 Sec. 75. CONTINGENT EFFECTIVENESS. The sections
 32 of this division of this Act amending Code section
 33 103A.3 and Code section 103A.26, if enacted, and Code
 34 section 322B.2, take effect only if 2001 Iowa Acts,
 35 House File 656 is enacted."

JEFF LAMBERTI

S-3655

- 1 Amend the House amendment, S-3645, to Senate File
 2 537, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 3 through 6.
 5 2. By renumbering as necessary.

MARY A. LUNDBY
 MARY E. KRAMER
 JEFF LAMBERTI

S-3656

- 1 Amend House File 755, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 15, line 35, through page 16,
 4 line 11.

JOHNIE HAMMOND

S-3657

- 1 Amend House File 755, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 9, by inserting after line 33, the
 4 following:
 5 "Sec. ____ Section 135.24, subsection 2, paragraph
 6 c, Code 2001, is amended to read as follows:
 7 c. Identification of the medical services to be
 8 provided under the program. The medical services
 9 provided ~~shall~~ may include, but shall not be limited
 10 to, obstetrical and gynecological medical services,

11 and psychiatric services provided by a physician
12 licensed under chapter 148, 150, or 150A".

JOHN REDWINE

S-3658

1 Amend House File 746, 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. STATE COURTS -- JUSTICES, JUDGES, AND
6 MAGISTRATES.

7 1. The salary rates specified in subsection 2 are
8 for the fiscal year beginning July 1, 2001, effective
9 for the pay period beginning June 22, 2001, and for
10 subsequent fiscal years until otherwise provided by
11 the general assembly. The salaries provided for in
12 this section shall be paid from funds appropriated to
13 the judicial branch from the salary adjustment fund or
14 if the appropriation is not sufficient, from the funds
15 appropriated to the judicial branch pursuant to any
16 Act of the general assembly.

17 2. The following annual salary rates shall be paid
18 to the persons holding the judicial positions
19 indicated during the fiscal year beginning July 1,
20 2001, effective with the pay period beginning June 22,
21 2001, and for subsequent pay periods.

| | | |
|---|----|---------|
| 22 a. Chief justice of the supreme court: | | |
| 23 | \$ | 120,920 |
| 24 b. Each justice of the supreme court: | | |
| 25 | \$ | 116,600 |
| 26 c. Chief judge of the court of appeals: | | |
| 27 | \$ | 116,490 |
| 28 d. Each associate judge of the court of appeals: | | |
| 29 | \$ | 112,170 |
| 30 e. Each chief judge of a judicial district: | | |
| 31 | \$ | 111,140 |
| 32 f. Each district judge except the chief judge of a | | |
| 33 judicial district: | | |
| 34 | \$ | 106,610 |
| 35 g. Each district associate judge: | | |
| 36 | \$ | 92,910 |
| 37 h. Each associate juvenile judge: | | |
| 38 | \$ | 92,910 |
| 39 i. Each associate probate judge: | | |
| 40 | \$ | 92,910 |
| 41 j. Each judicial magistrate: | | |
| 42 | \$ | 27,700 |
| 43 k. Each senior judge: | | |
| 44 | \$ | 6,180 |

45 Sec. 2. SALARY RATE LIMITS. Persons receiving the

46 salary rates established under section 1 of this Act
47 shall not receive any additional salary adjustments
48 provided by this Act.
49 Sec. 3. APPOINTED STATE OFFICERS. The governor
50 shall establish a salary for appointed nonelected

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1 persons in the executive branch of state government
2 holding a position enumerated in section 4 of this Act
3 within the range provided, by considering, among other
4 items, the experience of the individual in the
5 position, changes in the duties of the position, the
6 incumbent's performance of assigned duties, and
7 subordinates' salaries. However, the attorney general
8 shall establish the salary for the consumer advocate,
9 the chief justice of the supreme court shall establish
10 the salary for the state court administrator, the
11 ethics and campaign disclosure board shall establish
12 the salary of the executive director, and the state
13 fair board shall establish the salary of the secretary
14 of the state fair board, each within the salary range
15 provided in section 4 of this Act.

16 The governor, in establishing salaries as provided
17 in section 4 of this Act, shall take into
18 consideration other employee benefits which may be
19 provided for an individual including, but not limited
20 to, housing.

21 A person whose salary is established pursuant to
22 section 4 of this Act and who is a full-time, year-
23 round employee of the state shall not receive any
24 other remuneration from the state or from any other
25 source for the performance of that person's duties
26 unless the additional remuneration is first approved
27 by the governor or authorized by law. However, this
28 provision does not exclude the reimbursement for
29 necessary travel and expenses incurred in the
30 performance of duties or fringe benefits normally
31 provided to employees of the state.

32 Sec. 4. STATE OFFICERS -- SALARY RATES AND RANGES.

33 The following annual salary ranges are effective for
34 the positions specified in this section for the fiscal
35 year beginning July 1, 2001, and for subsequent fiscal
36 years until otherwise provided by the general
37 assembly. The governor or other person designated in
38 section 3 of this Act shall determine the salary to be
39 paid to the person indicated at a rate within the
40 salary ranges indicated from funds appropriated by the
41 general assembly for that purpose.

42 1. The following are salary ranges 1 through 5 for
43 the fiscal year beginning July 1, 2001, effective with
44 the pay period beginning June 22, 2001:

| 45 SALARY RANGES | <u>Minimum</u> | <u>Maximum</u> |
|---------------------|----------------|----------------|
| 46 a. Range 1 | \$ 8,800 | \$ 29,870 |
| 47 b. Range 2 | \$ 32,200 | \$ 60,255 |
| 48 c. Range 3 | \$ 44,100 | \$ 70,246 |
| 49 d. Range 4 | \$ 53,100 | \$ 80,340 |
| 50 e. Range 5 | \$ 62,400 | \$ 90,434 |

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1 2. The following are range 1 positions: There are
 2 no range 1 positions for the fiscal year beginning
 3 July 1, 2001.

4 3. The following are range 2 positions:
 5 administrator of the arts division of the department
 6 of cultural affairs, administrators of the division of
 7 persons with disabilities, the division on the status
 8 of women, the division on the status of African-
 9 Americans, the division of deaf services, and the
 10 division of Latino affairs of the department of human
 11 rights, and administrator of the division of
 12 professional licensing and regulation of the
 13 department of commerce.

14 4. The following are range 3 positions:
 15 administrator of the division of emergency management
 16 of the department of public defense, administrator of
 17 the division of criminal and juvenile justice planning
 18 of the department of human rights, administrator of
 19 the division of community action agencies of the
 20 department of human rights, executive director of the
 21 commission of veterans affairs, and chairperson and
 22 members of the employment appeal board of the
 23 department of inspections and appeals.

24 5. The following are range 4 positions:
 25 superintendent of banking, superintendent of credit
 26 unions, and chairperson, vice chairperson, and members
 27 of the board of parole.

28 6. The following are range 5 positions: consumer
 29 advocate, state public defender, drug policy
 30 coordinator, labor commissioner, workers' compensation
 31 commissioner, administrator of the alcohol beverages
 32 division of the department of commerce, and
 33 administrator of the historical division of the
 34 department of cultural affairs.

35 7. The following are salary ranges 6 through 9 for
 36 the fiscal year beginning July 1, 2001, effective with
 37 the pay period beginning June 22, 2001:

| 45 SALARY RANGES | <u>Minimum</u> | <u>Maximum</u> |
|---------------------|----------------|----------------|
| 39 a. Range 6 | \$ 48,200 | \$ 80,340 |
| 40 b. Range 7 | \$ 66,000 | \$ 91,155 |
| 41 c. Range 8 | \$ 70,800 | \$ 105,781 |
| 42 d. Range 9 | \$ 79,000 | \$ 126,175 |

43 8. The following are range 6 positions: director

44 of the department of human rights, director of the
45 Iowa state civil rights commission, executive director
46 of the college student aid commission, director of the
47 department for the blind, and executive director of
48 the ethics and campaign disclosure board.
49 9. The following are range 7 positions: director
50 of the department of cultural affairs, director of the

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1 department of elder affairs, and director of the law
2 enforcement academy.
3 10. The following are range 8 positions: the
4 administrator of the state racing and gaming
5 commission of the department of inspections and
6 appeals, director of the department of inspections and
7 appeals, commandant of the veterans home, director of
8 the department of general services, director of the
9 department of personnel, administrator of the public
10 broadcasting division of the department of education,
11 commissioner of public safety, commissioner of
12 insurance, executive director of the Iowa finance
13 authority, director of the department of natural
14 resources, director of the department of corrections,
15 and chairperson of the utilities board. The other
16 members of the utilities board shall receive an annual
17 salary within a range of not less than 90 percent but
18 not more than 95 percent of the annual salary of the
19 chairperson of the utilities board.

20 11. The following are range 9 positions: director
21 of the department of education, director of human
22 services, director of the department of economic
23 development, director of the information technology
24 department, executive director of the Iowa
25 communications and technology commission, executive
26 director of the state board of regents, director of
27 the state department of transportation, director of
28 the department of workforce development, director of
29 revenue and finance, lottery commissioner, director of
30 public health, the state court administrator,
31 secretary of the state fair board, and the director of
32 the department of management.

33 **Sec. 5. PUBLIC EMPLOYMENT RELATIONS BOARD.**

34 1. The salary rates specified in this section are
35 effective for the fiscal year beginning July 1, 2001,
36 with the pay period beginning June 22, 2001, and for
37 subsequent fiscal years until otherwise provided by
38 the general assembly. The salaries provided for in
39 this section shall be paid from funds appropriated to
40 the public employment relations board from the salary
41 adjustment fund, or if the appropriation is not
42 sufficient from funds appropriated to the public

43 employment relations board pursuant to any other Act
44 of the general assembly.

45 2. The following annual salary rates shall be paid
46 to the persons holding the positions indicated:

47 a. Chairperson of the public employment relations
48 board:

49\$ 70,761

50 b. Two members of the public employment relations

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1 board:

2\$ 65,920

3 Sec. 6. COLLECTIVE BARGAINING AGREEMENTS FUNDED --
4 GENERAL FUND. There is appropriated from the general

5 fund of the state to the salary adjustment fund for
6 distribution by the department of management to the
7 various state departments, boards, commissions,
8 councils, and agencies, including the state board of
9 regents, for the fiscal year beginning July 1, 2001,
10 and ending June 30, 2002, the amount of \$91,000,000,
11 or so much thereof as may be necessary, to fully fund
12 the following annual pay adjustments, expense
13 reimbursements, and related benefits:

14 1. The collective bargaining agreement negotiated
15 pursuant to chapter 20 for employees in the blue
16 collar bargaining unit.

17 2. The collective bargaining agreement negotiated
18 pursuant to chapter 20 for employees in the public
19 safety bargaining unit.

20 3. The collective bargaining agreement negotiated
21 pursuant to chapter 20 for employees in the security
22 bargaining unit.

23 4. The collective bargaining agreement negotiated
24 pursuant to chapter 20 for employees in the technical
25 bargaining unit.

26 5. The collective bargaining agreement negotiated
27 pursuant to chapter 20 for employees in the
28 professional fiscal and staff bargaining unit.

29 6. The collective bargaining agreement negotiated
30 pursuant to chapter 20 for employees in the university
31 of northern Iowa faculty bargaining unit.

32 7. The collective bargaining agreement negotiated
33 pursuant to chapter 20 for employees in the clerical
34 bargaining unit.

35 8. The collective bargaining agreement negotiated
36 pursuant to chapter 20 for employees in the
37 professional social services bargaining unit.

38 9. The collective bargaining agreement negotiated
39 pursuant to chapter 20 for employees in the community-
40 based corrections bargaining unit.

41 10. The collective bargaining agreement negotiated

42 pursuant to chapter 20 for employees in the judicial
43 branch of government bargaining unit.
44 11. The collective bargaining agreement negotiated
45 pursuant to chapter 20 for employees in the patient
46 care bargaining unit.
47 12. The collective bargaining agreement negotiated
48 pursuant to chapter 20 for employees in the science
49 bargaining unit.
50 13. The collective bargaining agreement negotiated

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1 pursuant to chapter 20 for employees in the state
2 university of Iowa graduate student bargaining unit.
3 14. The collective bargaining agreement negotiated
4 pursuant to chapter 20 for employees in the state
5 university of Iowa hospital and clinics tertiary
6 health care bargaining unit.
7 15. The annual pay adjustments, related benefits,
8 and expense reimbursements referred to in sections 7
9 and 8 of this Act for employees not covered by a
10 collective bargaining agreement.
11 Sec. 7. NONCONTRACT STATE EMPLOYEES -- GENERAL.
12 1. a. For the fiscal year beginning July 1, 2001,
13 the maximum salary levels of all pay plans provided
14 for in section 19A.9, subsection 2, as they exist for
15 the fiscal year ending June 30, 2001, shall be
16 increased by 3 percent for the pay period beginning
17 June 22, 2001, and any additional changes in the pay
18 plans shall be approved by the governor.
19 b. For the fiscal year beginning July 1, 2001,
20 employees may receive a step increase or the
21 equivalent of a step increase.
22 2. The pay plans for state employees who are
23 exempt from chapter 19A and who are included in the
24 department of revenue and finance's centralized
25 payroll system shall be increased in the same manner
26 as provided in subsection 1, and any additional
27 changes in any executive branch pay plans shall be
28 approved by the governor.
29 3. This section does not apply to members of the
30 general assembly, board members, commission members,
31 salaries of persons set by the general assembly
32 pursuant to this Act, or set by the governor, other
33 persons designated in section 3 of this Act, employees
34 designated under section 19A.3, subsection 5, and
35 employees covered by 581 IAC 4.6(3).
36 4. The pay plans for the bargaining eligible
37 employees of the state shall be increased in the same
38 manner as provided in subsection 1, and any additional
39 changes in such executive branch pay plans shall be
40 approved by the governor. As used in this section,

41 "bargaining eligible employee" means an employee who
42 is eligible to organize under chapter 20, but has not
43 done so.

44 5. The policies for implementation of this section
45 shall be approved by the governor.

46 Sec. 8. STATE EMPLOYEES -- STATE BOARD OF REGENTS.

47 Funds from the appropriation in section 6 of this Act
48 shall be allocated to the state board of regents for
49 the purposes of providing increases for state board of
50 regents employees covered by section 6 of this Act and

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1 for employees not covered by a collective bargaining
2 agreement as follows:

3 1. For regents merit system employees and merit
4 supervisory employees to fund for the fiscal year,
5 increases comparable to those provided for similar
6 contract-covered employees in this Act.

7 2. For faculty members and professional and
8 scientific employees to fund for the fiscal year,
9 percentage increases comparable to those provided for
10 contract-covered employees in section 6, subsection 6,
11 of this Act.

12 Sec. 9. APPROPRIATIONS FROM ROAD FUNDS.

13 1. There is appropriated from the road use tax
14 fund to the salary adjustment fund for the fiscal year
15 beginning July 1, 2001, and ending June 30, 2002, the
16 following amount, or so much thereof as may be
17 necessary, to be used for the purpose designated:

18 To supplement other funds appropriated by the
19 general assembly:
20\$ 3,500,000

21 2. There is appropriated from the primary road
22 fund to the salary adjustment fund, for the fiscal
23 year beginning July 1, 2001, and ending June 30, 2002,
24 the following amount, or so much thereof as may be
25 necessary, to be used for the purpose designated:

26 To supplement other funds appropriated by the
27 general assembly:
28\$ 3,000,000

29 3. Except as otherwise provided in this Act, the
30 amounts appropriated in subsections 1 and 2 shall be
31 used to fund the annual pay adjustments, expense
32 reimbursements, and related benefits for public
33 employees as provided in this Act.

34 Sec. 10. SPECIAL FUNDS -- AUTHORIZATION. To

35 departmental revolving, trust, or special funds,
36 except for the primary road fund or the road use tax
37 fund, for which the general assembly has established
38 an operating budget, a supplemental expenditure
39 authorization is provided, unless otherwise provided,

40 in an amount necessary to fund salary adjustments as
41 otherwise provided in this Act.
42 Sec. 11. GENERAL FUND SALARY MONEYS. Funds
43 appropriated from the general fund of the state in
44 this Act relate only to salaries supported from
45 general fund appropriations of the state except for
46 employees of the state board of regents. The funds
47 appropriated from the general fund of the state for
48 employees of the state board of regents shall exclude
49 general university indirect costs and general
50 university federal funds.

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1 Sec. 12. FEDERAL FUNDS APPROPRIATED. All federal
2 grants to and the federal receipts of the agencies
3 affected by this Act which are received and may be
4 expended for purposes of this Act are appropriated for
5 those purposes and as set forth in the federal grants
6 or receipts.
7 Sec. 13. STATE TROOPER MEAL ALLOWANCE. The sworn
8 peace officers in the department of public safety who
9 are not covered by a collective bargaining agreement
10 negotiated pursuant to chapter 20 shall receive the
11 same per diem meal allowance as the sworn peace
12 officers in the department of public safety who are
13 covered by a collective bargaining agreement
14 negotiated pursuant to chapter 20.
15 Sec. 14. SALARY MODEL COORDINATOR. Of the funds
16 appropriated by section 6 of this Act, \$133,800 for
17 the fiscal year beginning July 1, 2001, is allocated
18 to the department of management for salary and support
19 of the salary model coordinator who shall work in
20 conjunction with the legislative fiscal bureau to
21 maintain the state's salary model used for analyzing,
22 comparing, and projecting state employee salary and
23 benefit information, including information relating to
24 employees of the state board of regents. The
25 department of revenue and finance, the department of
26 personnel, the five institutions under the
27 jurisdiction of the state board of regents, the eight
28 judicial district departments of correctional
29 services, and the state department of transportation
30 shall provide salary data to the department of
31 management and the legislative fiscal bureau to
32 operate the state's salary model. The format and
33 frequency of provision of the salary data shall be
34 determined by the department of management and the
35 legislative fiscal bureau. The information shall be
36 used in collective bargaining processes under chapter
37 20 and in calculating the funding needs contained
38 within the annual salary adjustment legislation. A

39 state employee organization as defined in section
40 20.3, subsection 4, may request information produced
41 by the model, but the information provided shall not
42 contain information attributable to individual
43 employees.

44 Sec. 15. STATE HEALTH INSURANCE SURCHARGE --
45 TERMINAL LIABILITY AND ADMINISTRATION COSTS.

46 1. For the fiscal year beginning July 1, 2001, and
47 ending June 30, 2002, the executive council shall
48 cause the department of personnel to include in the
49 rates for Wellmark Blue Cross/Blue Shield Program 3
50 Plus, Wellmark Blue Cross/Blue Shield Program 3 plus

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1 with a comprehensive major medical overlay, and Iowa
2 Select Preferred Provider Organization health
3 insurance plans a surcharge, as determined by the
4 department of management, on only the employer's share
5 of the health insurance premium cost to fund the
6 state's share of the terminal liability of the
7 existing Wellmark health insurance contract. The
8 department of revenue and finance shall collect the
9 surcharge from state agencies, the state fair board,
10 board of regents, and the eight judicial district
11 departments of correctional services. The health
12 insurance plans provided to state employees covered by
13 the state police officers council collective
14 bargaining agreement are exempt from the surcharge
15 provided for in this section.

16 2. For the fiscal year beginning July 1, 2001, and
17 ending June 30, 2002, the department of personnel
18 shall also include in the premium rates for all health
19 insurance plans administered by the department an
20 administration fee of \$2.28 per contract which shall
21 be assessed only to the employer's share of the
22 insurance premium. The department of revenue and
23 finance shall remit the proceeds of the administration
24 fee monthly to the department of personnel to pay the
25 administrative costs of state employee benefit
26 programs.

27 Sec. 16. PATIENT CARE BARGAINING UNIT -- OVERTIME.

28 1. Of the funds appropriated in section 6 of this
29 Act, the following amount, or so much thereof as is
30 necessary, shall be allocated to the department of
31 revenue and finance for the fiscal year beginning July
32 1, 2001, and ending June 30, 2002, to be used for the
33 purpose designated:

34 To reimburse state agencies for expenditures
35 related to the payment of overtime to state employees
36 covered under the patient care bargaining unit:

37\$

768,000

38 2. The department of revenue and finance shall
 39 provide guidelines and forms for documentation that a
 40 state agency shall submit for the overtime
 41 reimbursement provided for in subsection 1. The
 42 reimbursement shall be restricted to the amount of
 43 moneys appropriated from the general fund of the state
 44 that is used to pay overtime of state employees
 45 covered under the patient care bargaining unit for the
 46 fiscal year beginning July 1, 2001, and ending June
 47 30, 2002.

48 Sec. 17. HEALTH INSURANCE INCENTIVE PROGRAMS. For
 49 the fiscal year beginning July 1, 2001, and ending
 50 June 30, 2002, the department of revenue and finance

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1 shall administer the health insurance incentive
 2 programs as contained in the collective bargaining
 3 agreements. The incentive payment shall be
 4 distributed in the paycheck of an eligible state
 5 employee if the employee is employed by a central
 6 state agency. The department of revenue and finance
 7 shall provide monthly each judicial district
 8 department of correctional services and the state
 9 board of regents a list of their employee counts by
 10 benefit plan that qualify for the incentive and the
 11 amount of the incentive due. The judicial district
 12 department of correctional services and the state
 13 board of regents shall include the amount of the
 14 incentive payment to their eligible employees'
 15 paychecks as soon as the payment is administratively
 16 practical.

17 Sec. 18. REGIONAL LIBRARIES. Of the funds
 18 appropriated in section 6 of this Act, the following
 19 amount, or so much thereof as is necessary, shall be
 20 allocated to the department of management for the
 21 fiscal year beginning July 1, 2001, and ending June
 22 30, 2002, to be used as follows:

23 To supplement other funds for salary adjustments
 24 for employees of regional libraries:

25\$ 29,000

26 Sec. 19. Section 19A.32, Code 2001, is amended to
 27 read as follows:

28 19A.32 WORKERS' COMPENSATION CLAIMS.

29 The director shall employ appropriate staff to
 30 handle and adjust claims of state employees for
 31 workers' compensation benefits pursuant to chapters
 32 85, 85A, 85B, and 86, or with the approval of the
 33 executive council contract for the services or
 34 purchase workers' compensation insurance coverage for
 35 state employees or selected groups of state employees.
 36 A state employee workers' compensation fund is

37 established to pay state employee workers'
 38 compensation claims and administrative costs. The
 39 department shall establish a rating formula and assess
 40 premiums to all agencies, departments, and divisions
 41 of the state including those which have not received
 42 an appropriation for the payment of workers'
 43 compensation insurance and which operate from moneys
 44 other than from the general fund of the state. The
 45 department shall collect the premiums and deposit them
 46 into the state employee workers' compensation fund.
 47 Notwithstanding section 8.33, moneys deposited in the
 48 state employee workers' compensation fund shall not
 49 revert to the general fund of the state at the end of
 50 any fiscal year, but shall remain in the state

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1 employee workers' compensation fund and be
 2 continuously available to pay state employee workers'
 3 compensation claims. ~~The director of revenue and~~
 4 ~~finance is authorized and directed to draw warrants on~~
 5 ~~this fund for the payment of state employee workers'~~
 6 ~~compensation claims may, to the extent possible,~~
 7 contract with a private organization to process and
 8 pay claims for services rendered under provisions of
 9 this section.

10 Sec. 20. Section 80.8, unnumbered paragraphs 1
 11 through 3, Code 2001, are amended to read as follows:
 12 The commissioner of public safety, with the
 13 approval of the governor, shall appoint such deputies,
 14 inspectors, officers, clerical workers and other
 15 employees as may be required to properly discharge the
 16 duties of this department.
 17 The commissioner may delegate to the ~~members of the~~
 18 Iowa state patrol peace officers of the department
 19 such additional duties in the enforcement of this
 20 chapter as the commissioner may deem proper and
 21 incidental to the duties now imposed upon them by law.
 22 The salaries of all members and employees of the
 23 department and the expenses of the department shall be
 24 provided for by the legislative appropriation
 25 therefor. The compensation of ~~the members of the Iowa~~
 26 state patrol peace officers of the department shall be
 27 fixed according to grades as to rank and length of
 28 service by the commissioner with the approval of the
 29 governor. ~~The members of the Iowa state patrol peace~~
 30 officers shall be paid additional compensation in
 31 accordance with the following formula: When ~~members~~
 32 of the Iowa state patrol peace officers have served
 33 for a period of five years their compensation then
 34 being paid shall be increased by the sum of twenty-
 35 five dollars per month beginning with the month

36 succeeding the foregoing described five-year period;
 37 when ~~members thereof~~ peace officers have served for a
 38 period of ten years their compensation then being paid
 39 shall be increased by the sum of twenty-five dollars
 40 per month beginning with the month succeeding the
 41 foregoing described ten-year period, such sums being
 42 in addition to the increase provided herein to be paid
 43 after five years of service; when ~~members thereof~~
 44 peace officers have served for a period of fifteen
 45 years their compensation then being paid shall be
 46 increased by the sum of twenty-five dollars per month
 47 beginning with the month succeeding the foregoing
 48 described fifteen-year period, such sums being in
 49 addition to the increases previously provided for
 50 herein; when ~~members thereof~~ peace officers have

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1 served for a period of twenty years their compensation
 2 then being paid shall be increased by the sum of
 3 twenty-five dollars per month beginning with the month
 4 succeeding the foregoing described twenty-year period,
 5 such sums being in addition to the increases
 6 previously provided for herein. While on active duty
 7 each ~~member~~ peace officer shall also receive a flat
 8 daily sum as fixed by the commissioner with the
 9 approval of the governor for meals ~~while away from the~~
 10 ~~office to which the member has been assigned and~~
 11 ~~within the member's district."~~

TOM FLYNN

S-3659

1 Amend the amendment, S-3613, to House File 742, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 10, by striking lines 35 through 45 and
 5 inserting the following:
 6 "Sec. 109. NEW SECTION. 15F.303A PUBLIC
 7 ORGANIZATIONS -- COMPETITIVE BIDDING OF PROJECTS.
 8 A public organization, as defined in section
 9 15F.302, subsection 2, whose application for financial
 10 assistance under the program is approved by the board
 11 shall advertise for sealed bids for the construction
 12 portion of the proposed project by publishing a notice
 13 to bidders as provided in this section. The notice to
 14 bidders may be published more than twenty days but not
 15 more than forty-five days before the date for filing
 16 bids.
 17 1. NOTICE TO BIDDERS. The notice to bidders must
 18 state the following items:

- 19 a. The time and place for filing sealed proposals.
20 b. The time and place sealed proposals will be
21 opened and considered on behalf of the public
22 organization.
23 c. The general nature of the project on which bids
24 are requested.
25 d. In general terms when the work must be
26 commenced and when it must be completed.
27 e. That each bidder shall accompany the bid with a
28 bid security as prescribed in this paragraph and as
29 specified by the public organization, as security that
30 the successful bidder will enter into a contract for
31 the work bid upon and will furnish after the award of
32 contract a corporate surety bond, acceptable to the
33 public organization, for the faithful performance of
34 the contract, in an amount equal to one hundred
35 percent of the amount of the contract. The bidder's
36 security shall be in an amount fixed by the public
37 organization, and shall be in the form of a cashier's
38 or certified check drawn on a bank in Iowa or a bank
39 chartered under the laws of the United States, or a
40 certified share draft drawn on a credit union in Iowa
41 or chartered under the laws of the United States, or
42 the public organization may provide for a bidder's
43 bond with corporate surety satisfactory to the public
44 organization. The bid bond shall contain no
45 conditions except for those provided in this
46 subsection.
47 f. Any further information that the public
48 organization deems pertinent.
49 The notice to bidders may provide that bids will be
50 received for the furnishing of all labor and materials

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- 1 and furnishing or installing equipment under one
2 contract, or for parts thereof in separate sections.
3 2. BID SECURITY. The amount of bid security must
4 be fixed by the public organization prior to ordering
5 publication of the notice to bidders and must equal at
6 least five percent, but may not exceed ten percent of
7 either the estimated total contract cost of the
8 construction portion of the project, or the amount of
9 each bid.
10 3. AWARD OF CONTRACT. The contract for the
11 construction portion of the project must be awarded to
12 the lowest responsible bidder. This subsection shall
13 not be construed to prohibit a public organization in
14 the award of a contract for the construction portion
15 of a project from providing, an enhancement of
16 payments upon early completion of the construction
17 portion of the project if the availability of the

- 18 enhancement payments is included in the notice to
19 bidders, the enhancement payments are competitively
20 neutral to potential bidders, and the total value of
21 the enhancement payments does not exceed ten percent
22 of the value of the contract."
23 2. Page 11, line 37, by striking the figures
24 "15F.302, 15F.303," and inserting the following: "and
25 15F.302, enacting section 15F.303A, and amending
26 sections".
27 3. By renumbering as necessary.

JEFF LAMBERTI

S-3660

- 1 Amend House File 746, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, by striking lines 8 through 21, and
4 inserting the following:
5 "Sec. ___. STATE EMPLOYEE BENEFIT PROGRAMS --
6 ADMINISTRATIVE COSTS.
7 1. For the fiscal year beginning July 1, 2001, and
8 ending June 30, 2002, the department of personnel
9 shall include a monthly administration charge of \$2.00
10 per contract on all health insurance plans
11 administered by the department. This is an
12 administration fee attributable only to the employer
13 share for those employees who are eligible for the
14 state share of insurance. If the contract holder is
15 without a state employer to pay the fee, the contract
16 holder shall not be assessed the fee of \$2.00 per
17 month.
18 2. For the fiscal year beginning July 1, 2001, and
19 ending June 30, 2002, the state board of regents, all
20 regional libraries, the state fair board, the
21 department of transportation, and the eight judicial
22 district departments of correctional services shall
23 report and remit the administration charge on a
24 monthly basis to the department of revenue and
25 finance. The report shall contain the number and type
26 of health insurance contracts held by each of its
27 employees whose health insurance is administered by
28 the department of personnel.
29 3. A health insurance administration fund is
30 created in the state treasury. The proceeds of the
31 monthly administration charge shall be remitted to the
32 health insurance administration fund. The department
33 of revenue and finance shall collect from each
34 department on centralized payroll the administration
35 charge each month and shall remit the amount to the
36 health insurance administration fund. The department
37 of personnel may expend no more than \$600,000 from the

38 health insurance administration fund for the fiscal
39 year beginning July 1, 2001, and ending June 30, 2002.
40 Any unencumbered or unobligated balance in the health
41 insurance administration fund at the end of the fiscal
42 year shall be transferred to the health insurance
43 surplus fund."

44 2. Page 12, by inserting before line 22, the
45 following:

46 "Sec. ____ Section 80.8, unnumbered paragraphs 2
47 and 3, Code 2001, are amended to read as follows:

48 The commissioner may delegate to the ~~members of the~~
49 ~~Iowa state patrol~~ peace officers of the department
50 such additional duties in the enforcement of this

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1 chapter as the commissioner may deem proper and
2 incidental to the duties now imposed upon them by law.
3 The salaries of all members and employees of the
4 department and the expenses of the department shall be
5 provided for by the legislative appropriation
6 therefor. The compensation of ~~the members of the Iowa~~
7 ~~state patrol~~ peace officers of the department shall be
8 fixed according to grades as to rank and length of
9 service by the commissioner with the approval of the
10 governor. The ~~members of the Iowa state patrol~~ peace
11 officers shall be paid additional compensation in
12 accordance with the following formula: When ~~members~~
13 ~~of the Iowa state patrol~~ peace officers have served
14 for a period of five years their compensation then
15 being paid shall be increased by the sum of twenty-
16 five dollars per month beginning with the month
17 succeeding the foregoing described five-year period;
18 when ~~members thereof~~ peace officers have served for a
19 period of ten years their compensation then being paid
20 shall be increased by the sum of twenty-five dollars
21 per month beginning with the month succeeding the
22 foregoing described ten-year period, such sums being
23 in addition to the increase provided herein to be paid
24 after five years of service; when ~~members thereof~~
25 peace officers have served for a period of fifteen
26 years their compensation then being paid shall be
27 increased by the sum of twenty-five dollars per month
28 beginning with the month succeeding the foregoing
29 described fifteen-year period, such sums being in
30 addition to the increases previously provided for
31 herein; when ~~members thereof~~ peace officers have
32 served for a period of twenty years their compensation
33 then being paid shall be increased by the sum of
34 twenty-five dollars per month beginning with the month
35 succeeding the foregoing described twenty-year period,
36 such sums being in addition to the increases

37 previously provided for herein. While on active duty
38 each ~~member peace officer~~ shall also receive a flat
39 daily sum as fixed by the commissioner with the
40 approval of the governor for meals ~~while away from the~~
41 ~~office to which the member has been assigned and~~
42 ~~within the member's district."~~

43 3. By striking page 12, line 22, through page 13,
44 line 8, and inserting the following:
45 "Sec. ____ . TERMINAL LIABILITY HEALTH INSURANCE
46 SURCHARGE. For the fiscal year beginning July 1,
47 2001, and ending June 30, 2002, the department of
48 personnel shall include in the rates for the Wellmark
49 Blue Cross/Blue Shield Program 3 Plus, Wellmark Blue
50 Cross/Blue Shield Program 3 plus with a comprehensive

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1 major medical overlay, and Iowa Select Preferred
2 Provider Organization health insurance plans a
3 surcharge, as determined by the department of
4 management, on only the employer's share of the health
5 insurance premium cost to fund the state's share of
6 the terminal liability of the existing Wellmark health
7 insurance contract. The department of revenue and
8 finance shall collect the surcharge from state
9 agencies, the state fair board, state board of
10 regents, and the eight judicial district departments
11 of correctional services. The proceeds of the
12 surcharge shall be credited to the terminal liability
13 insurance fund. The health insurance plans provided
14 to state employees covered by the state police
15 officers council collective bargaining agreement are
16 exempt from the surcharge provided in this section.
17 Sec. ____ . NEW SECTION. 421.46 TERMINAL LIABILITY
18 HEALTH INSURANCE FUND.

19 1. A terminal liability health insurance fund is
20 created in the state treasury under the control of the
21 department of personnel. The proceeds of the terminal
22 liability health insurance fund shall be used by the
23 department of personnel to pay the state's share of
24 the terminal liability of the existing health
25 insurance contract administered by the department of
26 personnel. The moneys appropriated to the terminal
27 liability health insurance fund plus any additional
28 moneys appropriated or collected pursuant to this Act
29 or other Acts of the general assembly shall constitute
30 the total amount due to pay the terminal liability
31 specified in this section.

32 2. The proceeds of the terminal liability health
33 insurance fund shall also be used by the department of
34 revenue and finance to reimburse state agencies for
35 expenditures related to the payment of the health

36 insurance plans surcharge for the terminal liability
 37 of the health insurance contract for state employees.
 38 The department of revenue and finance shall provide
 39 guidelines and forms for documentation that a state
 40 agency shall submit for the health insurance
 41 reimbursement. The reimbursement shall be restricted
 42 to the amount of moneys appropriated from the general
 43 fund of the state that is used to pay the terminal
 44 liability of health insurance for state employees for
 45 the fiscal year.
 46 3. Notwithstanding section 8.33, any unencumbered
 47 or unobligated balance remaining in the terminal
 48 liability health insurance fund at the close of a
 49 fiscal year shall not revert. However, upon total
 50 payment of the terminal liability of the existing

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1 health insurance contract administered by the
 2 department of personnel, any remaining balance in the
 3 terminal liability health insurance fund shall revert
 4 to the credit of the unassigned revenue fund
 5 administered by the Iowa comprehensive underground
 6 storage tank fund board."
 7 4. By renumbering, relettering, or redesignating
 8 and correcting internal references as necessary.

JEFF LAMBERTI

S-3661

1 Amend House File 746, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 12, lines 8 through 21, and
 4 inserting the following:
 5 "Sec. ___. STATE EMPLOYEE BENEFIT PROGRAMS --
 6 ADMINISTRATIVE COSTS.
 7 1. For the fiscal year beginning July 1, 2001, and
 8 ending June 30, 2002, the department of personnel
 9 shall include a monthly administration charge of \$2.00
 10 per contract on all health insurance plans
 11 administered by the department. This is an
 12 administration fee attributable only to the employer
 13 share for those employees who are eligible for the
 14 state share of insurance. If the contract holder is
 15 without a state employer to pay the fee, the contract
 16 holder shall not be assessed the fee of \$2.00 per
 17 month.
 18 2. For the fiscal year beginning July 1, 2001, and
 19 ending June 30, 2002, the state board of regents, all
 20 regional libraries, the state fair board, the
 21 department of transportation, and the eight judicial

22 district departments of correctional services shall
 23 report and remit the administration charge on a
 24 monthly basis to the department of revenue and
 25 finance. The report shall contain the number and type
 26 of health insurance contracts held by each of its
 27 employees whose health insurance is administered by
 28 the department of personnel.

29 3. A health insurance administration fund is
 30 created in the state treasury. The proceeds of the
 31 monthly administration charge shall be remitted to the
 32 health insurance administration fund. The department
 33 of revenue and finance shall collect from each
 34 department on centralized payroll the administration
 35 charge each month and shall remit the amount to the
 36 health insurance administration fund. The department
 37 of personnel may expend no more than \$600,000 from the
 38 health insurance administration fund for the fiscal
 39 year beginning July 1, 2001, and ending June 30, 2002.
 40 Any unencumbered or unobligated balance in the health
 41 insurance administration fund at the end of the fiscal
 42 year shall be transferred to the health insurance
 43 surplus fund.

44 Sec. ____ Section 80.8, unnumbered paragraphs 2
 45 and 3, Code 2001, are amended to read as follows:

46 The commissioner may delegate to the ~~members of the~~
 47 ~~Iowa state patrol~~ peace officers of the department
 48 such additional duties in the enforcement of this
 49 chapter as the commissioner may deem proper and
 50 incidental to the duties now imposed upon them by law.

Page 2

1 The salaries of all members and employees of the
 2 department and the expenses of the department shall be
 3 provided for by the legislative appropriation
 4 therefor. The compensation of the ~~members of the Iowa~~
 5 ~~state patrol~~ peace officers of the department shall be
 6 fixed according to grades as to rank and length of
 7 service by the commissioner with the approval of the
 8 governor. The ~~members of the Iowa state patrol~~ peace
 9 officers shall be paid additional compensation in
 10 accordance with the following formula: When ~~members~~
 11 ~~of the Iowa state patrol~~ peace officers have served
 12 for a period of five years their compensation then
 13 being paid shall be increased by the sum of twenty-
 14 five dollars per month beginning with the month
 15 succeeding the foregoing described five-year period;
 16 when ~~members thereof~~ peace officers have served for a
 17 period of ten years their compensation then being paid
 18 shall be increased by the sum of twenty-five dollars
 19 per month beginning with the month succeeding the
 20 foregoing described ten-year period, such sums being

21 in addition to the increase provided herein to be paid
 22 after five years of service; when ~~members thereof~~
 23 peace officers have served for a period of fifteen
 24 years their compensation then being paid shall be
 25 increased by the sum of twenty-five dollars per month
 26 beginning with the month succeeding the foregoing
 27 described fifteen-year period, such sums being in
 28 addition to the increases previously provided for
 29 herein; when ~~members thereof~~ peace officers have
 30 served for a period of twenty years their compensation
 31 then being paid shall be increased by the sum of
 32 twenty-five dollars per month beginning with the month
 33 succeeding the foregoing described twenty-year period,
 34 such sums being in addition to the increases
 35 previously provided for herein. While on active duty
 36 each ~~member~~ peace officer shall also receive a flat
 37 daily sum as fixed by the commissioner with the
 38 approval of the governor for meals ~~while away from the~~
 39 ~~office to which the member has been assigned and~~
 40 ~~within the member's district."~~
 41 2. By renumbering as necessary.

TOM FLYNN
 JEFF LAMBERTI

S-3662

1 Amend the amendment, S-3613, to House File 742, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 10, by striking lines 35 through 45 and
 5 inserting the following:
 6 "Sec. 109. NEW SECTION. 15F.303A PUBLIC
 7 ORGANIZATIONS -- COMPETITIVE BIDDING OF PROJECTS.
 8 A public organization, as defined in section
 9 15F.302, subsection 2, whose application for financial
 10 assistance under the program is approved by the board
 11 shall advertise for sealed bids for the construction
 12 portion of the proposed project by publishing a notice
 13 to bidders as provided in this section. The notice to
 14 bidders shall be published in a newspaper of general
 15 circulation in the county where the construction is to
 16 be performed not less than twenty days but not more
 17 than forty-five days before the date for filing bids.
 18 1. NOTICE TO BIDDERS. The notice to bidders must
 19 state the following items:
 20 a. The time and place for filing sealed proposals.
 21 b. The time and place sealed proposals will be
 22 opened and considered on behalf of the public
 23 organization.
 24 c. The general nature of the project on which bids
 25 are requested.

26 d. In general terms when the work must be
27 commenced and when it must be completed.

28 e. That each bidder shall accompany the bid with a
29 bid security as prescribed in this paragraph and as
30 specified by the public organization, as security that
31 the successful bidder will enter into a contract for
32 the work bid upon and will furnish after the award of
33 contract a corporate surety bond, acceptable to the
34 public organization, for the faithful performance of
35 the contract, in an amount equal to one hundred
36 percent of the amount of the contract. The bidder's
37 security shall be in an amount fixed by the public
38 organization, and shall be in the form of a cashier's
39 or certified check drawn on a bank in Iowa or a bank
40 chartered under the laws of the United States, or a
41 certified share draft drawn on a credit union in Iowa
42 or chartered under the laws of the United States, or
43 the public organization may provide for a bidder's
44 bond with corporate surety satisfactory to the public
45 organization. The bid bond shall contain no
46 conditions except for those provided in this
47 subsection.

48 f. Any further information that the public
49 organization deems pertinent.

50 The notice to bidders may provide that bids will be

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1 received for the furnishing of all labor and materials
2 and furnishing or installing equipment under one
3 contract, or for parts thereof in separate sections.

4 2. BID SECURITY. The amount of bid security must
5 be fixed by the public organization prior to ordering
6 publication of the notice to bidders and must equal at
7 least five percent, but may not exceed ten percent of
8 either the estimated total contract cost of the
9 construction portion of the project, or the amount of
10 each bid.

11 3. AWARD OF CONTRACT. The contract for the
12 construction portion of the project must be awarded to
13 the lowest responsible bidder. This subsection shall
14 not be construed to prohibit a public organization in
15 the award of a contract for the construction portion
16 of a project from providing, an enhancement of
17 payments upon early completion of the construction
18 portion of the project if the availability of the
19 enhancement payments is included in the notice to
20 bidders, the enhancement payments are competitively
21 neutral to potential bidders, and the total value of
22 the enhancement payments does not exceed ten percent
23 of the value of the contract."

24 2. Page 11, line 37, by striking the figures

25 "15F.302, 15F.303," and inserting the following: "and
 26 15F.302, enacting section 15F.303A, and amending
 27 sections".
 28 3. By renumbering as necessary.

JEFF LAMBERTI

S-3663

1 Amend House File 755, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 24 through 34.

TOM FLYNN
 PATRICK J. DELUHERY
 MIKE CONNOLLY
 THOMAS FIEGEN
 MARK SHEARER
 STEVEN D. HANSEN
 MICHAEL E. GRONSTAL
 DENNIS H. BLACK
 ROBERT E. DVORSKY
 MATT McCOY
 BILL FINK
 JOHN P. KIBBIE
 JOE BOLKCOM
 BETTY A. SOUKUP
 WALLY E. HORN
 EUGENE S. FRAISE

S-3664

1 Amend House File 755, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 9, by inserting after line 33 the
 4 following:
 5 "Sec. _____. Notwithstanding the requirement in
 6 section 9.6, that the secretary of state publish in
 7 odd-numbered years the Iowa official register, the
 8 secretary of state shall not publish the Iowa official
 9 register in the 2001 calendar year. Any references in
 10 the Code to the distribution and contents of the Iowa
 11 official register shall not apply to the 2001 and 2002
 12 calendar years. The next publication of the Iowa
 13 official register shall be in the 2003 calendar year."

STEVEN D. HANSEN

S-3665

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 13 through 28.

MIKE CONNOLLY
 THOMAS FIEGEN
 MARK SHEARER
 JACK HOLVECK
 MICHAEL E. GRONSTAL
 STEVEN D. HANSEN
 ROBERT E. DVORSKY
 MATT McCOY
 PATRICIA HARPER
 JOHN P. KIBBIE
 JOHNIE HAMMOND
 WALLY E. HORN
 EUGENE S. FRAISE

S-3666

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 3, line 35 through page 4,
- 4 line 6.

BILL FINK
 JOE BOLKCOM
 PATRICK J. DELUHERY
 MIKE CONNOLLY
 TOM FLYNN
 THOMAS FIEGEN
 MARK SHEARER
 JACK HOLVECK
 DENNIS H. BLACK
 JOHN P. KIBBIE
 BETTY A. SOUKUP
 MICHAEL E. GRONSTAL
 ROBERT E. DVORSKY
 MATT McCOY
 PATRICIA HARPER
 JOHNIE HAMMOND
 WALLY E. HORN
 EUGENE S. FRAISE

S-3667

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 29 through 35.

MATT McCOY
 JACK HOLVECK
 PATRICIA HARPER
 JOHNIE HAMMOND
 BILL FINK
 JOE BOLKCOM
 MIKE CONNOLLY
 PATRICK J. DELUHERY
 TOM FLYNN
 THOMAS FIEGEN
 MARK SHEARER
 JOHN P. KIBBIE
 DENNIS H. BLACK
 BETTY A. SOUKUP
 MICHAEL E. GRONSTAL
 ROBERT E. DVORSKY
 EUGENE S. FRAISE
 WALLY E. HORN
 STEVEN D. HANSEN

S-3668

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 14 through 23.

PATRICIA HARPER
 JOHNIE HAMMOND
 MATT McCOY
 JACK HOLVECK
 MARK SHEARER
 THOMAS FIEGEN
 PATRICK J. DELUHERY
 MIKE CONNOLLY
 JOE BOLKCOM
 BILL FINK
 JOHN P. KIBBIE
 BETTY A. SOUKUP
 WALLY E. HORN
 EUGENE S. FRAISE

S-3669

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by striking lines 7 through 14.

JOE BOLKCOM
 MIKE CONNOLLY
 PATRICK J. DELUHERY
 THOMAS FIEGEN

MARK SHEARER
 JACK HOLVECK
 BETTY A. SOUKUP
 ROBERT E. DVORSKY
 MATT McCOY
 PATRICIA HARPER
 MICHAEL E. GRONSTAL
 STEVEN D. HANSEN
 JOHN P. KIBBIE
 JOHNIE HAMMOND
 WALLY E. HORN

S-3670

- 1 Amend House File 755, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 1 through 13.

MARK SHEARER
 JACK HOLVECK
 PATRICIA HARPER
 BILL FINK
 JOE BOLKCOM
 MIKE CONNOLLY
 PATRICK J. DELUHERY
 JOHN P. KIBBIE
 THOMAS FIEGEN
 JOHNIE HAMMOND
 BETTY A. SOUKUP
 MICHAEL E. GRONSTAL
 WALLY E. HORN
 EUGENE S. FRAISE

S-3671

- 1 Amend House File 755, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 28, by inserting after line 19, the
 4 following:
 5 "DIVISION ____
 6 Sec. ____ NEW SECTION. 231.61 SENIOR
 7 PHARMACEUTICAL ASSISTANCE PROGRAM ESTABLISHED.
 8 1. For the purposes of this section, unless the
 9 context otherwise requires:
 10 a. "Eligible person" means a person, sixty-five
 11 years of age or older, with an annual net income of
 12 not more than two hundred fifty percent of the federal
 13 poverty level, as defined by the most recent poverty
 14 income guidelines published by the United States
 15 department of health and human services; or a person,
 16 sixty-five years of age or older, who with the

17 person's spouse has an annual net income of not more
 18 than two hundred fifty percent of the federal poverty
 19 level, as defined by the most recent poverty income
 20 guidelines published by the United States department
 21 of health and human services. "Eligible person" does
 22 not include a person who is eligible for financial
 23 assistance for the purchase of prescription drugs
 24 under another local, state, or federal program to the
 25 extent that the other program provides financial
 26 assistance for the purchase of prescription drugs.

27 b. "Prescription drug" means a prescription drug
 28 as defined in section 155A.3.

29 c. "Program" means the senior pharmaceutical
 30 assistance program established in this section.

31 2. A senior pharmaceutical assistance program is
 32 established within the department to provide for
 33 subsidization of the prescription drug costs of
 34 eligible persons. The program shall be administered
 35 through the area agencies on aging.

36 3. The commission shall adopt rules to implement
 37 this section. The rules shall provide for all of the
 38 following:

39 a. A means to determine the eligibility of a
 40 person, including proof of the person's actual and
 41 anticipated annual net income, evidence of complete or
 42 partial payment for the costs of prescription drugs
 43 from a provider other than the program, and other
 44 provisions consistent with this section.

45 b. The program application form. An initial
 46 application shall be accompanied by proof of the date
 47 of birth of the person.

48 c. Issuance by the department of a participation
 49 card, upon approval of an application. The card shall
 50 act as a form of identification for a person to use in

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1 proving eligibility.

2 d. Prescription copayment and deductible amount.

3 e. Pharmacist case management.

4 4. In establishing copayment and deductible
 5 amounts, the goal of the commission shall be to
 6 provide a benefit to the greatest number of eligible
 7 persons. The department may negotiate group discounts
 8 or utilize other methods to reduce the cost of
 9 prescription drugs provided under the program.

10 5. The department shall establish a pharmaceutical
 11 assistance education program to provide information
 12 regarding options for pharmaceutical assistance. The
 13 pharmaceutical assistance education program shall be
 14 provided through the area agencies on aging.

15 Sec. ____. APPROPRIATION. There is appropriated

16 from the general fund of the state to the department
17 of elder affairs for the fiscal year beginning July 1,
18 2001, and ending June 30, 2002, the following amount,
19 or so much thereof as is necessary, for the purpose
20 designated:

21 For the senior pharmaceutical assistance program
22 and the pharmaceutical assistance education program
23 established pursuant to section 231.61:

24\$ 5,000,000"
25 2. By renumbering as necessary.

JACK HOLVECK
JOHN P. KIBBIE
PATRICIA HARPER
JOHNIE HAMMOND
MARK SHEARER
BILL FINK
BETTY A. SOUKUP
MICHAEL E. GRONSTAL
WALLY E. HORN
EUGENE S. FRAISE

S-3672

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 28, by inserting after line 19, the
4 following:

5 "DIVISION ____
6 HEALTH COVERAGE COSTS -- MENTAL HEALTH AND
7 SUBSTANCE ABUSE TREATMENT
8 Sec. ____ NEW SECTION. 514C.21 MENTAL HEALTH AND
9 SUBSTANCE ABUSE TREATMENT COVERAGE.

10 1. Notwithstanding the uniformity of treatment
11 requirements of section 514C.6, a group policy or
12 contract providing for third-party payment or
13 prepayment of health or medical expenses shall provide
14 mental health and substance abuse treatment coverage
15 benefits and shall not impose limitations on financial
16 terms for coverage of services for serious mental
17 illnesses or substance abuse if similar limitations
18 are not imposed on the coverage benefits for services
19 for medical or surgical conditions.

20 2. For purposes of this section, unless the
21 context otherwise requires:

22 a. "Serious mental illness" means the following
23 disorders, as defined by the American psychiatric
24 association's diagnostic and statistical manual of
25 mental disorders:

- 26 (1) Schizophrenia.
- 27 (2) Schizo-affective disorder.
- 28 (3) Bipolar disorder.

- 29 (4) Major depressive disorder.
30 (5) Obsessive-compulsive disorder.
31 (6) Autism.
32 (7) Pervasive developmental disorders.
33 (8) Anxiety disorders.
34 (9) Paranoia and other psychotic disorders.
35 (10) Eating disorders, including but not limited
36 to bulimia nervosa and anorexia nervosa.
37 b. "Substance abuse" means a pattern of
38 pathological use of alcohol or a drug that causes
39 impairment in social or occupational functioning, or
40 that produces physiological dependency evidenced by
41 physical tolerance or by physical symptoms when the
42 alcohol or drug is withdrawn.
43 3. This section shall not apply to accident-only,
44 specific disease, short-term hospital or medical,
45 hospital confinement indemnity, credit, dental,
46 vision, Medicare supplement, long-term care, basic
47 hospital and medical-surgical expense coverage as
48 defined by the commissioner, disability income
49 insurance coverage, coverage issued as a supplement to
50 liability insurance, workers' compensation or similar

Page 2

- 1 insurance, automobile medical payment insurance, or
2 individual accident or sickness policies issued
3 pursuant to chapter 513C.
4 4. A third-party payor may manage the benefits
5 provided through common methods including, but not
6 limited to, providing payment of benefits or providing
7 care and treatment under a capitated payment system,
8 prospective reimbursement rate system, utilization
9 control system, incentive system for the use of least
10 restrictive and least costly levels of care, a
11 preferred provider contract limiting choice of
12 specific provider, or any other system, method, or
13 organization designed to ensure services are medically
14 necessary and clinically appropriate.
15 5. A group policy or contract covered under this
16 section, at a minimum, shall provide for thirty
17 inpatient and sixty outpatient days annually. The
18 policy or contract may also include deductibles,
19 coinsurance, or copayments if such deductibles,
20 coinsurance, or copayments are applicable to other
21 medical or surgical services coverage under the policy
22 or contract. It is not a violation of this section if
23 the policy or contract excludes entirely from coverage
24 benefits the cost of providing the following:
25 a. Marital, family, educational, developmental, or
26 training services.
27 b. Care that is substantially custodial in nature.

- 28 c. Services and supplies that are not medically
 29 necessary or clinically appropriate.
- 30 d. Experimental treatments.
- 31 6. The commissioner, by rule, shall increase the
 32 mental health and substance abuse treatment lifetime
 33 limit in the individual market guaranteed standard
 34 product to one hundred thousand dollars.
- 35 7. A group policy is exempt from this section upon
 36 submitting to the commissioner evidence demonstrating
 37 a premium increase for the policy term in excess of
 38 three percent as a result of the requirements of this
 39 section.
- 40 8. This section applies to third-party payment
 41 provider contracts or policies delivered, issued for
 42 delivery, continued, or renewed in this state on or
 43 after January 1, 2002.
- 44 9. This section is repealed effective July 1,
 45 2004."
- 46 2. By renumbering as necessary.

PATRICK J. DELUHERY
 JOHN P. KIBBIE
 MIKE CONNOLLY
 JOE BOLKCOM
 BILL FINK
 JOHNIE HAMMOND
 PATRICIA HARPER
 MATT McCOY
 ROBERT E. DVORSKY
 MICHAEL E. GRONSTAL
 BETTY A. SOUKUP
 DENNIS H. BLACK
 JACK HOLVECK
 MARK SHEARER
 THOMAS FIEGEN
 STEVEN D. HANSEN
 WALLY E. HORN
 EUGENE S. FRAISE

S-3673

- 1 Amend House File 577, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 1, lines 24 and 25, by striking the words
 4 "or for the lease of,".
- 5 2. Page 1, lines 26 and 27, by striking the words
 6 "or nameplate capacity of the facility leased".
- 7 3. Page 2, line 8, by inserting after the word
 8 "generation." the following: "The rate-regulated
 9 public utility shall also demonstrate to the board
 10 that it has considered other sources for long-term
 11 electric supply, and that the power purchase contract

12 is reasonable when compared to other feasible
 13 alternative sources of supply including the building
 14 of utility-owned generation. The board may condition
 15 its approval upon the utility and the successful
 16 bidder agreeing to contract modifications identified
 17 by the board."

18 4. Page 2, by inserting after line 21 the
 19 following:

20 "Sec. ____ Section 476.6, Code 2001, is amended by
 21 adding the following new subsection:

22 NEW SUBSECTION. 16B. ELECTRIC POWER GENERATING
 23 FACILITY EMISSIONS.

24 a. It is the intent of the general assembly that
 25 the state, through a collaborative effort involving
 26 state agencies and affected generation owners, provide
 27 for compatible statewide environmental and electric
 28 energy policies with respect to regulated emissions
 29 from rate-regulated electric power generating
 30 facilities in the state that are fueled by coal. Each
 31 rate-regulated public utility that is an owner of one
 32 or more electric power generating facilities fueled by
 33 coal and located in this state on June 1, 2001, shall
 34 develop a multiyear plan and budget for managing
 35 regulated emissions from its facilities in a cost-
 36 effective manner.

37 (1) The initial multiyear plan and budget shall be
 38 filed with the board by April 1, 2002. Updates to the
 39 plan and budget shall be filed at least every twenty-
 40 four months.

41 (2) Copies of the initial plan and budget, as well
 42 as any subsequent updates, shall be served on the
 43 environmental protection division of the department of
 44 natural resources.

45 (3) The initial multiyear plan and budget and any
 46 subsequent updates shall be considered in a contested
 47 case proceeding pursuant to chapter 17A. The
 48 environmental protection division of the department of
 49 natural resources and the consumer advocate shall
 50 participate as parties to the proceeding.

Page 2

1 (4) The department of natural resources shall
 2 state whether the plan or update meets applicable
 3 state environmental requirements for regulated
 4 emissions. If the plan does not meet these
 5 requirements, the department shall recommend
 6 amendments that outline actions necessary to bring the
 7 plan or update into compliance with the environmental
 8 requirements.

9 b. The board shall not approve a plan or update
 10 that does not meet applicable state environmental

11 requirements and ambient air quality standards for
 12 regulated emissions from electric power generating
 13 facilities located in the state.

14 c. The board shall review the plan or update and
 15 the associated budget, and shall approve the plan or
 16 update and the associated budget if the plan or update
 17 and the associated budget are reasonably expected to
 18 achieve cost effective compliance with applicable
 19 state environmental requirements and federal ambient
 20 air quality standards. In reaching its decision, the
 21 board shall consider whether the plan or update and
 22 the associated budget reasonably balance costs,
 23 environmental requirements, economic development
 24 potential, and the reliability of the electric
 25 generation and transmission system.

26 d. The board shall issue an order approving or
 27 rejecting a plan, update, or budget within one hundred
 28 eighty days after the public utility's filing is
 29 deemed complete; however, upon good cause shown, the
 30 board may extend the time for issuing the order as
 31 follows:

32 (1) The board may grant an extension of thirty
 33 days.

34 (2) The board may grant more than one extension,
 35 but each extension must rely upon a separate showing
 36 of good cause.

37 (3) A subsequent extension must not be granted any
 38 earlier than five days prior to the expiration of the
 39 original one-hundred-eighty-day period, or the current
 40 extension.

41 e. The reasonable costs incurred by a rate-
 42 regulated public utility in preparing and filing the
 43 plan, update, or budget and in participating in the
 44 proceedings before the board and the reasonable costs
 45 associated with implementing the plan, update, or
 46 budget shall be included in its regulated retail
 47 rates.

48 f. It is the intent of the general assembly that
 49 the board, in an environmental plan, update, or
 50 associated budget filed under this section by a rate-

Page 3

1 regulated public utility, may limit investments or
 2 expenditures that are proposed to be undertaken prior
 3 to the time that the environmental benefit to be
 4 produced by the investment or expenditure would be
 5 required by state or federal law."

6 5. By striking page 2, line 35, through page 3,
 7 line 34.

8 6. Page 4, by striking lines 1 and 2 and
 9 inserting the following: "application pursuant to

10 section 476A.3 to construct in Iowa a baseload
 11 electric power generating facility with a nameplate
 12 generating capacity equal to or greater than three
 13 hundred megawatts or a combined-cycle electric power
 14 generating facility, or an alternate energy production
 15 facility as defined in section 476.42, or if a rate-
 16 regulated public utility leases or owns in Iowa, in
 17 whole or in part, a new baseload electric power
 18 generating facility with a nameplate generating
 19 capacity equal to or greater than three hundred
 20 megawatts or a combined-cycle electric power
 21 generating facility, or a new alternate energy
 22 production facility as defined in section 476.42 the
 23 board shall specify in".

24 7. Page 4, by inserting after line 8 the
 25 following:

26 "____. In determining the applicable ratemaking
 27 principles, the board shall make the following
 28 findings:

29 (1) The rate-regulated public utility has
 30 demonstrated to the board that the proposed ratemaking
 31 principles are necessary for the commitment of capital
 32 to the new facility.

33 (2) The rate-regulated public utility has in
 34 effect cost-effective load management and curtailment
 35 programs designed to reduce peak loads.

36 (3) The rate-regulated public utility has in
 37 effect a board-approved energy efficiency plan as
 38 required under section 476.6, subsection 19.

39 (4) The rate-regulated public utility has
 40 demonstrated to the board that the public utility has
 41 considered other sources for long-term electric supply
 42 and that the facility or lease is reasonable when
 43 compared to other feasible alternative sources of
 44 supply. The rate-regulated public utility may satisfy
 45 the requirements of this subparagraph through a
 46 competitive bidding process, under rules adopted by
 47 the board, that demonstrate the facility or lease is a
 48 reasonable alternative to meet its electric supply
 49 needs."

50 8. Page 4, line 15, by inserting after the word

Page 4

1 "construction" the following: "or lease".

2 9. Page 4, line 18, by inserting after the word

3 "construction" the following: "or lease".

4 10. By renumbering, relettering, redesignating,
 5 and correcting internal references as necessary.

S-3674

- 1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 15, line 2, by striking the figure "2001"
4 and inserting the following: "2000".
5 2. Page 15, line 5, by striking the figure "2001"
6 and inserting the following: "2000".
7 3. Page 15, line 13, by striking the figure
8 "2002" and inserting the following: "2001".

JOANN JOHNSON

S-3675

- 1 Amend House File 746, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, line 10, by striking the figure
4 "46,770,200" and inserting the following:
5 "63,900,000".
6 2. Page 8, by striking lines 16 and 17 and
7 inserting the following:
8 "Sec. 8. STATE EMPLOYEES -- STATE BOARD OF
9 REGENTS. Of the funds appropriated in section 6 of
10 this Act, \$43,792,434 shall be".
11 3. Page 10, by striking line 6 and inserting the
12 following: "state except for employees of the state
13 board of regents. The funds appropriated from the
14 general fund of the state for employees of the state
15 board of regents shall exclude general university
16 indirect costs and general university federal funds."

ROBERT E. DVORSKY
JOE BOLKCOM
JOHNIE HAMMOND
PATRICIA HARPER

S-3676

- 1 Amend the amendment, S-3613, to House File 742, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 7, line 26, by inserting after the word
5 "technology" the following: ", notwithstanding
6 section 8.57, subsection 5, paragraph "c", and section
7 12E.12, subsection 1, paragraph "b", subparagraph (1),
8 as enacted by 2001 Iowa Acts, Senate File 532, if
9 enacted".
10 2. Page 7, line 31, by inserting after the word
11 "television" the following: ", notwithstanding
12 section 8.57, subsection 5, paragraph "c", and section

13 12E.12, subsection 1, paragraph "b", subparagraph (1),
 14 as enacted by 2001 Iowa Acts, Senate File 532, if
 15 enacted".

MICHAEL E. GRONSTAL

S-3677

1 Amend the amendment, S-3613, to House File 742, as
 2 amended, passed, and reprinted by the house, as
 3 follows:
 4 1. Page 3, by striking lines 14 through 17 and
 5 inserting the following:
 6 "(1) Of the amount appropriated in this paragraph
 7 "a", up to \$375,000 may be used for costs associated
 8 with project management services in the division of
 9 design and construction of the department,
 10 notwithstanding section 8.57, subsection 5, paragraph
 11 "c"."

JOHN W. JENSEN

S-3678

1 Amend the amendment, S-3613, to House File 742, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 11, line 32, by striking the word "'Sec.
 5 ___.'" and inserting the following:
 6 "'Sec. ____ USE OF TAX-EXEMPT BOND PROCEEDS --
 7 REIMBURSEMENT.
 8 1. Notwithstanding any provision of law to the
 9 contrary, moneys deposited in the tax-exempt bond
 10 proceeds restricted capital funds account of the
 11 tobacco settlement trust fund that are subject to an
 12 appropriation pursuant to section 12E.10, subsection
 13 1, paragraph "b", as amended by 2001 Iowa Acts, Senate
 14 File 532, if enacted, shall remain in the tax-exempt
 15 bond proceeds restricted capital funds account until
 16 such time as costs are properly incurred and due for
 17 the purpose for which the appropriation was made.
 18 Payments for such properly incurred costs shall be
 19 made consistent with the requirements of federal law,
 20 chapter 12E, as amended by 2001 Iowa Acts, Senate File
 21 532, if enacted, and the sales agreement, as defined
 22 in section 12E.2.
 23 2. Until bond proceeds are received by the tobacco
 24 settlement authority and deposited in the tax-exempt
 25 bond proceeds restricted capital funds account of the
 26 tobacco settlement trust fund, payments for costs
 27 incurred for projects for which appropriations are

28 made in section 504 of this division of this Act may
 29 be made from the rebuild Iowa infrastructure fund.
 30 Upon receipt of bond proceeds and deposit of the
 31 proceeds in the tax-exempt bond proceeds restricted
 32 capital funds account, such payments shall be
 33 reimbursed to the rebuild Iowa infrastructure fund
 34 from the tax-exempt bond proceeds restricted capital
 35 funds account, subject, however, to any applicable
 36 limitations on the use of the proceeds as provided in
 37 the Internal Revenue Code and this Act.

38 Sec. ____."

39 2. By renumbering as necessary.

JEFF LAMBERTI

S-3679

1 Amend House File 755, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 9, by inserting after line 21 the
 4 following:

5 "Sec. ____ DEPARTMENT OF EDUCATION. There is
 6 appropriated from the general fund of the state to the
 7 department of education for the fiscal year beginning
 8 July 1, 2001, and ending June 30, 2002, the following
 9 amounts, or so much thereof as is necessary, to be
 10 used for the purposes designated:

11 1. AMERICORPS AFTER-SCHOOL INITIATIVE

12 For purposes of the americorps after-school
 13 initiative:

14 \$ 150,000

15 2. JOBS FOR AMERICA'S GRADUATES

16 For school districts to provide direct services to
 17 the most at-risk senior high school students enrolled
 18 in school districts through direct intervention for a
 19 "jobs for America's graduates" specialist:

20 \$ 150,000

21 Sec. ____ DEPARTMENT OF HUMAN SERVICES. There is

22 appropriated from the general fund of the state to the
 23 department of human services for the fiscal year
 24 beginning July 1, 2001, and ending June 30, 2002, the
 25 following amount, or so much thereof as is necessary,
 26 to be used for the purpose designated:

27 To supplement the appropriation made in 2001 Iowa
 28 Acts, House File 732, if enacted, for general
 29 administration, including salaries, support,
 30 maintenance, and miscellaneous purposes:

31 \$ 2,000,000"

JEFF LAMBERTI

S-3680

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 16, by inserting before line 12, the
4 following:
5 "Sec. 200. 2001 Iowa Acts, House File 259, shall
6 not take effect July 1, 2001, but shall take effect
7 January 1, 2002.
8 Sec. ____ EFFECTIVE DATE. Section 200 of this
9 division of this Act, being deemed of immediate
10 importance, takes effect upon enactment."

JEFF LAMBERTI

S-3681

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, line 14, by striking the words
4 "TUITION REPLACEMENT" and inserting the following:
5 "PAYMENTS IN LIEU OF TUITION".
6 2. Page 6, line 15, by striking the words
7 "TUITION REPLACEMENT" and inserting the following:
8 "PAYMENTS IN LIEU OF TUITION".
9 3. Page 6, line 33, by striking the words
10 "TUITION REPLACEMENT" and inserting the following:
11 "PAYMENTS IN LIEU OF TUITION".
12 4. Page 7, by striking lines 11 through 14 and
13 inserting the following: "technology, and the
14 university of northern Iowa to finance or pay debt
15 service to pay debt to finance the cost of".
16 5. Page 7, line 16, by striking the words "and
17 utility services".
18 6. Page 9, line 19, by inserting after the figure
19 "12E.9." the following: "Payment of moneys from the
20 appropriations in this division of this Act shall be
21 made in a manner that does not adversely affect the
22 tax-exempt status of any outstanding bonds issued by
23 the tobacco settlement authority."

JEFF LAMBERTI

S-3682

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 13, by inserting after line 21, the
4 following:
5 "Sec. ____ Section 301.1, unnumbered paragraph 2,
6 Code 2001, is amended by striking the unnumbered

7 paragraph and inserting in lieu thereof the following:
8 Textbooks adopted and purchased by a school
9 district shall, to the extent funds are appropriated
10 by the general assembly, be made available to pupils
11 attending accredited nonpublic schools. The
12 department of education shall ascertain a maximum
13 annual amount a school district shall be required to
14 use for the purchase of textbooks for accredited
15 nonpublic schools. The amount shall be in the
16 proportion that the basic enrollment of an accredited
17 nonpublic school bears to the sum of the basic
18 enrollments of all participating accredited nonpublic
19 schools in the state for the budget year. An
20 accredited nonpublic school shall certify its actual
21 enrollment to the department of education by October
22 1, annually. By October 15, annually, the department
23 of education shall notify the board of directors of
24 each school district of the maximum amount of its
25 allocation that shall be made available for purchasing
26 nonsectarian, nonreligious textbooks for each of the
27 accredited nonpublic schools located within the school
28 district in accordance with this paragraph. For
29 purposes of this paragraph, an accredited nonpublic
30 school's enrollment count shall include only students
31 who are residents of Iowa. The costs of providing
32 textbooks to accredited nonpublic schools as provided
33 in this paragraph shall not be included in the
34 computation of district cost under chapter 257, but
35 shall be shown in the budget as an expense from
36 miscellaneous income. Textbook expenditures made in
37 accordance with this paragraph shall be kept on file
38 in the school district. As used in this paragraph,
39 "textbooks" means books and loose-leaf or bound
40 manuals, systems of reusable instructional materials
41 or combinations of books and supplementary
42 instructional materials which convey information to
43 the student or otherwise contribute to the learning
44 process, or electronic textbooks, including but not
45 limited to computer software, applications using
46 computer-assisted instruction, interactive videodisc,
47 and other computer courseware and magnetic media."
48 2. Page 16, by inserting after line 11, the
49 following:

50 "Sec. ___. Section 301.30, Code 2001, is

Page 2

1 repealed."

TOM FLYNN
KITTY REHBERG
JERRY BEHN
KEN VEENSTRA
JEFF LAMBERTI

S-3683

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 9, by inserting after line 21 the
4 following:
5 "Sec. _____. Notwithstanding the requirement in
6 section 9.6, that the secretary of state publish in
7 odd-numbered years the Iowa official register, the
8 secretary of state shall not publish the Iowa official
9 register in the 2001 calendar year. Any references in
10 the Code to the distribution and contents of the Iowa
11 official register shall not apply to the 2001 and 2002
12 calendar years."

STEVEN D. HANSEN

S-3684

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 13, by inserting after line 21 the
4 following:
5 "Sec. _____. NEW SECTION. 321.116A FUEL-EFFICIENT
6 VEHICLES.
7 For a motor vehicle that has a fuel economy rating
8 of at least thirty-three miles per gallon on the
9 highway, as determined by the United States
10 environmental protection agency, the annual
11 registration fee is sixty-five dollars. However, if a
12 motor vehicle with such a fuel economy rating is more
13 than five model years old, the annual registration fee
14 shall be reduced by five dollars for each year the
15 motor vehicle exceeds the five-year mark until the
16 annual fee reaches ten dollars."

STEVEN D. HANSEN

S-3685

1 Amend the amendment, S-3673, to House File 577, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 4, by striking the word "or" and
5 inserting the following: ", or".
6 2. Page 3, by striking lines 29 through 35.
7 3. Page 3, line 36, by striking the figure "(3)"
8 and inserting the following: "(1)".
9 4. Page 3, line 39, by striking the figure "(4)"
10 and inserting the following: "(2)".
11 5. Page 4, by inserting after line 3 the

12 following:

- 13 "____. Page 5, by striking lines 17 and 18, and
 14 inserting the following: "available technology and
 15 the economics of available alternatives."
 16 6. By renumbering as necessary.

JOANN JOHNSON

S-3686

- 1 Amend House File 577, 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. 476A.20 DEFINITIONS.
 6 For purposes of this subchapter, unless the context
 7 otherwise requires:
 8 1. "Electric power agency" means an entity as
 9 defined in section 28F.2.
 10 2. "Facility" means an electric power generating
 11 plant, or transmission line or system, as defined in
 12 section 476A.1.
 13 3. "Public bond or obligation" means an obligation
 14 as defined in section 76.14.
 15 Sec. 2. NEW SECTION. 476A.21 ELECTRIC POWER
 16 AGENCY -- GENERAL AUTHORITY.
 17 In addition to other powers conferred upon an
 18 electric power agency by chapter 28F or other
 19 applicable law, an electric power agency may enter
 20 into and carry out joint agreements with other
 21 participants for the acquisition of ownership of a
 22 joint facility and for the planning, financing,
 23 operation, and maintenance of the joint facility, as
 24 provided in this subchapter.
 25 Sec. 3. NEW SECTION. 476A.22 ELECTRIC POWER
 26 AGENCY -- AUTHORITY -- CONFLICTING PROVISIONS.
 27 1. In addition to any powers conferred upon an
 28 electric power agency under chapter 28F or other
 29 applicable law, an electric power agency may exercise
 30 all other powers reasonably necessary or appropriate
 31 for or incidental to the effectuation of the electric
 32 power agency's authorized purposes, including without
 33 limitation, the powers enumerated in chapters 6A and
 34 6B for purposes of constructing or acquiring an
 35 electric power facility.
 36 2. An electric power agency, in connection with
 37 its property and affairs, and in connection with
 38 property within its control, may exercise any and all
 39 powers that might be exercised by a natural person or
 40 a private corporation in connection with similar
 41 property and affairs.
 42 3. The enumeration of specified powers and

43 functions of an electric power agency in this
44 subchapter is not a limitation of the powers of an
45 electric power agency, but the procedures prescribed
46 for exercising the powers and functions enumerated in
47 this subchapter control and govern in the event of any
48 conflict with any other provision of law.
49 4. The authority conferred pursuant to this
50 subchapter applies to electric power agencies,

Page 2

1 notwithstanding any contrary provisions of section
2 28F.1.
3 Sec. 4. NEW SECTION. 476A.23 ISSUANCE OF PUBLIC
4 BONDS OR OBLIGATIONS -- PURPOSES -- LIMITATIONS.
5 1. An electric power agency may from time to time
6 issue its public bonds or obligations in such
7 principal amounts as the electric power agency deems
8 necessary to provide sufficient funds to carry out any
9 of its purposes and powers, including but not limited
10 to any of the following:
11 a. The acquisition or construction of any project
12 to be owned or leased by the electric power agency, or
13 the acquisition of any interest in such project or any
14 right to the capacity of such project, including the
15 acquisition, construction, or acquisition of any
16 interest in an electric power generating plant to be
17 constructed in this state, or the acquisition,
18 construction, or acquisition of any interest in a
19 transmission line or system.
20 b. The funding or refunding of the principal of,
21 or interest or redemption premiums on, any public
22 bonds or obligations issued by the electric power
23 agency whether or not the public bonds or obligations
24 or interest to be funded or refunded have become due.
25 c. The establishment or increase of reserves to
26 secure or to pay the public bonds or obligations or
27 interest on the public bonds or obligations.
28 d. The payment of all other costs or expenses of
29 the electric power agency incident to and necessary to
30 carry out its purposes and powers.
31 2. Notwithstanding anything in this subchapter or
32 chapter 28F to the contrary, a facility shall not be
33 financed with the proceeds of public bonds or
34 obligations, the interest on which is exempt from
35 federal income tax, unless the public issuer of such
36 public bonds or obligations covenants that the issuer
37 shall comply with the requirements or limitations
38 imposed by the Internal Revenue Code or other
39 applicable federal law to preserve the tax exemption
40 of interest payable on the bonds or obligations.
41 3. Notwithstanding anything in this subchapter or

42 chapter 28F to the contrary, an electric power
43 generating facility shall not be financed under this
44 subchapter unless all of the following conditions are
45 satisfied:
46 a. The electric power generating facility is
47 designed to serve only the electric power requirements
48 of retail customers of members that were municipal
49 electric utilities established in the state prior to
50 January 1, 2001.

Page 3

1 b. The electric power agency annually files with
2 the board, in a manner to be determined by the board,
3 information regarding sales from the electric power
4 generating facility in sufficient detail to determine
5 compliance with these provisions.
6 The board shall report to the general assembly if
7 any of the provisions are being violated.
8 Sec. 5. NEW SECTION. 476A.24 PUBLIC BONDS OR
9 OBLIGATIONS AUTHORIZED BY RESOLUTION OF BOARD --
10 TERMS.
11 1. The board of directors of an electric power
12 agency, by resolution, may authorize the issuance of
13 public bonds or obligations of the electric power
14 agency.
15 2. The public bonds or obligations may be issued
16 in one or more series under the resolution or under a
17 trust indenture or other security agreement.
18 3. The resolution, trust indenture, or other
19 security agreement, with respect to such public bonds
20 or obligations, shall provide for all of the
21 following:
22 a. The date on the public bonds or obligations.
23 b. The time of maturity.
24 c. The rate of interest.
25 d. The denomination.
26 e. The form, either coupon or registered.
27 f. The conversion, registration, and exchange
28 privileges.
29 g. The rank or priority.
30 h. The manner of execution.
31 i. The medium of payment, including the place of
32 payment, either within or outside of the state.
33 j. The terms of redemption, either with or without
34 premium.
35 k. Such other terms and conditions as set forth by
36 the board in the resolution, trust indenture, or other
37 security agreement.
38 4. Public bonds or obligations authorized by the
39 board of directors shall not be subject to any
40 restriction under other law with respect to the

41 amount, maturity, interest rate, or other terms of
42 obligation of a public agency or private person.

43 5. Chapter 75 shall not apply to public bonds or
44 obligations authorized by the board of directors as
45 provided in this section.

46 Sec. 6. NEW SECTION. 476A.25 PUBLIC BONDS OR
47 OBLIGATIONS PAYABLE SOLELY FROM AGENCY REVENUES OR
48 FUNDS.

49 1. The principal of and interest on any public
50 bonds or obligations issued by an electric power

Page 4

1 agency shall be payable solely from the revenues or
2 funds pledged or available for their payment as
3 authorized in this subchapter.

4 2. Each public bond or obligation shall contain
5 all of the following terms:

6 a. That the principal of or interest on such
7 public bonds or obligation is payable solely from
8 revenues or funds of the electric power agency.

9 b. That neither the state or a political
10 subdivision of the state other than the electric power
11 agency, nor a public agency that is a member of the
12 electric power agency is obligated to pay the
13 principal or interest on such public bonds or
14 obligations.

15 c. That neither the full faith and credit nor the
16 taxing power of the state, of any political
17 subdivision of the state, or of any such public agency
18 is pledged to the payment of the principal of or the
19 interest on the public bonds or obligations.

20 Sec. 7. NEW SECTION. 476A.26 PUBLIC BONDS OR
21 OBLIGATIONS -- TYPES -- SOURCES FOR PAYMENT --
22 SECURITY.

23 1. Except as otherwise expressly provided by this
24 subchapter or by the electric power agency, every
25 issue of public bonds or obligations of the electric
26 power agency shall be payable out of any revenues or
27 funds of the electric power agency, subject only to
28 any agreements with the holders of particular public
29 bonds or obligations pledging any particular revenues
30 or funds.

31 2. An electric power agency may issue types of
32 public bonds or obligations as it may determine,
33 including public bonds or obligations as to which the
34 principal and interest are payable exclusively from
35 the revenues from one or more projects, or from an
36 interest in such project or projects, or a right to
37 capacity of such project or projects, or from any
38 revenue-producing contract made by the electric power
39 agency with any person, or from its revenues

40 generally.

41 3. Any public bonds or obligations may be
42 additionally secured by a pledge of any grant,
43 subsidy, or contribution from any public agency or
44 other person, or a pledge of any income or revenues,
45 funds, or moneys of the electric power agency from any
46 other source.

47 Sec. 8. NEW SECTION. 476A.27 PUBLIC BONDS OR
48 OBLIGATIONS AND RATES FOR DEBT SERVICE NOT SUBJECT TO
49 STATE APPROVAL.

50 Public bonds or obligations of an electric power

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1 agency may be issued under this subchapter, and rents,
2 rates, and charges may be established in the same
3 manner as provided in section 28F.5 and pledged for
4 the security of public bonds or obligations and
5 interest and redemption premiums on such public bonds
6 or obligations, without obtaining the consent of any
7 department, division, commission, board, bureau, or
8 agency of the state and without any other proceeding
9 or the happening of any other condition or occurrence,
10 except as specifically required by this subchapter.

11 Sec. 9. NEW SECTION. 476A.28 PUBLIC BONDS OR
12 OBLIGATIONS TO BE NEGOTIABLE.

13 All public bonds or obligations of an electric
14 power agency shall be negotiable within the meaning
15 and for all of the purposes of the uniform commercial
16 code, chapter 554, subject only to the registration
17 requirement of section 76.10.

18 Sec. 10. NEW SECTION. 476A.29 VALIDITY OF PUBLIC
19 BONDS OR OBLIGATIONS AT DELIVERY -- TEMPORARY BONDS.

20 1. Any public bonds or obligations may be issued
21 and delivered, notwithstanding that one or more of the
22 officers executing them shall have ceased to hold
23 office at the time when the public bonds or
24 obligations are actually delivered.

25 2. Pending preparation of definitive bonds or
26 obligations, an electric power agency may issue
27 temporary bonds or obligations that shall be exchanged
28 for the definitive bonds or obligations upon their
29 issuance.

30 Sec. 11. NEW SECTION. 476A.30 PUBLIC OR PRIVATE
31 SALE OF BONDS AND NOTES.

32 Public bonds or obligations of an electric power
33 agency may be sold at public or private sale for a
34 price and in a manner determined by the electric power
35 agency.

36 Sec. 12. NEW SECTION. 476A.31 PUBLIC BONDS OR
37 OBLIGATIONS AS SUITABLE INVESTMENTS FOR GOVERNMENTAL
38 UNITS, FINANCIAL INSTITUTIONS, AND FIDUCIARIES.

39 The following persons may legally invest any debt
40 service funds, money, or other funds belonging to such
41 person or within such person's control in any public
42 bonds or obligations issued pursuant to this
43 subchapter:
44 1. A bank, trust company, savings association,
45 building and loan association, savings and loan
46 association, or investment company.
47 2. An insurance company, insurance association, or
48 any other person carrying on an insurance business.
49 3. An executor, administrator, conservator,
50 trustee, or other fiduciary.

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1 4. Any other person authorized to invest in bonds
2 or obligations of the state.
3 Sec. 13. NEW SECTION. 476A.32 RESOLUTION, TRUST
4 INDENTURE, OR SECURITY AGREEMENT CONSTITUTES CONTRACT
5 -- PROVISIONS.
6 The resolution, trust indenture, or other security
7 agreement under which any public bonds or obligations
8 are issued shall constitute a contract with the
9 holders of the public bonds or obligations, and may
10 contain provisions, among others, prescribing any of
11 the following terms:
12 1. The terms and provisions of the public bonds or
13 obligations.
14 2. The mortgage or pledge of and the grant of a
15 security interest in any real or personal property and
16 all or any part of the revenue from any project or any
17 revenue producing contract made by the electric power
18 agency with any person to secure the payment of public
19 bonds or obligations, subject to any agreements with
20 the holders of public bonds or obligations which might
21 then exist.
22 3. The custody, collection, securing, investment,
23 and payment of any revenues, assets, money, funds, or
24 property with respect to which the electric power
25 agency may have any rights or interest.
26 4. The rates or charges for electric energy sold
27 by, or services rendered by, the electric power
28 agency, the amount to be raised by the rates or
29 charges, and the use and disposition of any or all
30 revenue.
31 5. The creation of reserves or debt service funds
32 and the regulation and disposition of such reserves or
33 funds.
34 6. The purposes to which the proceeds from the
35 sale of any public bonds or obligations to be issued
36 may be applied, and the pledge of the proceeds to
37 secure the payment of the public bonds or obligations.

38 7. Limitations on the issuance of any additional
39 public bonds or obligations, the terms upon which
40 additional public bonds or obligations may be issued
41 and secured, and the refunding of outstanding public
42 bonds or obligations.

43 8. The rank or priority of any public bonds or
44 obligations with respect to any lien or security.

45 9. The creation of special funds or moneys to be
46 held for operating expenses, payment, or redemption of
47 public bonds or obligations, reserves or other
48 purposes, and the use and disposition of moneys held
49 in these funds.

50 10. The procedure by which the terms of any

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1 contract with or for the benefit of the holders of
2 public bonds or obligations may be amended or
3 abrogated, the amount of public bonds or obligations
4 the holders of which must consent to such amendment or
5 abrogation, and the manner in which consent may be
6 given.

7 11. The definition of the acts or omissions to act
8 that constitute a default in the duties of the
9 electric power agency to holders of its public bonds
10 or obligations, and the rights and remedies of the
11 holders in the event of default including, if the
12 electric power agency so determines, the right to
13 accelerate the date of the maturation of the public
14 bonds or obligations or the right to appoint a
15 receiver or receivers of the property or revenues
16 subject to the lien of the resolution, trust
17 indenture, or other security agreement.

18 12. Any other or additional agreements with or for
19 the benefit of the holders of public bonds or
20 obligations or any covenants or restrictions necessary
21 or desirable to safeguard the interests of the
22 holders.

23 13. The custody of any of the electric power
24 agency's property or investments, the safekeeping of
25 such property or investments, the insurance to be
26 carried on such property or investments, and the use
27 and disposition of insurance proceeds.

28 14. The vesting in a trustee or trustees, within
29 or outside the state, of such property, rights,
30 powers, and duties as the electric power agency may
31 determine; or the limiting or abrogating of the rights
32 of the holders of any public bonds or obligations to
33 appoint a trustee, or the limiting of the rights,
34 powers, and duties of such trustee.

35 15. The appointment of and the establishment of
36 the duties and obligations of any paying agent or

37 other fiduciary within or outside the state.
 38 Sec. 14. NEW SECTION. 476A.33 MORTGAGE OR TRUST
 39 DEED TO SECURE BONDS.
 40 For the security of public bonds or obligations
 41 issued or to be issued by an electric power agency,
 42 the electric power agency may mortgage or execute
 43 deeds of trust of the whole or any part of its
 44 property.
 45 Sec. 15. NEW SECTION. 476A.34 NO PERSONAL
 46 LIABILITY ON PUBLIC BONDS OR OBLIGATIONS.
 47 An official, director, member of an electric power
 48 agency, or any person executing public bonds or
 49 obligations shall not be liable personally on the
 50 public bonds or obligations or be subject to any

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1 personal liability or accountability by reason of the
 2 issuance of such public bonds or obligations.
 3 Sec. 16. NEW SECTION. 476A.35 REPURCHASE OF
 4 SECURITIES.
 5 An electric power agency may purchase public bonds
 6 or obligations out of any funds available for such
 7 purchase, and hold, pledge, cancel, or resell the
 8 public bonds or obligations, subject to and in
 9 accordance with any agreements with the holders.
 10 Sec. 17. NEW SECTION. 476A.36 PLEDGE OF REVENUE
 11 AS SECURITY.
 12 An electric power agency may pledge its rates,
 13 rents, and other revenues, or any part of such rates,
 14 rents, and revenues, as security for the repayment,
 15 with interest and redemption premiums, if any, of the
 16 moneys borrowed by the electric power agency or
 17 advanced to the electric power agency for any of its
 18 authorized purposes and as security for the payment of
 19 moneys due and owed by the electric power agency under
 20 any contract.
 21 Sec. 18. CODE EDITOR DIRECTIVE. The Code editor
 22 shall change references to "this chapter" in sections
 23 476A.1 through 476A.15 as necessary and appropriate to
 24 reflect the addition of the new subchapter to chapter
 25 476A as a result of this Act."
 26 2. Title page, by striking lines 1 through 11 and
 27 inserting the following: "An Act providing for joint
 28 agreements for the acquisition of ownership of a joint
 29 facility for electric power generation and
 30 transmission, and for the planning, financing,
 31 operation, and maintenance of the joint facility, and
 32 providing for the bonding authority of electric power
 33 agencies."

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BETTY A. SOUKUP
JOHN P. KIBBLE
JACK HOLVECK
JOHNNIE HAMMOND
PATRICIA HARPER
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JOE BOLKCOM
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MATT McCOY
PATRICK J. DELUHERY
TOM FLYNN
EUGENE S. FRAISE
WALLY E. HORN

S-3687

1 Amend House File 577, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 21 the
4 following:
5 "Sec. ____ Section 476.44, subsection 2, Code
6 2001, is amended to read as follows:
7 2. a. An electric utility subject to this
8 division, except a utility ~~which that~~ elects rate
9 regulation pursuant to section 476.1A, shall not be
10 required to purchase, at any one time, more than its
11 scheduled percentage share of ~~one hundred five~~
12 megawatts of power its Iowa retail load from
13 alternative energy production facilities or small
14 hydro facilities at the rates established pursuant to
15 section 476.43. The board shall ~~allocate the one~~
16 hundred five megawatts make the allocations based upon
17 each utility's percentage of the total Iowa retail
18 peak demand, for ~~the each~~ year beginning January 1,
19 ~~1990~~, of all utilities subject to this section, based
20 on the following schedule:
21 (1) Until January 1, 2004, two percent.
22 (2) Beginning January 1, 2005, five percent.
23 (3) Beginning January 1, 2006, six percent.
24 (4) Beginning January 1, 2007, seven percent.
25 (5) Beginning January 1, 2008, eight percent.
26 (6) Beginning January 1, 2009, nine percent.
27 (7) Beginning January 1, 2010, ten percent.
28 b. If a utility undergoes reorganization as
29 defined in section 476.76, the board shall combine the
30 allocated purchases of power for each utility involved
31 in the reorganization.
32 c. Notwithstanding the ~~one hundred five megawatt~~
33 current applicable maximum, the board may increase the
34 amount of power that a utility is required to purchase

35 at the rates established pursuant to section 476.43 if
 36 the board finds that a utility, including a
 37 reorganized utility, exceeds its ~~1990~~ previous Iowa
 38 retail peak demand level by twenty percent, and the
 39 additional power the utility is required to purchase
 40 will encourage the development of alternate energy
 41 production facilities and small hydro facilities. The
 42 increase shall not exceed the utility's increase in
 43 peak demand multiplied by the ratio of the utility's
 44 share of the ~~one hundred five megawatt~~ current
 45 scheduled maximum to its ~~1990~~ Iowa retail peak demand.
 46 d. At least five percent of an electric utility's
 47 yearly scheduled allocation pursuant to the schedule
 48 in paragraph "a" shall be derived from alternate
 49 energy production facilities or small hydro facilities
 50 with an electrical energy production capacity of three

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- 1 megawatts or less, if available."
- 2 2. By renumbering and correcting internal
- 3 references as necessary.

MARY LOU FREEMAN
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 BILL FINK
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S-3688

- 1 Amend House File 746, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, lines 8 and 9, by striking the words
- 4 "but excluding the judicial branch of state
- 5 government".
- 6 2. Page 6, line 10, by striking the figure
- 7 "46,770,200" and inserting the following:
- 8 "62,270,200".
- 9 3. Page 7, by inserting after line 2 the
- 10 following:
- 11 "____. The collective bargaining agreement
- 12 negotiated pursuant to chapter 20 for employees in the
- 13 judicial branch of government bargaining unit."
- 14 4. By striking page 8, line 30, through page 9,
- 15 line 9.

- 16 5. Page 10, by striking line 6 and inserting the
17 following: "state except for employees of the state
18 board of regents. The funds appropriated from the
19 general fund of the state for employees of the state
20 board of regents shall exclude general university
21 indirect costs and general university federal funds."
22 6. By renumbering as necessary.

JEFF LAMBERTI

S-3689

- 1 Amend the amendment, S-3673, to House File 577, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 4, by striking the word "or" and
5 inserting the following: ", or".
6 2. Page 3, by striking lines 29 through 35.
7 3. Page 3, line 36, by striking the figure "(3)"
8 and inserting the following: "(1)".
9 4. Page 3, line 39, by striking the figure "(4)"
10 and inserting the following: "(2)".
11 5. Page 4, by inserting after line 3 the
12 following:
13 "____. Page 5, by striking lines 17 and 18, and
14 inserting the following: "available technology and
15 the economics of available alternatives.
16 _____. Page 12, line 12, by inserting after the
17 word "bonds" the following: "or"."
18 6. By renumbering as necessary.

JOANN JOHNSON

S-3690

- 1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 4, line 29, through page 5,
4 line 4.

MERLIN E. BARTZ

S-3691

- 1 Amend House File 577, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 476.1A, Code 2001, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 5A. Filing alternate energy

8 purchase program plans with the board, and offering
9 such programs to customers, pursuant to section
10 476.47."

11 2. Page 1, line 2, by striking the word
12 "paragraph" and inserting the following:
13 "paragraphs".

14 3. Page 1, by inserting after line 8 the
15 following:

16 "n. Filing alternate energy purchase program plans
17 with the board, and offering such programs to
18 customers, pursuant to section 476.47."

19 4. Page 2, by inserting after line 21 the
20 following:

21 "Sec. ____ NEW SECTION. 476.47 ALTERNATE ENERGY
22 PURCHASE PROGRAMS.

23 1. Beginning January 1, 2004, all electric
24 utilities, whether or not rate-regulated under this
25 chapter, shall offer alternate energy purchase
26 programs to all customers, based on energy produced by
27 alternate energy production facilities in Iowa.

28 2. The board shall require electric utilities to
29 file plans for alternate energy purchase programs
30 offered pursuant to this section.

31 a. Rate-regulated electric utilities shall file
32 alternate energy purchase programs that allow
33 customers to contribute voluntarily to the development
34 of alternate energy in Iowa, and shall file tariffs as
35 required by the board by rule.

36 b. Electric utilities that are not rate-regulated
37 shall offer alternate energy purchase programs at
38 rates determined by their governing authority, and
39 shall file tariffs with the board for informational
40 purposes only.

41 3. The electric utility shall notify consumers of
42 its alternate energy purchase program and any proposed
43 modifications to such program at least sixty days
44 prior to implementation of the program or any
45 modification.

46 4. For purposes of this section, an electric
47 utility may purchase energy from an alternate energy
48 production facility located outside of Iowa under
49 either of the following circumstances:

50 a. The purchase is pursuant to a contract in

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1 effect prior to July 1, 2001, and continues until the
2 expiration of the contract, including any options to
3 renew that are exercised by the electric utility.

4 b. The electric utility has a financial interest,
5 as of July 1, 2001, in the alternate energy production
6 facility that is located outside of Iowa.

7 5. This section shall not apply to non-rate-
 8 regulated electric utilities physically located
 9 outside of Iowa that serve Iowa customers."
 10 5. By renumbering, relettering, redesignating,
 11 and correcting internal references as necessary.

JOANN JOHNSON

S-3692

1 Amend House File 746, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, lines 8 and 9, by striking the words
 4 "but excluding the judicial branch of state
 5 government".
 6 2. Page 6, line 10, by striking the figure
 7 "46,770,200" and inserting the following:
 8 "61,270,200".
 9 3. Page 7, by inserting after line 2 the
 10 following:
 11 "____. The collective bargaining agreement
 12 negotiated pursuant to chapter 20 for employees in the
 13 judicial branch of government bargaining unit."
 14 4. By striking page 8, line 30, through page 9,
 15 line 9.
 16 5. Page 10, by striking line 6 and inserting the
 17 following: "state except for employees of the state
 18 board of regents. The funds appropriated from the
 19 general fund of the state for employees of the state
 20 board of regents shall exclude general university
 21 indirect costs and general university federal funds."
 22 6. By renumbering as necessary.

JEFF LAMBERTI

S-3693

1 Amend the amendment, S-3613, to House File 742, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 27 the
 5 following:
 6 "____. Page 13, by inserting after line 29, the
 7 following:
 8 "____. For recreational grants to be used for the
 9 restoration or construction of recreational complexes
 10 or facilities under the recreational grant matching
 11 program:
 12\$ 3,000,000
 13 Matching grants awarded from the funds appropriated
 14 in this subsection shall be awarded on a matching

15 basis of one dollar for every two dollars the
 16 applicant had raised.
 17 The department shall give special consideration to
 18 recreational complex or facility projects which
 19 involve public and private sector participation.""
 20 2. Page 6, line 2, by striking the figure
 21 "1,000,000" and inserting the following: "2,000,000".
 22 3. By renumbering, redesignating, and correcting
 23 internal references as necessary.

BILL FINK

S-3694

HOUSE AMENDMENT TO
 SENATE FILE 476

1 Amend Senate File 476, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, lines 18 and 19, by striking the words
 4 and figures "sections 284.5 and 284.6" and inserting
 5 the following: "section 284.5".
 6 2. Page 2, line 17, by inserting after the word
 7 "teacher" the following: "or a retired teacher".
 8 3. Page 3, by striking lines 11 and 12 and
 9 inserting the following:
 10 "a. Demonstrates ability to enhance academic
 11 performance and support for and implementation of the
 12 school district's student achievement goals."
 13 4. Page 3, lines 18 and 19, by striking the words
 14 ", including the use of technology for curriculum
 15 integration".
 16 5. Page 3, line 31, by striking the word "model"
 17 and inserting the following: "models".
 18 6. Page 4, line 3, by striking the word "model"
 19 and inserting the following: "models".
 20 7. Page 4, line 4, by striking the word
 21 "annually".
 22 8. Page 4, line 5, by striking the word
 23 "however," and inserting the following: "immediately
 24 after the school year in which a contract period
 25 ends,".
 26 9. Page 4, by striking lines 19 and 20 and
 27 inserting the following: "the equivalent of two or
 28 more additional contract days, outside of instruction
 29 time, than were provided in the school year
 30 preceding".
 31 10. Page 5, line 33, by inserting after the word
 32 "teacher" the following: "mentoring and".
 33 11. Page 6, by inserting after line 12 the
 34 following:
 35 "___ . A beginning teacher shall be informed by the

36 school district, prior to the beginning teacher's
37 participation in a mentoring and induction program, of
38 the criteria upon which the beginning teacher shall be
39 evaluated and of the evaluation process utilized by
40 the school district."

41 12. Page 9, line 23, by striking the figure "(3)"
42 and inserting the following: "(2)".

43 13. Page 11, lines 14 and 15, by striking the
44 words and figures "starting July 1, 2001," and
45 inserting the following: ", preceding participation,
46 as set forth in section 284.4".

47 14. Page 11, by striking lines 23 through 27 and
48 inserting after the following:

49 "___ Notwithstanding section 284.4, subsection 2,
50 effective July 1, 2004, teacher performance shall be

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1 reviewed annually for purposes of assisting the
2 teacher in making continuous improvement. The annual
3 review shall be conducted by a certified evaluator who
4 shall be selected by an administrator after
5 consultation with the teacher. School districts are
6 encouraged to make available time for and to utilize
7 peer review and peer coaching techniques when
8 conducting the annual review. The annual review need
9 not be conducted if the teacher has been
10 comprehensively reviewed during the same school year.
11 The".

12 15. Page 13, line 20, by striking the word
13 "model" and inserting the following: "models".

14 16. Page 14, line 10, by inserting after the
15 figure "2." the following: "a."

16 17. Page 14, by inserting after line 22 the
17 following:

18 "b. However, an administrator licensed in
19 accordance with section 272.2, subsection 13,
20 paragraph "a", shall not be eligible to enroll in the
21 evaluator training program."

22 18. By striking page 15, line 8, through page 16,
23 line 7, and inserting the following:

24 "Sec. ___. **NEW SECTION. 284.11 PILOT PROGRAM FOR**
25 **TEAM-BASED VARIABLE PAY FOR STUDENT ACHIEVEMENT.**

26 1. It is the intent of the general assembly to
27 create a statewide team-based variable pay program to
28 reward individual attendance centers for improvement
29 in student achievement. A pilot program is
30 established to give Iowa school districts with one or
31 more participating attendance centers the opportunity
32 to explore and demonstrate successful methods to
33 implement team-based variable pay. The department
34 shall develop and administer the pilot program. Each

35 school district approved by the department to
36 participate in the pilot program shall administer
37 valid and reliable standardized assessments at the
38 beginning and end of the school year to demonstrate
39 growth in student achievement.
40 2. All licensed practitioners employed at a
41 participating attendance center that has demonstrated
42 improvement in student achievement shall share in a
43 cash award. However, the school district is
44 encouraged to extend cash awards to other staff
45 employed at the attendance center.
46 3. The principal, with the participation of a team
47 of licensed practitioners appointed by the principal,
48 at each participating attendance center within a
49 school district shall annually submit district
50 attendance center student performance goals to the

Page 3

1 school board for approval. The attendance center
2 goals must be aligned with the school improvement
3 goals for the district developed in accordance with
4 section 256.7, subsection 21. The district shall
5 determine the designation of an attendance center for
6 purposes of this section. The attendance center
7 student performance goals may differ from attendance
8 center to attendance center and may contain goals and
9 indicators in addition to the comprehensive school
10 improvement plan. An attendance center shall
11 demonstrate student achievement through the use of
12 multiple measures that are valid and reliable.
13 4. Each participating district shall create its
14 own design for a team-based pay plan linked to the
15 district's comprehensive school improvement plan. The
16 plan must include attendance center student
17 performance goals, student performance levels,
18 multiple indicators to determine progress toward
19 attendance center goals, and a system for providing
20 financial rewards. The team-based pay plan shall be
21 approved by the local board.
22 5. Each district team-based pay plan shall be
23 reviewed by the department. The department shall
24 include a review of the locally established goals,
25 targeted levels of improvement, assessment strategies,
26 and financial reward system.
27 6. A district electing to initiate a team-based
28 variable pay plan according to this section during the
29 school year beginning July 1, 2001, shall notify the
30 department of its election in writing no later than
31 August 1, 2001. The department shall certify the
32 school district plan by October 1, 2001."
33 19. Page 16, by striking line 11 and inserting

34 the following:

35 "a. Student achievement scores in mathematics and
36 reading at the fourth and eighth grade levels on a
37 district-by-district basis as reported to the local
38 communities pursuant to section 256.7, subsection 21,
39 paragraph "c".

40 20. Page 16, line 18, by inserting after the word
41 "education," the following: "the legislative
42 education accountability and oversight committee, the
43 deans of the colleges of education at approved
44 practitioner preparation institutions in this state,".

45 21. Page 17, line 11, by striking the word "a".

46 22. Page 17, line 12, by striking the word
47 "model" and inserting the following: "models".

48 23. Page 18, by striking lines 10 through 15.

49 24. Page 18, line 18, by striking the figure "16"
50 and inserting the following: "17".

Page 4

1 25. Page 19, line 4, by striking the words and
2 figure "paragraphs 1 and" and inserting the following:
3 "paragraph".

4 26. Page 19, line 5, by striking the word "are"
5 and inserting the following: "is".

6 27. Page 19, by striking lines 6 through 21.

7 28. Page 19, line 24, by inserting after the word
8 "apply." the following: "However, if the probationary
9 teacher is a beginning teacher who fails to
10 successfully complete a beginning teacher mentoring
11 and induction program in accordance with chapter 284,
12 the provisions of sections 279.17 and 279.18 shall
13 also apply."

14 29. Page 19, by inserting after line 24 the
15 following:

16 "Sec. ____ . Section 294A.14, unnumbered paragraphs
17 3 and 4, Code 2001, are amended to read as follows:

18 A plan shall be developed using the procedure
19 specified under section 294A.15. The plan shall
20 provide for the establishment of a performance-based
21 pay plan, a supplemental pay plan, a combination of
22 the two pay plans, or comprehensive school
23 transformation programs, and shall include a budget
24 for the cost of implementing the plan. In addition to
25 the costs of providing additional salary for teachers
26 and the amount required to pay the employers' share of
27 the federal social security and Iowa public employees'
28 retirement system, or a pension and annuity retirement
29 system established under chapter 294, and payments on
30 the additional salary, the budget may include costs
31 associated with providing specialized or general
32 training. Moneys received under phase III shall not

33 be used to employ additional employees of a school
 34 district, except that phase III moneys may be used to
 35 employ substitute teachers, part-time teachers, and
 36 other employees needed to implement plans that provide
 37 innovative staffing patterns, or ~~that~~ require that a
 38 teacher employed on a full-time basis be absent from
 39 the classroom for specified periods for fulfilling
 40 other instructional duties or to participate on a peer
 41 review team or in peer coaching efforts. However, all
 42 teachers employed are eligible to receive additional
 43 salary under an approved plan.

44 For the purpose of this section, a performance-
 45 based pay plan shall provide for salary increases for
 46 teachers who demonstrate superior performance in
 47 completing assigned duties. The plan shall include
 48 the method used to determine superior performance of a
 49 teacher. For school districts, the plan may include
 50 assessments of ~~specific teaching behavior~~ performance.

Page 5

1 assessments of student performance, assessments of
 2 other characteristics associated with effective
 3 teaching, or a combination of these criteria."

4 30. Page 20, by striking line 22 and inserting
 5 the following: "recommend assessment models for use
 6 in accurately measuring".

7 31. Page 21, by inserting after line 33 the
 8 following:

9 "Sec. ____ . CONTINGENT EFFECTIVENESS. Section
 10 284.10, subsection 2, paragraph "b", as enacted in
 11 this Act, takes effect only if 2001 Iowa Acts, House
 12 File 670 is enacted."

13 32. Title page, line 2, by inserting after the
 14 word "program" the following: "and providing for
 15 contingent effectiveness".

16 33. By renumbering, relettering, or redesignating
 17 and correcting internal references as necessary.

S-3695

1 Amend House File 720, 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 483A.1, subsections 1, 2, and
 6 3, Code 2001, are amended to read as follows:

7 1. Residents:

| | | |
|---|----|------------------|
| 8 a. Fishing license, <u>annual</u> | \$ | 10.50 |
| 9 | | <u>14.00</u> |

10 b. Fishing license, seven-day \$ 12.00

11 ~~b. c.~~ Fishing license, lifetime, sixty-five

| | | |
|----|---|----------------------|
| 12 | years or older \$ 50.50 | |
| 13 | e. <u>d.</u> Hunting license | \$ 12.50 |
| 14 | ..... | <u>14.00</u> |
| 15 | d. <u>e.</u> Hunting license, lifetime, sixty-five | |
| 16 | years or older | \$ 50.50 |
| 17 | e. <u>f.</u> Deer hunting license, antlered or any | |
| 18 | <u>sex deer</u> | \$ 25.50 |
| 19 | ..... | <u>30.00</u> |
| 20 | g. <u>Deer hunting license, antlerless only</u> .. \$ 16.00 | |
| 21 | f. <u>h.</u> Wild turkey hunting license | \$ 22.50 |
| 22 | ..... | <u>25.00</u> |
| 23 | g. <u>i.</u> Fur harvester license, sixteen years | |
| 24 | or older | \$ 20.50 |
| 25 | ..... | <u>22.00</u> |
| 26 | h. <u>j.</u> Fur harvester license, under sixteen | |
| 27 | years of age | \$ 5.50 |
| 28 | ..... | 6.00 |
| 29 | i. <u>k.</u> Fur dealer license | \$ 225.50 |
| 30 | ..... | <u>250.00</u> |
| 31 | j. <u>l.</u> Aquaculture unit license | \$ 25.50 |
| 32 | ..... | <u>30.00</u> |
| 33 | k. <u>m.</u> Bait dealer license | \$ 30.50 |
| 34 | ..... | <u>36.00</u> |
| 35 | n. <u>Deer and turkey combination bow and</u> | |
| 36 | <u>arrow license</u> | \$ 38.00 |
| 37 | <hr/> 2. Nonresidents: | |
| 38 | a. <u>Fishing license, annual</u> | \$ 22.50 |
| 39 | ..... | <u>36.00</u> |
| 40 | b. <u>Fishing license, seven-day</u> | \$ 27.00 |
| 41 | b. <u>c.</u> Hunting license, eighteen years of | |
| 42 | age or older | \$ 60.50 |
| 43 | ..... | <u>80.00</u> |
| 44 | e. <u>d.</u> Hunting license, under eighteen years | |
| 45 | of age | \$ 25.50 |
| 46 | ..... | <u>30.00</u> |
| 47 | d. <u>e.</u> Deer hunting license | \$ 150.50 |
| 48 | | <u>225.00</u> |
| 49 | e. <u>f.</u> Wild turkey hunting license | \$ 75.50 |
| 50 | | <u>125.00</u> |

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| | | |
|----|--|----------------------|
| 1 | f. <u>g.</u> Fur harvester license | \$ 180.50 |
| 2 | | <u>200.00</u> |
| 3 | g. <u>h.</u> Fur dealer license | \$ 500.50 |
| 4 | | <u>501.00</u> |
| 5 | h. <u>i.</u> Location permit for fur dealers | \$ 55.50 |
| 6 | ..... | <u>56.00</u> |
| 7 | i. <u>j.</u> Aquaculture unit license | \$ 50.50 |
| 8 | ..... | <u>56.00</u> |
| 9 | j. <u>k.</u> Bait dealer license | \$ 60.50 |
| 10 | ..... | <u>66.00</u> |

11 3. Residents and Nonresidents:

12 a. ~~Fishing, seven-day license~~\$ 8.50

13 ~~b. a. Trout fishing fee~~\$ 10.50

14 13.00

15 e. ~~b. Game breeder license~~\$ 15.50

16 26.00

17 ~~d. c. Taxidermy license~~\$ 15.50

18 26.00

19 e. ~~d. Falconry license~~\$ 20.50

20 26.00

21 ~~f. Nongame support fee~~\$ 5.00

22 ~~g. e. Wildlife habitat fee~~\$ 5.50

23 8.00

24 ~~h. f. Migratory game bird fee~~\$ 5.50

25 8.00

26 Sec. 2. Section 483A.7, subsection 3, Code 2001,
 27 is amended to read as follows:

28 3. A nonresident wild turkey hunter is required to
 29 have only a nonresident wild turkey hunting license
 30 and pay the wildlife habitat fee. The commission
 31 shall annually limit to ~~two~~ three thousand licenses
 32 the number of nonresidents allowed to have wild turkey
 33 hunting licenses. The number of nonresident wild
 34 turkey hunting licenses shall be determined as
 35 provided in section 481A.38. If a license cannot be
 36 issued, the applicable fees, excluding an application
 37 fee of twenty-five dollars, shall be returned to the
 38 applicant. The commission shall allocate the
 39 nonresident wild turkey hunting licenses issued among
 40 the zones based on the populations of wild turkey. A
 41 nonresident applying for a wild turkey hunting license
 42 must exhibit proof of having successfully completed a
 43 hunter safety and ethics education program as provided
 44 in section 483A.27 or its equivalent as determined by
 45 the department before the license is issued.

46 Sec. 3. Section 483A.8, subsection 3, Code 2001,
 47 is amended to read as follows:

48 3. A nonresident hunting deer is required to have
 49 a nonresident deer license and must pay the wildlife
 50 habitat fee. The commission shall annually limit to

Page 3

1 ~~seven ten~~ thousand ~~five hundred~~ licenses the number of
 2 nonresidents allowed to have deer hunting licenses.
 3 ~~Of the first six thousand nonresident deer licenses~~
 4 ~~issued, not more than thirty-five percent of the~~
 5 ~~licenses shall be bow season licenses and, after the~~
 6 ~~first six thousand nonresident deer licenses have been~~
 7 ~~issued, all additional licenses shall be issued for~~
 8 ~~antlerless deer only.~~ The number of nonresident deer
 9 hunting licenses shall be determined as provided in

10 section 481A.38. The commission shall allocate the
11 nonresident deer hunting licenses issued among the
12 zones based on the populations of deer. However, a
13 nonresident applicant may request one or more hunting
14 zones, in order of preference, in which the applicant
15 wishes to hunt. If ~~the request a license~~ cannot be
16 ~~fulfilled issued~~, the applicable fees, excluding an
17 application fee of twenty-five dollars, shall be
18 returned to the applicant. A nonresident applying for
19 a deer hunting license must exhibit proof of having
20 successfully completed a hunter safety and ethics
21 education program as provided in section 483A.27 or
22 its equivalent as determined by the department before
23 the license is issued.

24 Sec. 4. Section 483A.24, subsection 2, paragraph
25 b, Code 2001, is amended to read as follows:

26 b. Upon ~~written application on forms furnished~~
27 pursuant to rules established by the department, the
28 department shall issue annually without fee one deer
29 or one wild turkey license, or both, to the owner of a
30 farm unit or to a member of the owner's family, but
31 not to both, and to the tenant or to a member of the
32 tenant's family, but not to both. The deer hunting
33 license or wild turkey hunting license issued shall be
34 valid only on the farm unit for which an applicant
35 qualifies pursuant to this subsection and shall be
36 equivalent to the least restrictive license issued
37 under section 481A.38. The owner or the tenant need
38 not reside on the farm unit to qualify for a free
39 license to hunt on that farm unit. A free deer
40 hunting license issued pursuant to this subsection
41 shall be valid during all shotgun deer seasons.

42 Sec. 5. Section 483A.24, subsection 2, paragraph
43 c, Code 2001, is amended to read as follows:

44 c. In addition to the free deer hunting license
45 received, an owner of a farm unit or a member of the
46 owner's family and the tenant or a member of the
47 tenant's family may purchase a deer hunting license
48 for any option offered to paying deer hunting
49 licensees. An owner of a farm unit or a member of the
50 owner's family and the tenant or a member of the

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1 tenant's family may also purchase two additional
2 antlerless deer hunting licenses which are valid only
3 on the farm unit for a fee of ten dollars each.

4 Sec. 6. Section 483A.24, subsection 2, Code 2001,
5 is amended by adding the following new paragraph:
6 **NEW PARAGRAPH.** e. Upon application pursuant to
7 rules established by the department and payment of a
8 nonresident deer hunting license fee, the department

9 shall issue a deer hunting license to the nonresident
 10 owner or owners of a farm unit. In addition to the
 11 application and payment of the license fee, the
 12 nonresident owner or owners of a farm unit shall
 13 prepare and adhere to a deer population management
 14 plan approved pursuant to rules of the department.
 15 The primary objective of a deer population management
 16 plan is to manage deer populations to minimize damage
 17 to agricultural crops on adjacent land. The deer
 18 hunting license issued shall be valid only on the farm
 19 unit for which the applicant qualifies pursuant to
 20 this subsection and shall be equivalent to the least
 21 restrictive license issued under section 481A.38. The
 22 nonresident deer hunting licenses issued pursuant to
 23 this paragraph shall be in addition to the number of
 24 nonresident hunting licenses authorized pursuant to
 25 section 483A.8.

26 Sec. 7. NEW SECTION. 483A.28 DEER POPULATION
 27 MANAGEMENT PLAN.

28 A person controlling land by lease, ownership, or
 29 other means where a hunter is charged a fee for
 30 hunting deer, shall prepare and adhere to a deer
 31 population management plan approved by the department.
 32 The primary objective of a deer population management
 33 plan is to manage deer populations to minimize damage
 34 to agricultural crops on land adjacent to the fee
 35 hunting management area. This section does not apply
 36 to licensed hunting preserves.

37 Sec. 8. EFFECTIVE AND APPLICABILITY DATES.

38 Sections 1, 2, 3, and 6 of this Act take effect
 39 December 15, 2001, and apply to licenses and fees for
 40 wildlife and game activities for the years beginning
 41 on or after January 1, 2002."

42 2. Title page, by striking lines 2 and 3 and
 43 inserting the following: "for hunting, fishing,
 44 harvesting, and related licenses, providing for
 45 additional licenses and fees, for deer management
 46 plans, and for other properly related matters, and".

DENNIS H. BLACK

S-3696

1 Amend House File 720, as passed by the House, as
 2 follows:

- 3 1. Page 3, line 21, by striking the word "six"
- 4 and inserting the following: "~~six~~ seven".
- 5 2. Page 3, line 23, by striking the word "six"
- 6 and inserting the following: "~~six~~ seven".

DENNIS H. BLACK

S-3697

1 Amend House File 720, as passed by the House, as
2 follows:
3 1. Page 4, by inserting after line 23 the
4 following:
5 "Sec. _____. Section 483A.8, Code 2001, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 6. The commission shall
8 establish, by rule, a special drawing of one thousand
9 any sex deer licenses for nonresident applicants. The
10 one thousand deer licenses shall be in addition to the
11 nonresident deer licenses authorized pursuant to
12 subsection 3. The special nonresident license fee is
13 five hundred dollars. A successful applicant shall
14 also pay the fees for a nonresident hunting license
15 and the wildlife habitat fee and meet the other
16 requirements of subsection 3 relating to proof of
17 having successfully completed a hunter safety and
18 ethics education program. The commission shall
19 allocate the special licenses issued among the zones
20 based on the population of deer. However, a
21 nonresident hunter receiving a license pursuant to the
22 subsection may request one or more hunting zones, in
23 order of preference, in which the hunter wishes to
24 hunt."

DENNIS H. BLACK

S-3698

1 Amend House File 696, 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 96.7, subsection 12,
6 paragraphs a, c, and d, Code 2001, are amended to read
7 as follows:
8 a. An employer other than a governmental entity or
9 a nonprofit organization, subject to this chapter,
10 shall pay an administrative contribution surcharge
11 equal in amount to one-tenth of one percent of federal
12 taxable wages, as defined in section 96.19, subsection
13 37, paragraph "b", subject to the surcharge formula to
14 be developed by the department under this paragraph.
15 The department shall develop a surcharge formula that
16 provides a target revenue level of no greater than six
17 million five hundred twenty-five thousand dollars
18 annually. The department shall reduce the
19 administrative contribution surcharge established for
20 any calendar year proportionate to any federal

21 government funding that provides an increased
 22 allocation of moneys for workforce development
 23 offices, under the federal employment services
 24 financing reform legislation. Any administrative
 25 contribution surcharge revenue that is collected in
 26 2002 in excess of six million five hundred twenty-five
 27 thousand dollars shall be deducted from the amount to
 28 be collected in calendar year 2003 before the
 29 department establishes the administrative contribution
 30 surcharge. The department shall recompute the amount
 31 as a percentage of taxable wages, as defined in
 32 section 96.19, subsection 37, and shall add the
 33 percentage surcharge to the employer's contribution
 34 rate determined under this section. The percentage
 35 surcharge shall be capped at a maximum of seven
 36 dollars per employee. The department shall adopt
 37 rules prescribing the manner in which the surcharge
 38 will be collected. Interest shall accrue on all
 39 unpaid surcharges under this subsection at the same
 40 rate as on regular contributions and shall be
 41 collectible in the same manner. Interest accrued and
 42 collected under this paragraph and interest earned and
 43 credited to the fund under paragraph "b" shall be used
 44 by the department only for the purposes set forth in
 45 paragraph "c".
 46 c. Moneys in the fund shall be used by the
 47 department only upon appropriation by the general
 48 assembly and only for personnel and nonpersonnel costs
 49 of rural and satellite departmental offices in
 50 population centers of less than twenty thousand ~~or for~~

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1 ~~the department approved training fund funded in~~
 2 ~~section 8, subsection 2, of 1988 Iowa Acts, chapter~~
 3 ~~1274. To the extent possible, the department shall~~
 4 ~~colocate the rural and satellite departmental offices~~
 5 ~~funded by the surcharge provided for in this~~
 6 ~~subsection at available community college facilities~~
 7 ~~throughout the state. If colocation at community~~
 8 ~~college facilities is not feasible, the department~~
 9 ~~shall attempt, to the extent possible, to colocate~~
 10 ~~offices in the facilities of other government~~
 11 ~~entities. Moneys in the fund shall not be used for~~
 12 ~~purposes other than those identified in this paragraph~~
 13 ~~or identified in the appropriation of the moneys in~~
 14 ~~the fund by the general assembly.~~
 15 d. This subsection is repealed July 1, ~~2001~~ 2003,
 16 and the repeal is applicable to contribution rates for
 17 calendar year ~~2002~~ 2004 and subsequent calendar years.
 18 Sec. 2. RURAL AND SATELLITE DEPARTMENTAL OFFICES
 19 REVIEW. The department of workforce development shall

20 establish performance measures for each workforce
21 development office site based on the job seeker
22 entered employment rate, the job seeker employment
23 retention rate, the job seeker average wage at
24 placement, the job seeker customer satisfaction
25 rating, the number of employers served, and the
26 employer customer satisfaction rating, and shall
27 conduct an annual review of the performance measures.
28 The department, in the annual departmental offices
29 review, shall consider the feasibility of
30 consolidating some of the rural and satellite
31 departmental offices to better serve the public. In
32 addition, the department shall conduct a comprehensive
33 analysis of the efficiency and effectiveness of the
34 department's field office system, including the
35 geographic distribution of the offices.

36 The department shall prepare a report of its annual
37 departmental offices review findings that sets forth
38 specific review findings for each office site. The
39 report shall contain information gathered in the
40 review as well as information concerning the success
41 of colocation efforts at community colleges throughout
42 the state, the services provided to employers with
43 fifty or fewer employees, the rent or lease costs
44 associated with each office site and the building
45 square footage at each office site, and efforts to
46 pursue other funding sources.

47 The department shall submit a report of its annual
48 departmental offices review to the governor and
49 general assembly by December 21, 2001, by December 21,
50 2002, and by December 21, 2003.

Page 3

1 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
2 immediate importance, takes effect upon enactment."

JERRY BEHN

S-3699

1 Amend the amendment, S-3613, to House File 742, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by inserting after line 33, the
5 following:

6 "e. For consideration for an option to purchase
7 all or a portion of the following properties,
8 notwithstanding section 8.57, subsection 5, paragraph
9 "c": a 2.4-acre parcel located at the northwest
10 corner of Pennsylvania avenue and Des Moines street,
11 including a 26,319-square foot one-story masonry

12 structure; a 0.17-acre site located at 1022 Des Moines
13 street; a 2.2-acre site on the city block bounded by
14 East Eleventh, East Twelfth, Des Moines, and Lyon
15 streets, including an 11,058-square foot building; and
16 a 7.5-acre parcel consisting of two contiguous city
17 blocks bounded by East Twelfth, East Fourteenth, Des
18 Moines, and Lyon streets, including five buildings:
19\$ 500,000
20 The consideration for the option to purchase shall
21 be applied to the contract purchase price in the event
22 the option to purchase any or all of the properties
23 described in this paragraph "e" is exercised. The
24 option to purchase shall be for a period of at least
25 one year beginning on or after July 1, 2001, and shall
26 be exercised only after a specific appropriation by
27 the general assembly for the purchase of all or a
28 portion of the properties described in this paragraph
29 "e".
30 f. For an appraisal, environmental assessment, and
31 feasibility study of the properties described in
32 paragraph "e":
33\$ 250,000"
34 2. Page 7, by inserting after line 37, the
35 following:
36 "Sec. 701. There is appropriated from the tax-
37 exempt bond proceeds restricted capital funds account
38 of the tobacco settlement trust fund to the department
39 of general services for the following fiscal years,
40 the following amounts, or so much thereof as is
41 necessary, to be used for the purposes designated:
42 For the planning, design, and construction of a
43 multipurpose laboratory facility:
44 FY 2001-2002\$ 16,670,000
45 FY 2002-2003\$ 16,670,000
46 FY 2003-2004\$ 16,660,000
47 The department is authorized to enter into
48 contracts for the full cost of the project for which
49 appropriations are made in this section. The state
50 shall not be obligated for costs associated with

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1 contracts identified in this paragraph in excess of
2 the funds appropriated by the general assembly.
3 Payment of moneys from the appropriations in this
4 section shall be made in a manner that does not
5 adversely affect the tax-exempt status of any
6 outstanding bonds issued by the tobacco settlement
7 authority."
8 3. Page 7, line 39, by striking the word and
9 figure "section 505" and inserting the following:
10 "sections 505 and 701".

- 11 4. Page 7, line 49, by striking the word and
12 figure "section 505" and inserting the following:
13 "sections 505 and 701".
14 5. Page 8, line 29, by striking the word
15 "completion".
16 6. By renumbering, redesignating, and correcting
17 internal references as necessary.

JEFF LAMBERTI

S-3700

- 1 Amend the amendment, S-3613, to House File 742, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 7, line 27, by striking the figure
5 "10,500,000" and inserting the following:
6 "3,500,000".

JEFF LAMBERTI

S-3701

- 1 Amend House File 577, 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. ____ Section 476A.2, Code 2001, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 5. This chapter shall not apply
8 to an alternate energy production facility, as defined
9 in section 476.42, on which construction is begun on
10 or after July 1, 2001. This provision does not exempt
11 an alternate energy production facility from complying
12 with other federal, state, and local requirements in
13 connection with construction of an alternate energy
14 production facility.
15 However, a proposed alternate energy production
16 facility shall provide written notice to the board, at
17 least thirty days prior to commencing construction of
18 the alternate energy production facility, of at least
19 the following information:
20 a. The type of alternate energy production
21 facility, including the fuel or other energy source to
22 be utilized by the alternate energy production
23 facility in the production of electrical energy.
24 b. The total production capacity of the alternate
25 energy production facility, in megawatts.
26 c. The location of the proposed site for the
27 alternate energy production facility.
28 d. The proposed date of operation when the

29 alternate energy production facility is expected to be
 30 in service."
 31 2. By renumbering, relettering, redesignating,
 32 and correcting internal references as necessary.

JOANN JOHNSON

S-3702

1 Amend the amendment, S-3613, to House File 742, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 4, line 19, by striking the figure
 5 "1,000,000" and inserting the following: "500,000".
 6 2. Page 4, by inserting after line 19 the
 7 following:
 8 "____. For salaries, support, and maintenance of
 9 personnel and programs at all state parks as they
 10 existed on April 1, 2001, recreation areas, and state
 11 preserves, and for related miscellaneous purposes,
 12 notwithstanding section 8.57, subsection 5, paragraph
 13 "c":
 14\$ 500,000"
 15 3. By renumbering as necessary.

DENNIS H. BLACK
 JOHN P. KIBBIE
 TOM FLYNN

S-3703

1 Amend the amendment, S-3613, to House File 742, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 11, by inserting after line 31 the
 5 following:
 6 ""Sec. ____ 2001 Iowa Acts, House File 755,
 7 section 30, if enacted, is amended to read as follows:
 8 SEC. 30. Notwithstanding any contrary provision in
 9 section 455E.11, subsection 1, Code 2001, any
 10 ~~unnumbered or unobligated cash~~ balance in the
 11 groundwater protection fund and in any of the accounts
 12 within the groundwater protection fund ~~on June 30,~~
 13 2004 not needed for expenditure in the fiscal year
 14 beginning July 1, 2001, and ending June 30, 2002,
 15 shall be transferred to the general fund of the
 16 state."
 17 2. By renumbering, redesignating, and correcting
 18 internal references as necessary.

JEFF LAMBERTI

S-3704

1 Amend the amendment, S-3613, to House File 742, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 7, by inserting before line 28 the
 5 following:
 6 "Of the funds appropriated in this subsection, the
 7 treasurer of state in cooperation with the Iowa
 8 telecommunications and technology commission is
 9 authorized to enter into financing agreements under
 10 section 12.28 for a conversion of the Iowa
 11 communications network to asynchronous transfer mode
 12 technology up to a maximum principal amount of
 13 \$10,500,000. The treasurer of state shall not proceed
 14 with a financing agreement for this project without
 15 first receiving written confirmation from the director
 16 of the department of management that sufficient funds
 17 for repayment are available."

PATRICK J. DELUHERY

S-3705

1 Amend House File 742, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by inserting before line 24 the
 4 following:
 5 "DEPARTMENT OF EDUCATION
 6 Sec. _____. There is appropriated from the rebuild
 7 Iowa infrastructure fund to the department of
 8 education for the fiscal year beginning July 1, 2001,
 9 and ending June 30, 2002, the following amount, to be
 10 used for the purpose designated:
 11 To provide resources for structural and
 12 technological improvements to local libraries,
 13 notwithstanding section 8.57, subsection 5, paragraph
 14 "c":
 15\$ 500,000"
 16 2. By renumbering, redesignating, and correcting
 17 internal references as necessary.

JOHN W. JENSEN

S-3706

1 Amend the amendment, S-3613, to House File 742, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 3, by inserting before line 34, the
 5 following:

6 "Prior to entering into the option to purchase
 7 described in this subsection, the existing
 8 environmental audit on properties currently occupied
 9 by metropolitan medical center shall be distributed to
 10 all members of the general assembly. After such
 11 distribution, the option to purchase shall be subject
 12 to the review of the legislative council."
 13 2. By renumbering as necessary.

MATT McCOY

S-3707 (Amendment number not used)

S-3708

HOUSE AMENDMENT TO
 SENATE FILE 531

1 Amend Senate File 531, as passed by the Senate, as
 2 follows:

- 3 1. Page 1, line 9, by striking the figure
 4 "1,161,514" and inserting the following: "1,211,514".
- 5 2. Page 2, line 35, by striking the figure
 6 "1,336,347" and inserting the following: "1,513,454".
- 7 3. Page 3, line 6, by striking the figure
 8 "5,738,784" and inserting the following: "5,988,784".
- 9 4. Page 3, line 12, by striking the figure
 10 "1,178,248" and inserting the following: "1,228,248".
- 11 5. Page 4, line 4, by striking the figure
 12 "722,552" and inserting the following: "818,311".
- 13 6. Page 4, by inserting after line 35 the
 14 following:
 15 "Sec. ____ DEPARTMENT OF COMMERCE -- PROFESSIONAL
 16 LICENSING AND REGULATION -- LICENSE FEE REFUND.
- 17 1. As used in this section, "department of
 18 commerce, professional licensing boards" means the
 19 boards or commissions for the engineers and land
 20 surveyors under chapter 542B, accountants under
 21 chapter 542C, real estate brokers and salespersons
 22 under chapter 543B, real estate appraisers under 543D,
 23 architects under chapter 544A, and landscape
 24 architects under chapter 544B.
- 25 2. Notwithstanding the obligation to collect fees
 26 pursuant to the provisions of sections 542B.12,
 27 542C.15, 543B.14, 543D.6, 544A.11, and 544B.14, for
 28 the fiscal year beginning July 1, 2001, and ending
 29 June 30, 2002, the professional licensing and
 30 regulation division may refund all or a portion of
 31 these fees to the filer pursuant to rules established
 32 by the department of commerce, professional licensing
 33 boards. The decision of the division not to issue a

34 refund under rules established by the department of
35 commerce, professional licensing boards is final and
36 not subject to review pursuant to the provisions of
37 the Iowa administrative procedure Act."

38 7. Page 5, line 17, by striking the figure
39 "215,129" and inserting the following: "259,129".

40 8. Page 7, line 31, by striking the figure
41 "1,252,713" and inserting the following: "1,418,735".

42 9. Page 8, line 9, by striking the figure
43 "126,369" and inserting the following: "143,117".

44 10. Page 8, line 14, by striking the figure
45 "68,800" and inserting the following: "70,030".

46 11. Page 8, line 19, by striking the figure
47 "246,859" and inserting the following: "279,576".

48 12. Page 9, line 26, by striking the figure
49 "728,715" and inserting the following: "877,970".

50 13. Page 11, line 31, by striking the figure

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1 "1,959,844" and inserting the following: "2,260,531".

2 14. Page 11, by striking lines 33 through 35."

3 15. Page 12, line 4, by striking the figure
4 "74,765" and inserting the following: "90,078".

5 16. By striking page 14, line 25, through page
6 15, line 2, and inserting the following:

7 "Sec. ____ STATE WORKERS' COMPENSATION CLAIMS.

8 There is appropriated from the general fund of the
9 state to the department of personnel for the fiscal
10 year beginning July 1, 2001, and ending June 30, 2002,
11 the following amount, or so much thereof as is
12 necessary, to be used for the purposes designated:

13 For distribution, subject to approval of the
14 department of management, to various state departments
15 to fund the premiums for paying workers' compensation
16 claims which are assessed to and collected from the
17 state department by the department of personnel based
18 upon a rating formula established by the department of
19 personnel:

20\$ 500,000

21 Notwithstanding section 8.39, subsections 1, 3, and
22 4, the department of management may allocate the
23 premium appropriated in this section to the
24 appropriate offices, divisions, or subdivisions within
25 each state department as necessary to pay workers'
26 compensation premiums as recommended by the department
27 of personnel.

28 The premiums collected by the department of
29 personnel shall be segregated into a separate workers'
30 compensation fund in the state treasury to be used for
31 payment of state employees' workers' compensation
32 claims. Notwithstanding section 8.33, unencumbered or

33 unobligated moneys remaining in this workers'
34 compensation fund at the end of the fiscal year shall
35 not revert but shall be available for expenditure for
36 purposes of the fund for subsequent fiscal years.
37 Any funds received by the department of personnel
38 for workers' compensation purposes other than funds
39 appropriated in this section shall be used for the
40 payment of workers' compensation claims and
41 administrative costs."

42 17. Page 15, line 15, by striking the figure
43 "9,625,794" and inserting the following:
44 "10,525,794".

45 18. Page 15, line 23, by striking the figure
46 "10,237,208" and inserting the following:
47 "10,837,208".

48 19. Page 17, line 9, by striking the figure
49 "655,234" and inserting the following: "755,234".

50 20. Page 17, by inserting after line 14 the

Page 3

1 following:

2 "Of the moneys appropriated in this subsection, not
3 more than \$2,500 shall be used to pay the expenses of
4 the Marshall county deputy auditor to serve on a task
5 force for elections reform for the elections center.
6 The Marshall county deputy auditor shall show proof of
7 expense incurred to the secretary of state to receive
8 reimbursement."

9 21. Page 17, by inserting after line 23 the
10 following:

11 "Sec. ___. Notwithstanding the requirement in
12 section 9.6, that the secretary of state publish in
13 odd-numbered years the Iowa official register, the
14 secretary of state shall not publish the Iowa official
15 register in the 2001 calendar year. Any references in
16 the Code to the distribution and contents of the Iowa
17 official register shall not apply to the 2001 and 2002
18 calendar years.

19 Sec. ___. SECRETARY OF STATE FILING FEES REFUND.

20 Notwithstanding the obligation to collect fees
21 pursuant to the provisions of section 490.122,
22 subsection 1, paragraphs "a" and "s" and section
23 504A.85, subsections 1 and 9, for the fiscal year
24 beginning July 1, 2001, and ending June 30, 2002, the
25 secretary of state may refund these fees to the filer
26 pursuant to rules established by the secretary of
27 state. The decision of the secretary of state not to
28 issue a refund under rules established by the
29 secretary of state is final and not subject to review
30 pursuant to the provisions of the Iowa administrative
31 procedure Act."

32 22. Page 17, line 32, by striking the figure
33 "815,580" and inserting the following: "865,580".

34 23. Page 17, by inserting after line 35 the
35 following:

36 "Sec. ____ 2001 Iowa Acts, House File 413, section
37 2, if enacted, is amended to read as follows:

38 SEC. 2. SURPLUS FUNDS TRANSFERRED TO THE ENDOWMENT
39 FOR IOWA'S HEALTH ACCOUNT.

40 1. Notwithstanding section 8.55, subsection 2, any
41 moneys in excess of the maximum balance in the
42 economic emergency fund after the distribution of the
43 surplus in the general fund of the state at the
44 conclusion of the fiscal year beginning July 1, 2000,
45 shall ~~not be transferred to the general fund of the~~
46 ~~state but shall be transferred to the endowment for~~
47 ~~Iowa's health account of the tobacco settlement trust~~
48 ~~fund. The amount transferred under this subsection~~
49 ~~shall not exceed forty million dollars. in the~~
50 following order as follows:

Page 4

1 a. The first one hundred sixty-three million eight
2 hundred thousand dollars to the general fund of the
3 state.

4 b. The next forty million dollars to the endowment
5 for Iowa's health account of the tobacco settlement
6 trust fund.

7 c. The remaining amount to the general fund of the
8 state.

9 2. Notwithstanding section 8.55, subsection 2, any
10 moneys in excess of the maximum balance in the
11 economic emergency fund after the distribution of the
12 surplus in the general fund of the state at the
13 conclusion of the fiscal year beginning July 1, 2001,
14 shall not be transferred to the general fund of the
15 state but shall be transferred to the endowment for
16 Iowa's health account of the tobacco settlement trust
17 fund. The amount transferred under this subsection
18 shall not exceed the difference between forty million
19 dollars and the amount transferred to the endowment
20 for Iowa's health account pursuant to subsection 1.

21 3. This section is contingent upon the
22 establishment of the endowment for Iowa's health
23 account of the tobacco settlement trust fund by 2001
24 Iowa Acts, Senate File 532, if enacted."

25 24. By renumbering, relettering, or redesignating
26 and correcting internal references as necessary.

S-3709

1 Amend the House amendment, S-3708, to Senate File
2 531, as passed by the Senate, as follows:

3 1. Page 3, by inserting after line 33 the
4 following:

5 "Sec. 101. Section 96.7, subsection 12, paragraphs
6 a, c, and d, Code 2001, are amended to read as
7 follows:

8 a. An employer other than a governmental entity or
9 a nonprofit organization, subject to this chapter,
10 shall pay an administrative contribution surcharge
11 equal in amount to one-tenth of one percent of federal
12 taxable wages, as defined in section 96.19, subsection
13 37, paragraph "b", subject to the surcharge formula to
14 be developed by the department under this paragraph.
15 The department shall develop a surcharge formula that
16 provides a target revenue level of no greater than six
17 million five hundred twenty-five thousand dollars
18 annually. The department shall reduce the
19 administrative contribution surcharge established for
20 any calendar year proportionate to any federal
21 government funding that provides an increased
22 allocation of moneys for workforce development
23 offices, under the federal employment services
24 financing reform legislation. Any administrative
25 contribution surcharge revenue that is collected in
26 2002 in excess of six million five hundred twenty-five
27 thousand dollars shall be deducted from the amount to
28 be collected in calendar year 2003 before the
29 department establishes the administrative contribution
30 surcharge. The department shall recompute the amount
31 as a percentage of taxable wages, as defined in
32 section 96.19, subsection 37, and shall add the
33 percentage surcharge to the employer's contribution
34 rate determined under this section. The percentage
35 surcharge shall be capped at a maximum of seven
36 dollars per employee. The department shall adopt
37 rules prescribing the manner in which the surcharge
38 will be collected. Interest shall accrue on all
39 unpaid surcharges under this subsection at the same
40 rate as on regular contributions and shall be
41 collectible in the same manner. Interest accrued and
42 collected under this paragraph and interest earned and
43 credited to the fund under paragraph "b" shall be used
44 by the department only for the purposes set forth in
45 paragraph "c".

46 c. Moneys in the fund shall be used by the
47 department only upon appropriation by the general
48 assembly and only for personnel and nonpersonnel costs
49 of rural and satellite departmental offices in
50 population centers of less than twenty thousand ~~or for~~

Page 2

1 ~~the department approved training fund funded in~~
2 ~~section 8, subsection 2, of 1988 Iowa Acts, chapter~~
3 ~~1274. To the extent possible, the department shall~~
4 ~~colocate the rural and satellite departmental offices~~
5 ~~funded by the surcharge provided for in this~~
6 ~~subsection at available community college facilities~~
7 ~~throughout the state. If colocation at community~~
8 ~~college facilities is not feasible, the department~~
9 ~~shall attempt, to the extent possible, to colocate~~
10 ~~offices in the facilities of other government~~
11 ~~entities. Moneys in the fund shall not be used for~~
12 ~~purposes other than those identified in this paragraph~~
13 ~~or identified in the appropriation of the moneys in~~
14 ~~the fund by the general assembly.~~

15 d. This subsection is repealed July 1, ~~2001~~ 2003,
16 and the repeal is applicable to contribution rates for
17 calendar year ~~2002~~ 2004 and subsequent calendar years.

18 Sec. 102. RURAL AND SATELLITE DEPARTMENTAL OFFICES

19 REVIEW. The department of workforce development shall
20 establish performance measures for each workforce
21 development office site based on the job seeker
22 entered employment rate, the job seeker employment
23 retention rate, the job seeker average wage at
24 placement, the job seeker customer satisfaction
25 rating, the number of employers served, and the
26 employer customer satisfaction rating, and shall
27 conduct an annual review of the performance measures.

28 The department, in the annual departmental offices
29 review, shall consider the feasibility of
30 consolidating some of the rural and satellite
31 departmental offices to better serve the public. In
32 addition, the department shall conduct a comprehensive
33 analysis of the efficiency and effectiveness of the
34 department's field office system, including the
35 geographic distribution of the offices.

36 The department shall prepare a report of its annual
37 departmental offices review findings that sets forth
38 specific review findings for each office site. The
39 report shall contain information gathered in the
40 review as well as information concerning the success
41 of colocation efforts at community colleges throughout
42 the state, the services provided to employers with
43 fifty or fewer employees, the rent or lease costs
44 associated with each office site and the building
45 square footage at each office site, and efforts to
46 pursue other funding sources.

47 The department shall submit a report of its annual
48 departmental offices review to the governor and
49 general assembly by December 21, 2001, by December 21,
50 2002, and by December 21, 2003.

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1 Sec. ____ EFFECTIVE DATE. Sections 101 and 102 of
2 this Act, being deemed of immediate importance, take
3 effect upon enactment."

BETTY A. SOUKUP
DENNIS H. BLACK
JACK HOLVECK
MARK SHEARER
THOMAS FIEGEN
PATRICK J. DELUHERY
MIKE CONNOLLY
EUGENE S. FRAISE
WALLY E. HORN
MATT McCOY
BILL FINK
JOHNIE HAMMOND
STEVEN D. HANSEN
JOE BOLKCOM
PATRICIA HARPER
MICHAEL E. GRONSTAL
ROBERT E. DVORSKY

AMENDMENTS FILED

During the

Seventy-Ninth General Assembly

2001 Extraordinary Session

S-3710

1 Amend the amendment, S-3698, to House File 696, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 25, by inserting after the word
5 "in" the following: "calendar year".

6 2. Page 2, by inserting after line 14 the
7 following:

8 "(1) Moneys in the fund may be used to provide any
9 of the following services to businesses:

10 (a) Use of a business representative to build one-
11 on-one relationships with businesses. A business
12 representative may provide any of the following:

13 (i) Workforce consulting in the form of customized
14 strategies to attract, retain, and upgrade the skills
15 of an employer's workforce.

16 (ii) General and customized recruitment.

17 (iii) Workplace skill testing and analysis in the
18 form of skill level, aptitude, and ability assessment.

19 (iv) Employer specific job descriptions, employee
20 handbooks, applications, and other relevant personnel
21 forms.

22 (b) Labor market surveys and analyses which may
23 include the compilation and dissemination of
24 occupational and wage information.

25 (c) Contact information and referral services
26 related to any of the following issues:

27 (i) Workers' compensation.

28 (ii) Wage and worker rights.

29 (iii) Registration.

30 (iv) The federal Occupational Safety and Health
31 Act of 1970 and occupational safety and health
32 standards.

33 (v) Boiler and elevator regulations.

34 (vi) Contractor registration.

35 (vii) Immigration services.

36 (viii) Unemployment contributions.

37 (d) A statewide computer networking process for
38 employers and individuals regarding available
39 positions and qualified applicants.

40 (e) Crosstraining services for workforce
41 development staff.

42 (2) Moneys in the fund may be used to provide any
43 of the following services to individuals:

44 (a) Outreach, intake, and orientation services
45 related to any of the following:

46 (i) Job search and interviewing assistance.

47 (ii) Initial assessment of skill levels,
48 aptitudes, abilities, and support service needs.

49 (iii) Proficiency testing.

50 (iv) Resume development and preparation.

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1 (v) Referral to training and customized skill
2 upgrading.

3 (vi) Career counseling including assessment and
4 analysis.

5 (b) Contact information and referral for
6 supportive services including but not limited to
7 transportation, housing, and child care.

8 (c) Labor market surveys and analyses.

9 (d) Job development and placement services.

10 (e) Resource centers that provide individuals with
11 computer access for electronic job search, resume
12 development, career exploration, and keyboard and
13 software training. A resource center may also be
14 equipped with employment, training, and career
15 information including but not limited to employment
16 opportunities available with local employers.

17 (f) Information and assistance with filing for
18 unemployment compensation benefits.

19 (3) Moneys in the fund shall not be used for any
20 of the following purposes:

21 (a) Services that are not included in
22 subparagraphs (1) and (2).

23 (b) Unemployment tax system renovation and
24 computer upgrades.

25 (c) Specific consultation services relating to the
26 federal Occupational Safety and Health Act of 1970 and
27 occupational safety and health standards.

28 (d) Services which are currently provided by other
29 state agencies.

30 (e) Workforce development regional advisory board
31 member expenses.

32 (f) Supportive services including but not limited
33 to transportation, housing, and child care."

34 3. Page 2, by inserting after line 50 the
35 following:

36 "Sec. ___. PILOT PROJECTS -- FEE-BASED SERVICES.

37 The department of workforce development shall
38 establish pilot projects for the purpose of evaluating
39 the feasibility of charging and collecting fees for
40 certain customized or enhanced employer services. In
41 every annual departmental office review, the
42 department shall include the results of the pilot
43 projects, including the number and type of fee-based
44 services provided, the amount of revenue generated,
45 and the cost basis for the establishment of the fees."

46 4. By renumbering as necessary.

STEWART IVERSON, JR.

S-3711

1 Amend Senate Resolution 52 as follows:
 2 1. Page 2, by inserting after line 10 the
 3 following:
 4 "WHEREAS, child labor protections, labor rights
 5 considerations, and environmental protection
 6 considerations are issues of great significance which
 7 should be addressed in any trade agreement entered
 8 into by the United States; and".
 9 2. Page 2, by inserting after line 19 the
 10 following:
 11 "BE IT FURTHER RESOLVED, That, in working to
 12 implement a renewal of the trade promotion authority
 13 of the President of the United States, the Iowa
 14 congressional delegation is urged to support the
 15 inclusion of a requirement upon the President of the
 16 United States to make child labor protections, labor
 17 rights considerations, and environmental protections
 18 considerations a part of any trade agreement
 19 negotiation conducted under the trade promotion
 20 authority; and".

JOHN P. KIBBIE

S-3712

1 Amend House File 698, as passed by the House, as
 2 follows:
 3 1. Page 1, line 3, by striking the figure "1."
 4 2. Page 1, line 7, by striking the words "review
 5 power purchase contracts" and inserting the following:
 6 "perform required functions, including but not limited
 7 to, review of power purchase contracts, review of
 8 emission plans and budgets, and review of ratemaking
 9 principles proposed for construction or lease of a new
 10 generating facility".
 11 3. Page 1, line 13, by striking the word
 12 "subsection" and inserting the word "section".
 13 4. Page 1, by striking lines 16 through 27.
 14 5. Page 1, by inserting before line 28, the
 15 following:
 16 "Sec. ___. WORKFORCE ATTRITION PROGRAM AND FUND.
 17 1. For the fiscal year beginning July 1, 2001, and
 18 ending June 30, 2002, the department of management
 19 shall establish a workforce attrition program. The
 20 department shall administer the program as necessary
 21 to achieve the goal of eliminating full-time
 22 equivalent positions in the executive branch of state
 23 government that approximate the number of executive
 24 branch employees who voluntarily retire during the

25 fiscal year.

26 2. a. The department shall establish a workforce
27 attrition fund to receive transfers of moneys from
28 executive branch agencies and departments representing
29 unused general fund wages and benefits, after payment
30 for vacation or sick leave benefits, of employees who
31 retire during the fiscal year.

32 b. Unless an exception is authorized in accordance
33 with paragraph "c", if an employee of an executive
34 branch department or agency voluntarily retires during
35 the fiscal year, the department or agency shall
36 transfer to the workforce attrition fund the remaining
37 amount of general fund salary and benefits, after
38 payment for vacation or sick leave benefits, that
39 would have been expended had the retired employee
40 remained on the payroll for the balance of the fiscal
41 year. In lieu of reporting in accordance with section
42 8.39, the department of management shall report
43 monthly to the legislative fiscal committee and the
44 legislative fiscal bureau concerning the transfers
45 made to the workforce attrition fund.

46 c. The department or agency table of organization
47 shall be revised to reflect the elimination of an
48 equivalent number of positions as retire in the
49 department or agency during the fiscal year. However,
50 if the department determines that eliminating a full-

Page 2

1 time equivalent position would severely impact the
2 department's or agency's mission or services, the
3 department or agency may appeal to the department of
4 management for an exception. If the department of
5 management concurs with the department's or agency's
6 determination, the exception shall be granted, the
7 transfer to the workforce attrition fund shall not be
8 made, and the table of organization shall not be
9 revised.

10 3. Moneys transferred to the workforce attrition
11 fund are not subject to further transfer under section
12 8.39 or any other provision of law and shall not be
13 encumbered or obligated unless appropriated. The
14 moneys in the workforce attrition fund at the close of
15 the fiscal year beginning July 1, 2001, shall be
16 transferred to the general fund of the state and the
17 program and fund shall be eliminated."

18 6. Page 1, by inserting before line 28 the
19 following:

20 "Sec. ____ Section 12.72, subsection 4, Code 2001,
21 is amended by striking the subsection and inserting in
22 lieu thereof the following:

23 4. a. The treasurer of state may create and

24 establish one or more special funds, to be known as
25 "bond reserve funds", to secure one or more issues of
26 bonds or notes issued pursuant to section 12.71. The
27 treasurer of state shall pay into each bond reserve
28 fund any moneys appropriated and made available by the
29 state or the treasurer for the purpose of the fund,
30 any proceeds of sale of notes or bonds to the extent
31 provided in the resolutions authorizing their
32 issuance, and any other moneys which may be available
33 to the treasurer for the purpose of the fund from any
34 other sources. All moneys held in a bond reserve
35 fund, except as otherwise provided in this chapter,
36 shall be used as required solely for the payment of
37 the principal of bonds secured in whole or in part by
38 the fund or of the sinking fund payments with respect
39 to the bonds, the purchase or redemption of the bonds,
40 the payment of interest on the bonds, or the payments
41 of any redemption premium required to be paid when the
42 bonds are redeemed prior to maturity.

43 b. Moneys in a bond reserve fund shall not be
44 withdrawn from it at any time in an amount that will
45 reduce the amount of the fund to less than the bond
46 reserve fund requirement established for the fund, as
47 provided in this subsection, except for the purpose of
48 making, with respect to bonds secured in whole or in
49 part by the fund, payment when due of principal,
50 interest, redemption premiums, and the sinking fund

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1 payments with respect to the bonds for the payment of
2 which other moneys of the treasurer are not available.
3 Any income or interest earned by, or incremental to, a
4 bond reserve fund due to the investment of it may be
5 transferred by the treasurer to other funds or
6 accounts to the extent the transfer does not reduce
7 the amount of that bond reserve fund below the bond
8 reserve fund requirement for it.

9 c. The treasurer of state shall not at any time
10 issue bonds, secured in whole or in part by a bond
11 reserve fund if, upon the issuance of the bonds, the
12 amount in the bond reserve fund will be less than the
13 bond reserve fund requirement for the fund, unless the
14 treasurer at the time of issuance of the bonds
15 deposits in the fund from the proceeds of the bonds
16 issued or from other sources an amount which, together
17 with the amount then in the fund will not be less than
18 the bond reserve fund requirement for the fund. For
19 the purposes of this subsection, the term "bond
20 reserve fund requirement" means, as of any particular
21 date of computation, an amount of money, as provided
22 in the resolutions authorizing the bonds with respect

23 to which the fund is established.

24 d. To assure the continued solvency of any bonds
25 secured by the bond reserve fund, provision is made in
26 paragraph "a" for the accumulation in each bond
27 reserve fund of an amount equal to the bond reserve
28 fund requirement for the fund. In order further to
29 assure maintenance of the bond reserve funds, the
30 treasurer shall, on or before January 1 of each
31 calendar year, make and deliver to the governor the
32 treasurer's certificate stating the sum, if any,
33 required to restore each bond reserve fund to the bond
34 reserve fund requirement for that fund. Within thirty
35 days after the beginning of the session of the general
36 assembly next following the delivery of the
37 certificate, the governor shall submit to both houses
38 printed copies of a budget including the sum, if any,
39 required to restore each bond reserve fund to the bond
40 reserve fund requirement for that fund. Any sums
41 appropriated by the general assembly and paid to the
42 treasurer pursuant to this subsection shall be
43 deposited by the authority in the applicable bond
44 reserve fund.

45 Sec. ____ Section 12.82, subsection 4, Code 2001,
46 is amended by striking the subsection and inserting in
47 lieu thereof the following:

48 4. a. The treasurer of state may create and
49 establish one or more special funds, to be known as
50 "bond reserve funds", to secure one or more issues of

Page 4

1 bonds or notes issued pursuant to section 12.81. The
2 treasurer of state shall pay into each bond reserve
3 fund any moneys appropriated and made available by the
4 state or the treasurer for the purpose of the fund,
5 any proceeds of sale of notes or bonds to the extent
6 provided in the resolutions authorizing their
7 issuance, and any other moneys which may be available
8 to the treasurer for the purpose of the fund from any
9 other sources. All moneys held in a bond reserve
10 fund, except as otherwise provided in this chapter,
11 shall be used as required solely for the payment of
12 the principal of bonds secured in whole or in part by
13 the fund or of the sinking fund payments with respect
14 to the bonds, the purchase or redemption of the bonds,
15 the payment of interest on the bonds, or the payments
16 of any redemption premium required to be paid when the
17 bonds are redeemed prior to maturity.

18 b. Moneys in a bond reserve fund shall not be
19 withdrawn from it at any time in an amount that will
20 reduce the amount of the fund to less than the bond
21 reserve fund requirement established for the fund, as

22 provided in this subsection, except for the purpose of
 23 making, with respect to bonds secured in whole or in
 24 part by the fund, payment when due of principal,
 25 interest, redemption premiums, and the sinking fund
 26 payments with respect to the bonds for the payment of
 27 which other moneys of the treasurer are not available.
 28 Any income or interest earned by, or incremental to, a
 29 bond reserve fund due to the investment of it may be
 30 transferred by the treasurer to other funds or
 31 accounts to the extent the transfer does not reduce
 32 the amount of that bond reserve fund below the bond
 33 reserve fund requirement for it.

34 c. The treasurer of state shall not at any time
 35 issue bonds, secured in whole or in part by a bond
 36 reserve fund if, upon the issuance of the bonds, the
 37 amount in the bond reserve fund will be less than the
 38 bond reserve fund requirement for the fund, unless the
 39 treasurer at the time of issuance of the bonds
 40 deposits in the fund from the proceeds of the bonds
 41 issued or from other sources an amount which, together
 42 with the amount then in the fund will not be less than
 43 the bond reserve fund requirement for the fund. For
 44 the purposes of this subsection, the term "bond
 45 reserve fund requirement" means, as of any particular
 46 date of computation, an amount of money, as provided
 47 in the resolutions authorizing the bonds with respect
 48 to which the fund is established.

49 d. To assure the continued solvency of any bonds
 50 secured by the bond reserve fund, provision is made in

Page 5

1 paragraph "a" for the accumulation in each bond
 2 reserve fund of an amount equal to the bond reserve
 3 fund requirement for the fund. In order further to
 4 assure maintenance of the bond reserve funds, the
 5 treasurer shall, on or before January 1 of each
 6 calendar year, make and deliver to the governor the
 7 treasurer's certificate stating the sum, if any,
 8 required to restore each bond reserve fund to the bond
 9 reserve fund requirement for that fund. Within thirty
 10 days after the beginning of the session of the general
 11 assembly next following the delivery of the
 12 certificate, the governor shall submit to both houses
 13 printed copies of a budget including the sum, if any,
 14 required to restore each bond reserve fund to the bond
 15 reserve fund requirement for that fund. Any sums
 16 appropriated by the general assembly and paid to the
 17 treasurer pursuant to this subsection shall be
 18 deposited by the authority in the applicable bond
 19 reserve fund."

20 7. Page 1, by inserting before line 28, the

21 following:

22 "Sec. ___. 1998 Iowa Acts, chapter 1219, section
23 6, subsection 6, is amended by adding the following
24 new paragraphs:

25 NEW PARAGRAPH. a. The department of general
26 services is authorized pursuant to section 18.12,
27 subsection 12, to dispose of the real property located
28 at the northwest corner of the intersection of Grand
29 and Pennsylvania avenues on which the parking
30 structure is to be located and any structures located
31 on such real property. The department may enter into
32 an agreement under chapter 28E with public and private
33 agencies for purposes of the planning, design,
34 construction, ownership, operation, or maintenance of
35 the parking structure. In conjunction with the
36 chapter 28E agreement, the department is authorized to
37 enter into a long-term lease agreement for office
38 space located on property adjacent to the property on
39 which the parking structure is to be located.

40 NEW PARAGRAPH. b. The department may obligate and
41 use moneys appropriated in this subsection as
42 consideration to acquire on behalf of the state an
43 interest in the completed parking structure and real
44 property on which the parking structure is located
45 pursuant to the terms of the chapter 28E agreement
46 described in paragraph "a". Notwithstanding anything
47 to the contrary in section 18.12, subsection 12,
48 moneys expended from the appropriation in this
49 subsection that are reimbursed to the department by a
50 party to the chapter 28E agreement shall be credited

Page 6

1 to the appropriation in this subsection and shall be
2 used to acquire an interest on behalf of the state in
3 the completed parking structure and real property as
4 described in this paragraph.
5 NEW PARAGRAPH. c. Notwithstanding section 8.33 or
6 any provision of this section to the contrary,
7 unencumbered or unobligated funds remaining on June
8 30, 2003, from the funds appropriated in this
9 subsection, shall revert to the rebuild Iowa
10 infrastructure fund on August 31, 2003.

11 Sec. ___. 1999 Iowa Acts, chapter 204, section 4,
12 subsection 6, is amended by adding the following new
13 paragraphs after the last unnumbered paragraph:

14 NEW PARAGRAPH. a. The department of general
15 services is authorized pursuant to section 18.12,
16 subsection 12, to dispose of the real property located
17 at the northwest corner of the intersection of Grand
18 and Pennsylvania avenues on which the parking
19 structure is to be located and any structures located

20 on such real property. The department may enter into
 21 an agreement under chapter 28E with public and private
 22 agencies for purposes of the planning, design,
 23 construction, ownership, operation, or maintenance of
 24 the parking structure. In conjunction with the
 25 chapter 28E agreement, the department is authorized to
 26 enter into a long-term lease agreement for office
 27 space located on property adjacent to the property on
 28 which the parking structure is to be located.

29 NEW PARAGRAPH. b. The department may obligate and
 30 use moneys appropriated in this subsection as
 31 consideration to acquire on behalf of the state an
 32 interest in the completed parking structure and real
 33 property on which the parking structure is located
 34 pursuant to the terms of the chapter 28E agreement
 35 described in paragraph "a". Notwithstanding anything
 36 to the contrary in section 18.12, subsection 12,
 37 moneys expended from the appropriation in this
 38 subsection that are reimbursed to the department by a
 39 party to the chapter 28E agreement shall be credited
 40 to the appropriation in this subsection and shall be
 41 used to acquire an interest on behalf of the state in
 42 the completed parking structure and real property as
 43 described in this paragraph.

44 NEW PARAGRAPH. c. Notwithstanding section 8.33,
 45 or any provision of this Act to the contrary,
 46 unencumbered or unobligated funds remaining on June
 47 30, 2003, from the funds appropriated in this
 48 subsection, shall revert to the rebuild Iowa
 49 infrastructure fund on August 31, 2003."

50 8. Page 1, by inserting before line 28, the

Page 7

- 1 following:
- 2 "Sec. ____ EFFECTIVE AND APPLICABILITY DATES.
- 3 This Act, being deemed of immediate importance, takes
- 4 effect upon enactment and, if approved by the governor
- 5 after July 1, 2001, shall apply retroactively to July
- 6 1, 2001."
- 7 9. Title page, by striking lines 1 through 3 and
- 8 inserting the following: "An Act relating to
- 9 regulatory and expenditure matters, making
- 10 appropriations, and including effective date and
- 11 retroactive applicability provisions."
- 12 10. By renumbering as necessary.

JEFF LAMBERTI

S-3713

1 Amend House File 577, 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 12C.1, subsection 1, Code
6 2001, as amended by 2001 Iowa Acts, House File 637,
7 section 4, is amended to read as follows:
8 1. All funds held by the following officers or
9 institutions shall be deposited in one or more
10 depositories first approved by the appropriate
11 governing body as indicated: for the treasurer of
12 state, by the executive council; for judicial officers
13 and court employees, by the supreme court; for the
14 county treasurer, recorder, auditor, and sheriff, by
15 the board of supervisors; for the city treasurer or
16 other designated financial officer of a city, by the
17 city council; for the county public hospital or merged
18 area hospital, by the board of hospital trustees; for
19 a memorial hospital, by the memorial hospital
20 commission; for a school corporation, by the board of
21 school directors; for a city utility or combined
22 utility system established under chapter 388, by the
23 utility board; for a library service area established
24 under chapter 256, by the library service area board
25 of trustees; and for an electric power agency as
26 defined in section 28F.2 or 476A.20, by the governing
27 body of the electric power agency. However, the
28 treasurer of state and the treasurer of each political
29 subdivision or the designated financial officer of a
30 city shall invest all funds not needed for current
31 operating expenses in time certificates of deposit in
32 approved depositories pursuant to this chapter or in
33 investments permitted by section 12B.10. The list of
34 public depositories and the amounts severally
35 deposited in the depositories are matters of public
36 record. This subsection does not limit the definition
37 of "public funds" contained in subsection 2.
38 Notwithstanding provisions of this section to the
39 contrary, public funds of a state government deferred
40 compensation plan established by the executive council
41 may also be invested in the investment products
42 authorized under section 509A.12.
43 Sec. 2. Section 12C.1, subsection 2, paragraph b,
44 Code 2001, is amended to read as follows:
45 b. "Public funds" and "public deposits" mean the
46 moneys of the state or a political subdivision or
47 instrumentality of the state including a county,
48 school corporation, special district, drainage
49 district, unincorporated town or township,
50 municipality, or municipal corporation or any agency,

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1 board, or commission of the state or a political
2 subdivision; any court or public body noted in
3 subsection 1; a legal or administrative entity created
4 pursuant to chapter 28E; an electric power agency as
5 defined in section 28F.2 or 476A.20; and federal and
6 state grant moneys of a quasi-public state entity that
7 are placed in a depository pursuant to this chapter.

8 Sec. 3. Section 28F.2, Code 2001, is amended to
9 read as follows:

10 28F.2 DEFINITIONS.

11 As used in this chapter, unless the context

12 otherwise requires:

13 1. The terms "public "Public agency", "state", and
14 "private agency" shall have the meanings prescribed by
15 section 28E.2.

16 2. The term "~~project~~" "Project" or "projects"
17 shall mean means any works or facilities referred to
18 in section 28F.1 and shall include all property real
19 and personal, pertinent thereto or connected with such
20 project or projects, and the existing works or
21 facilities, if any, to which such project or projects
22 are an extension, addition, betterment or improvement.

23 3. "Electric power agency" means an entity
24 financing or acquiring electric power facilities
25 pursuant to this chapter or chapter 28E or 476A.

26 Sec. 4. Section 427.1, subsection 2, Code 2001, is
27 amended to read as follows:

28 2. MUNICIPAL AND MILITARY PROPERTY. The property
29 of a county, township, city, school corporation, levee
30 district, drainage district, or the Iowa national
31 guard, when devoted to public use and not held for
32 pecuniary profit, except property of a municipally
33 owned electric utility held under joint ownership and
34 property of an electric power facility financed under
35 chapter 28F ~~which~~ or 476A that shall be subject to
36 taxation under chapter 437A and facilities of a
37 municipal utility that are used for the provision of
38 local exchange services pursuant to chapter 476, but
39 only to the extent such facilities are used to provide
40 such services, which shall be subject to taxation
41 under chapter 433, except that section 433.11 shall
42 not apply. The exemption for property owned by a city
43 or county also applies to property which is operated
44 by a city or county as a library, art gallery or
45 museum, conservatory, botanical garden or display,
46 observatory or science museum, or as a location for
47 holding athletic contests, sports or entertainment
48 events, expositions, meetings or conventions, or
49 leased from the city or county for any such purposes,
50 or leased from the city or county by the Iowa national

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1 guard or by a federal agency for the benefit of the
2 Iowa national guard when devoted for public use and
3 not for pecuniary profit. Food and beverages may be
4 served at the events or locations without affecting
5 the exemptions, provided the city has approved the
6 serving of food and beverages on the property if the
7 property is owned by the city or the county has
8 approved the serving of food and beverages on the
9 property if the property is owned by the county.

10 Sec. 5. Section 437A.3, subsection 17, paragraph
11 b, Code 2001, is amended to read as follows:

12 b. An electric power generating plant where the
13 acquisition cost of all interests acquired exceeds ten
14 million dollars. For purposes of this paragraph,
15 "electric power generating plant" means each nameplate
16 rated electric power generating plant owned solely or
17 jointly by any person or electric power facility
18 financed under the provisions of chapter 28F or 476A
19 in which electrical energy is produced from other
20 forms of energy, including all equipment used in the
21 production of such energy through its step-up
22 transformer.

23 Sec. 6. Section 437A.6, subsection 1, paragraph b,
24 Code 2001, is amended to read as follows:

25 b. Facilities owned by or leased to a municipal
26 utility when devoted to public use and not held for
27 pecuniary profit, except facilities of a municipally
28 owned electric utility held under joint ownership or
29 lease and facilities of an electric power facility
30 financed under chapter 28F or 476A.

31 Sec. 7. Section 437A.7, subsection 2, paragraph a,
32 Code 2001, is amended to read as follows:

33 a. Transmission lines owned by or leased to a
34 municipal utility when devoted to public use and not
35 for pecuniary profit, except transmission lines of a
36 municipally owned electric utility held under joint
37 ownership and transmission lines of an electric power
38 facility financed under chapter 28F or 476A.

39 Sec. 8. Section 476.1A, Code 2001, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 5A. Filing alternate energy
42 purchase program plans with the board, and offering
43 such programs to customers, pursuant to section
44 476.47.

45 Sec. 9. Section 476.1B, subsection 1, Code 2001,
46 is amended by adding the following new paragraphs:

47 NEW PARAGRAPH. m. An electric power agency as
48 defined in chapters 28F and 476A that includes as a
49 member a city or municipally owned utility that builds
50 transmission facilities after July 1, 2001, is subject

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1 to applicable transmission reliability rules or
2 standards adopted by the board for those facilities.

3 n. Filing alternate energy purchase program plans
4 with the board, and offering such programs to
5 customers, pursuant to section 476.47.

6 Sec. 10. Section 476.6, Code 2001, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 16B. ELECTRIC POWER GENERATING
9 FACILITY EMISSIONS.

10 a. It is the intent of the general assembly that
11 the state, through a collaborative effort involving
12 state agencies and affected generation owners, provide
13 for compatible statewide environmental and electric
14 energy policies with respect to regulated emissions
15 from rate-regulated electric power generating
16 facilities in the state that are fueled by coal. Each
17 rate-regulated public utility that is an owner of one
18 or more electric power generating facilities fueled by
19 coal and located in this state on July 1, 2001, shall
20 develop a multiyear plan and budget for managing
21 regulated emissions from its facilities in a cost-
22 effective manner.

23 (1) The initial multiyear plan and budget shall be
24 filed with the board by April 1, 2002. Updates to the
25 plan and budget shall be filed at least every twenty-
26 four months.

27 (2) Copies of the initial plan and budget, as well
28 as any subsequent updates, shall be served on the
29 environmental protection division of the department of
30 natural resources.

31 (3) The initial multiyear plan and budget and any
32 subsequent updates shall be considered in a contested
33 case proceeding pursuant to chapter 17A. The
34 environmental protection division of the department of
35 natural resources and the consumer advocate shall
36 participate as parties to the proceeding.

37 (4) The department of natural resources shall
38 state whether the plan or update meets applicable
39 state environmental requirements for regulated
40 emissions. If the plan does not meet these
41 requirements, the department shall recommend
42 amendments that outline actions necessary to bring the
43 plan or update into compliance with the environmental
44 requirements.

45 b. The board shall not approve a plan or update
46 that does not meet applicable state environmental
47 requirements and federal ambient air quality standards
48 for regulated emissions from electric power generating
49 facilities located in the state.

50 c. The board shall review the plan or update and

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1 the associated budget, and shall approve the plan or
2 update and the associated budget if the plan or update
3 and the associated budget are reasonably expected to
4 achieve cost effective compliance with applicable
5 state environmental requirements and federal ambient
6 air quality standards. In reaching its decision, the
7 board shall consider whether the plan or update and
8 the associated budget reasonably balance costs,
9 environmental requirements, economic development
10 potential, and the reliability of the electric
11 generation and transmission system.

12 d. The board shall issue an order approving or
13 rejecting a plan, update, or budget within one hundred
14 eighty days after the public utility's filing is
15 deemed complete; however, upon good cause shown, the
16 board may extend the time for issuing the order as
17 follows:

18 (1) The board may grant an extension of thirty
19 days.

20 (2) The board may grant more than one extension,
21 but each extension must rely upon a separate showing
22 of good cause.

23 (3) A subsequent extension must not be granted any
24 earlier than five days prior to the expiration of the
25 original one-hundred-eighty-day period, or the current
26 extension.

27 e. The reasonable costs incurred by a rate-
28 regulated public utility in preparing and filing the
29 plan, update, or budget and in participating in the
30 proceedings before the board and the reasonable costs
31 associated with implementing the plan, update, or
32 budget shall be included in its regulated retail
33 rates.

34 f. It is the intent of the general assembly that
35 the board, in an environmental plan, update, or
36 associated budget filed under this section by a rate-
37 regulated public utility, may limit investments or
38 expenditures that are proposed to be undertaken prior
39 to the time that the environmental benefit to be
40 produced by the investment or expenditure would be
41 required by state or federal law.

42 g. The board shall report to the general assembly
43 by January 21, 2003, on the appropriateness and
44 desirability of requiring the municipal utilities and
45 the rural electric cooperatives to file multiyear
46 plans and budgets for managing regulated emissions
47 from their electric power generating facilities fueled
48 by coal and located in this state, similar to the
49 process required for rate-regulated public utilities
50 under this subsection.

1 Sec. 11. NEW SECTION. 476.47 ALTERNATE ENERGY
2 PURCHASE PROGRAMS.

3 1. Beginning January 1, 2004, all electric
4 utilities, whether or not rate-regulated under this
5 chapter, shall offer alternate energy purchase
6 programs to all customers, based on energy produced by
7 alternate energy production facilities in Iowa.

8 2. The board shall require electric utilities to
9 file plans for alternate energy purchase programs
10 offered pursuant to this section.

11 a. Rate-regulated electric utilities shall file
12 plans for alternate energy purchase programs that
13 allow customers to contribute voluntarily to the
14 development of alternate energy in Iowa, and shall
15 file tariffs as required by the board by rule.

16 b. Electric utilities that are not rate-regulated
17 shall offer alternate energy purchase programs at
18 rates determined by their governing authority, and
19 shall file tariffs with the board for informational
20 purposes only.

21 3. The electric utility shall notify consumers of
22 its alternate energy purchase program and any proposed
23 modifications to such program at least sixty days
24 prior to implementation of the program or any
25 modification.

26 4. For purposes of this section, an electric
27 utility may base its program on energy produced by an
28 alternate energy production facility located outside
29 of Iowa under any of the following circumstances:

30 a. The energy is purchased by the electric utility
31 pursuant to a contract in effect prior to July 1,
32 2001, and continues until the expiration of the
33 contract, including any options to renew that are
34 exercised by the electric utility.

35 b. The electric utility has a financial interest,
36 as of July 1, 2001, in the alternate energy production
37 facility that is located outside of Iowa, or in an
38 entity that has a financial interest in an alternate
39 energy production facility located outside of Iowa.

40 c. The energy is purchased by an electric utility
41 that is not rate-regulated and that is required to
42 purchase all of its electric power requirements from a
43 single supplier that is physically located outside of
44 Iowa.

45 5. This section shall not apply to non-rate-
46 regulated electric utilities physically located
47 outside of Iowa that serve Iowa customers.

48 Sec. 12. Section 476.53, Code 2001, is amended by
49 striking the section and inserting in lieu thereof the
50 following:

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1 476.53 ELECTRIC GENERATING AND TRANSMISSION
2 FACILITIES.

3 1. It is the intent of the general assembly to
4 attract the development of electric power generating
5 and transmission facilities within the state in
6 sufficient quantity to ensure reliable electric
7 service to Iowa consumers and provide economic
8 benefits to the state.

9 2. The general assembly's intent with regard to
10 the development of electric power generating and
11 transmission facilities, as provided in subsection 1,
12 shall be implemented in a manner that is cost-
13 effective and compatible with the environmental
14 policies of the state, as expressed in Title XI.

15 3. a. If a rate-regulated public utility files an
16 application pursuant to section 476A.3 to construct in
17 Iowa a baseload electric power generating facility
18 with a nameplate generating capacity equal to or
19 greater than three hundred megawatts or a combined-
20 cycle electric power generating facility, or an
21 alternate energy production facility as defined in
22 section 476.42, or if a rate-regulated public utility
23 leases or owns in Iowa, in whole or in part, a new
24 baseload electric power generating facility with a
25 nameplate generating capacity equal to or greater than
26 three hundred megawatts or a combined-cycle electric
27 power generating facility, or a new alternate energy
28 production facility as defined in section 476.42, the
29 board shall specify in advance, by order issued after
30 a contested case proceeding, the ratemaking principles
31 that will apply when the costs of the facility are
32 included in regulated electric rates.

33 b. In determining the applicable ratemaking
34 principles, the board shall not be limited to
35 traditional ratemaking principles or traditional cost
36 recovery mechanisms.

37 c. In determining the applicable ratemaking
38 principles, the board shall make the following
39 findings:

40 (1) The rate-regulated public utility has in
41 effect a board-approved energy efficiency plan as
42 required under section 476.6, subsection 19.

43 (2) The rate-regulated public utility has
44 demonstrated to the board that the public utility has
45 considered other sources for long-term electric supply
46 and that the facility or lease is reasonable when
47 compared to other feasible alternative sources of
48 supply. The rate-regulated public utility may satisfy
49 the requirements of this subparagraph through a
50 competitive bidding process, under rules adopted by

1 the board, that demonstrate the facility or lease is a
2 reasonable alternative to meet its electric supply
3 needs.

4 d. The applicable ratemaking principles shall be
5 determined in a contested case proceeding, which
6 proceeding may be combined with the proceeding for
7 issuance of a certificate conducted pursuant to
8 chapter 476A.

9 e. The order setting forth the applicable
10 ratemaking principles shall be issued prior to the
11 commencement of construction or lease of the facility.

12 f. Following issuance of the order, the rate-
13 regulated public utility shall have the option of
14 proceeding with construction or lease of the facility
15 in Iowa, or withdrawing its application for a
16 certificate under chapter 476A.

17 g. Notwithstanding any provision of this chapter
18 to the contrary, the ratemaking principles established
19 by the order issued pursuant to paragraph "e" shall be
20 binding with regard to the specific electric power
21 generating facility in any subsequent rate proceeding.

22 Sec. 13. Section 476A.4, Code 2001, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 5. A proceeding for the issuance
25 of a certificate under section 476A.5 may be
26 consolidated with a contested case proceeding for
27 determination of applicable ratemaking principles
28 under section 476.53.

29 Sec. 14. Section 476A.6, Code 2001, is amended to
30 read as follows:

31 476A.6 DECISION -- CRITERIA.

32 The board shall render a decision on the
33 application in an expeditious manner. A certificate
34 shall be issued to the applicant if the board finds
35 all of the following:

36 1. The services and operations resulting from the
37 construction of the facility are ~~required by the~~
38 ~~present or future public convenience, use and~~
39 ~~necessity consistent with legislative intent as~~
40 expressed in section 476.53 and the economic
41 development policy of the state as expressed in Title
42 I, subtitle 5, and will not be detrimental to the
43 provision of adequate and reliable electric service.

44 2. The applicant is willing to ~~perform such~~
45 ~~services and~~ construct, maintain, and operate the
46 facility pursuant to the provisions of the certificate
47 and this chapter.

48 3. The construction, maintenance, and operation of
49 the facility will ~~cause minimum adverse~~ be consistent
50 with reasonable land use, and environmental, ~~and~~

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1 aesthetic impact policies and are consonant with
2 reasonable utilization of air, land, and water
3 resources, for beneficial purposes considering
4 available technology and the economics of available
5 alternatives.

6 ~~4. The applicant, if a public utility as defined
7 in section 476.1, has in effect a comprehensive energy
8 management program designed to reduce peak loads and
9 to increase efficiency of use of energy by all classes
10 of customers of the utility, and the facility in the
11 application is necessary notwithstanding the existence
12 of the comprehensive energy management program. As
13 used in this subsection, a "comprehensive energy
14 management program" includes at a minimum the
15 following:~~

- 16 ~~a. Establishment of load management and~~
- 17 ~~interruptible service programs, where cost effective.~~
- 18 ~~b. Development of wheeling agreements and other~~
- 19 ~~energy sharing agreements, where cost effective with~~
- 20 ~~utilities that have available capacity.~~
- 21 ~~c. Establishment of cost effective energy~~
- 22 ~~efficiency and renewable energy services and programs.~~
- 23 ~~d. Compliance with board rules on energy~~
- 24 ~~management procedures.~~

25 ~~5. The applicant, if a public utility as defined
26 in section 476.1, shall demonstrate to the board that
27 the utility has considered sources for long term
28 electric supply from either purchase of electricity or
29 investment in facilities owned by other persons.~~

30 ~~6. The applicant, if a public utility as defined
31 in section 476.1, has considered all feasible
32 alternatives to the proposed facility including
33 nongeneration alternatives; has ranked those
34 alternatives by cost; has implemented the least cost
35 alternatives first; and the facility in the
36 application is necessary notwithstanding the
37 implementation of these alternatives.~~

38 Sec. 15. Section 476A.7, Code 2001, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 3. Pursuant to the provisions of
41 section 476.53, a rate-regulated public utility shall
42 have the option of withdrawing its application for
43 issuance of a certificate at any time prior to the
44 issuance of the certificate, or after the certificate
45 has been issued.

46 Sec. 16. Section 476A.15, Code 2001, is amended to
47 read as follows:

48 476A.15 WAIVER.

49 The board, if it determines that the public
50 interest would not be adversely affected, may waive

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1 any of the requirements of this chapter ~~for facilities~~
2 ~~with a capacity of one hundred or fewer megawatts.~~

3 Sec. 17. NEW SECTION. 476A.20 DEFINITIONS.

4 For purposes of this subchapter, unless the context
5 otherwise requires:

6 1. "Electric power agency" means an entity as
7 defined in section 28F.2.

8 2. "Facility" means an electric power generating
9 plant, or transmission line or system, as defined in
10 section 476A.1.

11 3. "Public bond or obligation" means an obligation
12 as defined in section 76.14.

13 Sec. 18. NEW SECTION. 476A.21 ELECTRIC POWER
14 AGENCY -- GENERAL AUTHORITY.

15 In addition to other powers conferred upon an
16 electric power agency by chapter 28F or other
17 applicable law, an electric power agency may enter
18 into and carry out joint agreements with other
19 participants for the acquisition of ownership of a
20 joint facility and for the planning, financing,
21 operation, and maintenance of the joint facility, as
22 provided in this subchapter.

23 Sec. 19. NEW SECTION. 476A.22 ELECTRIC POWER
24 AGENCY -- AUTHORITY -- CONFLICTING PROVISIONS.

25 1. In addition to any powers conferred upon an
26 electric power agency under chapter 28F or other
27 applicable law, an electric power agency may exercise
28 all other powers reasonably necessary or appropriate
29 for or incidental to the effectuation of the electric
30 power agency's authorized purposes, including without
31 limitation, the powers enumerated in chapters 6A and
32 6B for purposes of constructing or acquiring an
33 electric power facility.

34 2. An electric power agency, in connection with
35 its property and affairs, and in connection with
36 property within its control, may exercise any and all
37 powers that might be exercised by a natural person or
38 a private corporation in connection with similar
39 property and affairs.

40 3. The enumeration of specified powers and
41 functions of an electric power agency in this
42 subchapter is not a limitation of the powers of an
43 electric power agency, but the procedures prescribed
44 for exercising the powers and functions enumerated in
45 this subchapter control and govern in the event of any
46 conflict with any other provision of law.

47 4. The authority conferred pursuant to this
48 subchapter applies to electric power agencies,
49 notwithstanding any contrary provisions of section
50 28F.1.

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1 Sec. 20. NEW SECTION. 476A.23 ISSUANCE OF PUBLIC
2 BONDS OR OBLIGATIONS -- PURPOSES -- LIMITATIONS.

3 1. An electric power agency may from time to time
4 issue its public bonds or obligations in such
5 principal amounts as the electric power agency deems
6 necessary to provide sufficient funds to carry out any
7 of its purposes and powers, including but not limited
8 to any of the following:

9 a. The acquisition or construction of any project
10 to be owned or leased by the electric power agency, or
11 the acquisition of any interest in such project or any
12 right to the capacity of such project, including the
13 acquisition, construction, or acquisition of any
14 interest in an electric power generating plant to be
15 constructed in this state, or the acquisition,
16 construction, or acquisition of any interest in a
17 transmission line or system.

18 b. The funding or refunding of the principal of,
19 or interest or redemption premiums on, any public
20 bonds or obligations issued by the electric power
21 agency whether or not the public bonds or obligations
22 or interest to be funded or refunded have become due.

23 c. The establishment or increase of reserves to
24 secure or to pay the public bonds or obligations or
25 interest on the public bonds or obligations.

26 d. The payment of all other costs or expenses of
27 the electric power agency incident to and necessary to
28 carry out its purposes and powers.

29 2. Notwithstanding anything in this subchapter or
30 chapter 28F to the contrary, a facility shall not be
31 financed with the proceeds of public bonds or
32 obligations, the interest on which is exempt from
33 federal income tax, unless the public issuer of such
34 public bonds or obligations covenants that the issuer
35 shall comply with the requirements or limitations
36 imposed by the Internal Revenue Code or other
37 applicable federal law to preserve the tax exemption
38 of interest payable on the bonds or obligations.

39 3. Notwithstanding anything in this subchapter or
40 chapter 28F to the contrary, an electric power
41 generating facility shall not be financed under this
42 subchapter unless all of the following conditions are
43 satisfied:

44 a. The portion of the electric power generating
45 facility financed by the electric power agency is not
46 designed to serve the electric power requirements of
47 retail customers of members that are municipal
48 electric utilities established in the state after
49 January 1, 2001.

50 b. The electric power agency annually files with

1 the board, in a manner to be determined by the board,
 2 information regarding sales from the electric power
 3 generating facility in sufficient detail to determine
 4 compliance with these provisions.

5 The board shall report to the general assembly if
 6 any of the provisions are being violated.

7 Sec. 21. NEW SECTION. 476A.24 PUBLIC BONDS OR
 8 OBLIGATIONS AUTHORIZED BY RESOLUTION OF BOARD --
 9 TERMS.

10 1. The board of directors of an electric power
 11 agency, by resolution, may authorize the issuance of
 12 public bonds or obligations of the electric power
 13 agency.

14 2. The public bonds or obligations may be issued
 15 in one or more series under the resolution or under a
 16 trust indenture or other security agreement.

17 3. The resolution, trust indenture, or other
 18 security agreement, with respect to such public bonds
 19 or obligations, shall provide for all of the
 20 following:

- 21 a. The date on the public bonds or obligations.
- 22 b. The time of maturity.
- 23 c. The rate of interest.
- 24 d. The denomination.
- 25 e. The form, either coupon or registered.
- 26 f. The conversion, registration, and exchange
 27 privileges.
- 28 g. The rank or priority.
- 29 h. The manner of execution.
- 30 i. The medium of payment, including the place of
 31 payment, either within or outside of the state.
- 32 j. The terms of redemption, either with or without
 33 premium.
- 34 k. Such other terms and conditions as set forth by
 35 the board in the resolution, trust indenture, or other
 36 security agreement.

37 4. Public bonds or obligations authorized by the
 38 board of directors shall not be subject to any
 39 restriction under other law with respect to the
 40 amount, maturity, interest rate, or other terms of
 41 obligation of a public agency or private person.

42 5. Chapter 75 shall not apply to public bonds or
 43 obligations authorized by the board of directors as
 44 provided in this section.

45 Sec. 22. NEW SECTION. 476A.25 PUBLIC BONDS OR
 46 OBLIGATIONS PAYABLE SOLELY FROM AGENCY REVENUES OR
 47 FUNDS.

48 1. The principal of and interest on any public
 49 bonds or obligations issued by an electric power
 50 agency shall be payable solely from the revenues or

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1 funds pledged or available for their payment as
2 authorized in this subchapter.

3 2. Each public bond or obligation shall contain
4 all of the following terms:

5 a. That the principal of or interest on such
6 public bonds or obligations is payable solely from
7 revenues or funds of the electric power agency.

8 b. That neither the state or a political
9 subdivision of the state other than the electric power
10 agency, nor a public agency that is a member of the
11 electric power agency is obligated to pay the
12 principal or interest on such public bonds or
13 obligations.

14 c. That neither the full faith and credit nor the
15 taxing power of the state, of any political
16 subdivision of the state, or of any such public agency
17 is pledged to the payment of the principal of or the
18 interest on the public bonds or obligations.

19 Sec. 23. NEW SECTION. 476A.26 PUBLIC BONDS OR
20 OBLIGATIONS -- TYPES -- SOURCES FOR PAYMENT --
21 SECURITY.

22 1. Except as otherwise expressly provided by this
23 subchapter or by the electric power agency, every
24 issue of public bonds or obligations of the electric
25 power agency shall be payable out of any revenues or
26 funds of the electric power agency, subject only to
27 any agreements with the holders of particular public
28 bonds or obligations pledging any particular revenues
29 or funds.

30 2. An electric power agency may issue types of
31 public bonds or obligations as it may determine,
32 including public bonds or obligations as to which the
33 principal and interest are payable exclusively from
34 the revenues from one or more projects, or from an
35 interest in such project or projects, or a right to
36 capacity of such project or projects, or from any
37 revenue-producing contract made by the electric power
38 agency with any person, or from its revenues
39 generally.

40 3. Any public bonds or obligations may be
41 additionally secured by a pledge of any grant,
42 subsidy, or contribution from any public agency or
43 other person, or a pledge of any income or revenues,
44 funds, or moneys of the electric power agency from any
45 other source.

46 Sec. 24. NEW SECTION. 476A.27 PUBLIC BONDS OR
47 OBLIGATIONS AND RATES FOR DEBT SERVICE NOT SUBJECT TO
48 STATE APPROVAL.

49 Public bonds or obligations of an electric power
50 agency may be issued under this subchapter, and rents,

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1 rates, and charges may be established in the same
2 manner as provided in section 28F.5 and pledged for
3 the security of public bonds or obligations and
4 interest and redemption premiums on such public bonds
5 or obligations, without obtaining the consent of any
6 department, division, commission, board, bureau, or
7 agency of the state and without any other proceeding,
8 or the happening of any other condition or occurrence,
9 except as specifically required by this subchapter.

10 Sec. 25. NEW SECTION. 476A.28 PUBLIC BONDS OR
11 OBLIGATIONS TO BE NEGOTIABLE.

12 All public bonds or obligations of an electric
13 power agency shall be negotiable within the meaning
14 and for all of the purposes of the uniform commercial
15 code, chapter 554, subject only to the registration
16 requirement of section 76.10.

17 Sec. 26. NEW SECTION. 476A.29 VALIDITY OF PUBLIC
18 BONDS OR OBLIGATIONS AT DELIVERY -- TEMPORARY BONDS.

19 1. Any public bonds or obligations may be issued
20 and delivered, notwithstanding that one or more of the
21 officers executing them shall have ceased to hold
22 office at the time when the public bonds or
23 obligations are actually delivered.

24 2. Pending preparation of definitive bonds or
25 obligations, an electric power agency may issue
26 temporary bonds or obligations that shall be exchanged
27 for the definitive bonds or obligations upon their
28 issuance.

29 Sec. 27. NEW SECTION. 476A.30 PUBLIC OR PRIVATE
30 SALE OF BONDS AND NOTES.

31 Public bonds or obligations of an electric power
32 agency may be sold at public or private sale for a
33 price and in a manner determined by the electric power
34 agency.

35 Sec. 28. NEW SECTION. 476A.31 PUBLIC BONDS OR
36 OBLIGATIONS AS SUITABLE INVESTMENTS FOR GOVERNMENTAL
37 UNITS, FINANCIAL INSTITUTIONS, AND FIDUCIARIES.

38 The following persons may legally invest any debt
39 service funds, money, or other funds belonging to such
40 person or within such person's control in any public
41 bonds or obligations issued pursuant to this
42 subchapter:

43 1. A bank, trust company, savings association,
44 building and loan association, savings and loan
45 association, or investment company.

46 2. An insurance company, insurance association, or
47 any other person carrying on an insurance business.

48 3. An executor, administrator, conservator,
49 trustee, or other fiduciary.

50 4. Any other person authorized to invest in bonds

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1 or obligations of the state.

2 Sec. 29. NEW SECTION. 476A.32 RESOLUTION, TRUST
3 INDENTURE, OR SECURITY AGREEMENT CONSTITUTES CONTRACT
4 -- PROVISIONS.

5 The resolution, trust indenture, or other security
6 agreement under which any public bonds or obligations
7 are issued shall constitute a contract with the
8 holders of the public bonds or obligations, and may
9 contain provisions, among others, prescribing any of
10 the following terms:

11 1. The terms and provisions of the public bonds or
12 obligations.

13 2. The mortgage or pledge of and the grant of a
14 security interest in any real or personal property and
15 all or any part of the revenue from any project or any
16 revenue producing contract made by the electric power
17 agency with any person to secure the payment of public
18 bonds or obligations, subject to any agreements with
19 the holders of public bonds or obligations which might
20 then exist.

21 3. The custody, collection, securing, investment,
22 and payment of any revenues, assets, money, funds, or
23 property with respect to which the electric power
24 agency may have any rights or interest.

25 4. The rates or charges for electric energy sold
26 by, or services rendered by, the electric power
27 agency, the amount to be raised by the rates or
28 charges, and the use and disposition of any or all
29 revenue.

30 5. The creation of reserves or debt service funds
31 and the regulation and disposition of such reserves or
32 funds.

33 6. The purposes to which the proceeds from the
34 sale of any public bonds or obligations to be issued
35 may be applied, and the pledge of the proceeds to
36 secure the payment of the public bonds or obligations.

37 7. Limitations on the issuance of any additional
38 public bonds or obligations, the terms upon which
39 additional public bonds or obligations may be issued
40 and secured, and the refunding of outstanding public
41 bonds or obligations.

42 8. The rank or priority of any public bonds or
43 obligations with respect to any lien or security.

44 9. The creation of special funds or moneys to be
45 held for operating expenses, payment, or redemption of
46 public bonds or obligations, reserves or other
47 purposes, and the use and disposition of moneys held
48 in these funds.

49 10. The procedure by which the terms of any
50 contract with or for the benefit of the holders of

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1 public bonds or obligations may be amended or
2 abrogated, the amount of public bonds or obligations
3 the holders of which must consent to such amendment or
4 abrogation, and the manner in which consent may be
5 given.

6 11. The definition of the acts or omissions to act
7 that constitute a default in the duties of the
8 electric power agency to holders of its public bonds
9 or obligations, and the rights and remedies of the
10 holders in the event of default including, if the
11 electric power agency so determines, the right to
12 accelerate the date of the maturation of the public
13 bonds or obligations or the right to appoint a
14 receiver or receivers of the property or revenues
15 subject to the lien of the resolution, trust
16 indenture, or other security agreement.

17 12. Any other or additional agreements with or for
18 the benefit of the holders of public bonds or
19 obligations or any covenants or restrictions necessary
20 or desirable to safeguard the interests of the
21 holders.

22 13. The custody of any of the electric power
23 agency's property or investments, the safekeeping of
24 such property or investments, the insurance to be
25 carried on such property or investments, and the use
26 and disposition of insurance proceeds.

27 14. The vesting in a trustee or trustees, within
28 or outside the state, of such property, rights,
29 powers, and duties as the electric power agency may
30 determine; or the limiting or abrogating of the rights
31 of the holders of any public bonds or obligations to
32 appoint a trustee, or the limiting of the rights,
33 powers, and duties of such trustee.

34 15. The appointment of and the establishment of
35 the duties and obligations of any paying agent or
36 other fiduciary within or outside the state.

37 Sec. 30. NEW SECTION. 476A.33 MORTGAGE OR TRUST
38 DEED TO SECURE BONDS.

39 For the security of public bonds or obligations
40 issued or to be issued by an electric power agency,
41 the electric power agency may mortgage or execute
42 deeds of trust of the whole or any part of its
43 property.

44 Sec. 31. NEW SECTION. 476A.34 NO PERSONAL
45 LIABILITY ON PUBLIC BONDS OR OBLIGATIONS.

46 An official, director, member of an electric power
47 agency, or any person executing public bonds or
48 obligations shall not be liable personally on the
49 public bonds or obligations or be subject to any
50 personal liability or accountability by reason of the

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1 issuance of such public bonds or obligations.

2 Sec. 32. NEW SECTION. 476A.35 REPURCHASE OF
3 SECURITIES.

4 An electric power agency may purchase public bonds
5 or obligations out of any funds available for such
6 purchase, and hold, pledge, cancel, or resell the
7 public bonds or obligations, subject to and in
8 accordance with any agreements with the holders.

9 Sec. 33. NEW SECTION. 476A.36 PLEDGE OF REVENUE
10 AS SECURITY.

11 An electric power agency may pledge its rates,
12 rents, and other revenues, or any part of such rates,
13 rents, and revenues, as security for the repayment,
14 with interest and redemption premiums, if any, of the
15 moneys borrowed by the electric power agency or
16 advanced to the electric power agency for any of its
17 authorized purposes and as security for the payment of
18 moneys due and owed by the electric power agency under
19 any contract.

20 Sec. 34. Section 478.3, Code 2001, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 3. For the purpose of this
23 section, the term "public" shall not be interpreted to
24 be limited to consumers located in this state.

25 Sec. 35. CODE EDITOR DIRECTIVE. The Code editor
26 shall change references to "this chapter" in sections
27 476A.1 through 476A.15 as necessary and appropriate to
28 reflect the addition of the new subchapter to chapter
29 476A as a result of this Act.

30 Sec. 36. EFFECTIVE DATE. This Act, being deemed
31 of immediate importance, takes effect upon enactment."

32 2. Title page, line 2, by inserting after the
33 word "construction" the following: "or lease".

34 3. Title page, line 3, by inserting after the
35 word "facility" the following: ", and for the
36 development of ratemaking principles to apply to
37 certain electric generating facilities".

38 4. Title page, line 4, by inserting after the
39 word "contracts" the following: ", and for approval
40 of plans and budgets for regulating emissions from
41 coal-fired plants".

42 5. Title page, line 5, by inserting after the
43 word "policy;" the following: "providing for
44 alternate energy purchase programs;".

45 6. Title page, line 11, by inserting after the
46 word "transmission" the following: "; and providing
47 an effective date".

JOANN JOHNSON

S-3714

1 Amend House File 757, 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.

6 1. At the meeting in which the revenue estimating
7 conference agrees to the revenue estimate for the
8 fiscal year beginning July 1, 2002, in accordance with
9 section 8.22A, subsection 3, the revenue estimating
10 conference shall agree to an estimate of the amount of
11 additional state individual income tax revenues
12 generated during the fiscal year beginning July 1,
13 2001, which are attributable to the advanced refund of
14 the rate reduction tax credit provided pursuant to the
15 federal Economic Growth and Tax Relief Reconciliation
16 Act of 2001, Pub. L. No. 107-16.

17 2. There is appropriated from the general fund of
18 the state for the fiscal year beginning July 1, 2001,
19 the amount estimated by the revenue estimating
20 conference pursuant to subsection 1, as follows:
21 a. To the department of education for general
22 state financial aid for community colleges in the
23 amount of \$4,800,000. The appropriation in this
24 paragraph is in addition to and shall be allocated in
25 the same proportion as the amount appropriated in 2001
26 Iowa Acts, Senate File 535, section 6, subsection 14.

27 b. To increase the total amount of program job
28 credits allocated for all accelerated career education
29 programs in the state for the fiscal year beginning
30 July 1, 2001, as specified in section 260G.4B,
31 subsection 1, as amended by 2001 Iowa Acts, House File
32 755, section 35, to a maximum amount of \$6,000,000.

33 c. To the workforce development fund the sum of
34 \$3,000,000 to be used for purposes provided in section
35 15.343, subsection 2, paragraph "b". The amount
36 appropriated in this paragraph is in addition to
37 moneys allocated for chapter 260F as provided in 2001
38 Iowa Acts, House File 718, section 22.

39 d. To the department of economic development for
40 accelerated career education program capital projects
41 at community colleges authorized under chapter 260G
42 the sum of \$2,800,000. The amount appropriated in
43 this paragraph is in addition to and shall be
44 allocated in the same manner as the appropriation made
45 in 2001 Iowa Acts, House File 742, section 25,
46 subsection 2.

47 e. To the college student aid commission for the
48 work study program under section 261.85 the sum of
49 \$791,000. The amount allocated in this paragraph is
50 in lieu of the amounts appropriated in section 261.85

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1 and 2001 Iowa Acts, Senate File 535, section 4.
2 f. To the state board of regents the amount
3 remaining after the appropriations made in paragraphs
4 "a" through "e" to be allocated to the state
5 university of Iowa, the Iowa state university of
6 science and technology, the university of northern
7 Iowa, the state school for the deaf, and the Iowa
8 braille and sight saving school for salaries, support,
9 maintenance and miscellaneous purposes. The
10 appropriation made in this paragraph shall be
11 allocated to each institution in the same proportion
12 that the appropriations made in 2001 Iowa Acts, Senate
13 File 535, section 8, subsection 2, paragraph "a";
14 subsection 3, paragraph "a"; subsection 4, paragraph
15 "a"; subsection 5; or subsection 6; as appropriate, is
16 to the total of such appropriations.
17 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This
18 Act, being deemed of immediate importance, takes
19 effect upon enactment and applies retroactively to
20 July 1, 2001, for fiscal years beginning on or after
21 that date."
22 2. Title page, by striking lines 1 through 3 and
23 inserting the following: "An Act appropriating funds
24 for use of the community colleges and the institutions
25 of the state board of regents and providing effective
26 and applicability date provisions."

JOHN P. KIBBIE
EUGENE S. FRAISE
MIKE CONNOLLY

S-3715

1 Amend the amendment, S-3698, to House File 696, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 8 and 9, and
5 inserting the following:
6 "a. An employer ~~other than a governmental entity~~
7 ~~or a nonprofit organization~~, subject to this
8 ~~chapter~~,"
9 2. Page 1, line 34, by inserting after the word
10 "section" the following: "or require payment by a
11 reimbursable governmental entity or nonprofit
12 organization".
13 3. Page 1, line 41, by inserting after the word

14 "manner" the following: "or as otherwise provided in
15 this chapter".

STEVE KING
KITTY REHBERG
NEAL SCHUERER

S-3716

1 Amend House File 757, 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 422.4, subsection 1,
6 paragraphs b and c, Code 2001, are amended to read as
7 follows:
8 b. "Cumulative inflation factor" means the product
9 of the annual inflation factor for the ~~1988~~ 2001
10 calendar year and all annual inflation factors for
11 subsequent calendar years as determined pursuant to
12 this subsection. The cumulative inflation factor
13 applies to all tax years beginning on or after January
14 1 of the calendar year for which the latest annual
15 inflation factor has been determined.
16 c. The annual inflation factor for the ~~1988~~ 2001
17 calendar year is one hundred percent.
18 Sec. 2. Section 422.5, subsection 1, paragraphs a
19 through i, Code 2001, are amended by striking the
20 paragraphs and inserting in lieu thereof the
21 following:
22 a. On all taxable income from zero through eight
23 thousand dollars, one and eighty-five hundredths
24 percent.
25 b. On all taxable income exceeding eight thousand
26 dollars but not exceeding forty thousand dollars, five
27 and three-tenths percent.
28 c. On all taxable income exceeding forty thousand
29 dollars but not exceeding sixty thousand dollars, six
30 and thirty-five hundredths percent.
31 d. On all taxable income exceeding sixty thousand
32 dollars, six and six-tenths percent.
33 Sec. 3. Section 422.5, subsection 1, paragraph j,
34 Code 2001, is amended to read as follows:
35 ~~j. e.~~ (1) The tax imposed upon the taxable
36 income of a nonresident shall be computed by reducing
37 the amount determined pursuant to paragraphs "a"
38 through ~~"i"~~ "d" by the amounts of nonrefundable
39 credits under this division and by multiplying this
40 resulting amount by a fraction of which the
41 nonresident's net income allocated to Iowa, as
42 determined in section 422.8, subsection 2, paragraph
43 "a", is the numerator and the nonresident's total net

44 income computed under section 422.7 is the
45 denominator. This provision also applies to
46 individuals who are residents of Iowa for less than
47 the entire tax year.

48 (2) The tax imposed upon the taxable income of a
49 resident shareholder in an S corporation which has in
50 effect for the tax year an election under subchapter S

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1 of the Internal Revenue Code and carries on business
2 within and without the state may be computed by
3 reducing the amount determined pursuant to paragraphs
4 "a" through "d" by the amounts of nonrefundable
5 credits under this division and by multiplying this
6 resulting amount by a fraction of which the resident's
7 net income allocated to Iowa, as determined in section
8 422.8, subsection 2, paragraph "b", is the numerator
9 and the resident's total net income computed under
10 section 422.7 is the denominator. If a resident
11 shareholder has elected to take advantage of this
12 subparagraph, and for the next tax year elects not to
13 take advantage of this subparagraph, the resident
14 shareholder shall not reelect to take advantage of
15 this subparagraph for the three tax years immediately
16 following the first tax year for which the shareholder
17 elected not to take advantage of this subparagraph,
18 unless the director consents to the reelection. This
19 subparagraph also applies to individuals who are
20 residents of Iowa for less than the entire tax year.
21 This subparagraph shall not affect the amount of
22 the taxpayer's checkoff to the Iowa election campaign
23 fund under section 56.18, the checkoff for the fish
24 and game fund in section 456A.16, the credits from tax
25 provided in sections 422.10, 422.11A, and 422.12 and
26 the allocation of these credits between spouses if the
27 taxpayers filed separate returns or separately on
28 combined returns.

29 Sec. 4. Section 422.5, subsection 1, paragraph k,
30 Code 2001, is amended by relettering the paragraph as
31 paragraph f.

32 Sec. 5. Section 422.5, subsection 1, paragraph k,
33 unnumbered paragraph 1, Code 2001, is amended to read
34 as follows:

35 There is imposed upon every resident and
36 nonresident of this state, including estates and
37 trusts, the greater of the tax determined in
38 paragraphs "a" through "e" or the state
39 alternative minimum tax equal to seventy-five percent
40 of the maximum state individual income tax rate for
41 the tax year, rounded to the nearest one-tenth of one
42 percent, of the state alternative minimum taxable

43 income of the taxpayer as computed under this
44 paragraph.
45 Sec. 6. Section 422.5, subsections 2, 5, and 7,
46 Code 2001, are amended to read as follows:
47 2. However, the tax shall not be imposed on a
48 resident or nonresident whose net income, as defined
49 in section 422.7, is thirteen thousand five hundred
50 dollars or less in the case of married persons filing

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1 jointly or filing separately on a combined return,
2 unmarried heads of household, and surviving spouses or
3 ~~nine ten~~ thousand dollars or less in the case of all
4 other persons; but in the event that the payment of
5 tax under this division would reduce the net income to
6 less than thirteen thousand five hundred dollars or
7 ~~nine ten~~ thousand dollars as applicable, then the tax
8 shall be reduced to that amount which would result in
9 allowing the taxpayer to retain a net income of
10 thirteen thousand five hundred dollars or ~~nine ten~~
11 thousand dollars as applicable. The preceding
12 sentence does not apply to estates or trusts. For the
13 purpose of this subsection, the entire net income,
14 including any part of the net income not allocated to
15 Iowa, shall be taken into account. For purposes of
16 this subsection, net income includes all amounts of
17 pensions or other retirement income received from any
18 source which is not taxable under this division as a
19 result of the government pension exclusions in section
20 422.7, or any other state law. If the combined net
21 income of a husband and wife exceeds thirteen thousand
22 five hundred dollars, neither of them shall receive
23 the benefit of this subsection, and it is immaterial
24 whether they file a joint return or separate returns.
25 However, if a husband and wife file separate returns
26 and have a combined net income of thirteen thousand
27 five hundred dollars or less, neither spouse shall
28 receive the benefit of this paragraph, if one spouse
29 has a net operating loss and elects to carry back or
30 carry forward the loss as provided in section 422.9,
31 subsection 3. A person who is claimed as a dependent
32 by another person as defined in section 422.12 shall
33 not receive the benefit of this subsection if the
34 person claiming the dependent has net income exceeding
35 thirteen thousand five hundred dollars or ~~nine ten~~
36 thousand dollars as applicable or the person claiming
37 the dependent and the person's spouse have combined
38 net income exceeding thirteen thousand five hundred
39 dollars or ~~nine ten~~ thousand dollars as applicable.
40 In addition, if the married persons', filing
41 jointly or filing separately on a combined return,

42 unmarried head of household's, or surviving spouse's
43 net income exceeds thirteen thousand five hundred
44 dollars, the regular tax imposed under this division
45 shall be the lesser of the maximum state individual
46 income tax rate times the portion of the net income in
47 excess of thirteen thousand five hundred dollars or
48 the regular tax liability computed without regard to
49 this sentence. Taxpayers electing to file separately
50 shall compute the alternate tax described in this

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1 paragraph using the total net income of the husband
2 and wife. The alternate tax described in this
3 paragraph does not apply if one spouse elects to carry
4 back or carry forward the loss as provided in section
5 422.9, subsection 3.

6 5. Upon determination of the latest cumulative
7 inflation factor, the director shall multiply each
8 dollar amount set forth in subsection 1, paragraphs
9 "a" through "~~"c"~~ "d" of this section by this cumulative
10 inflation factor, shall round off the resulting
11 product to the nearest one dollar, and shall
12 incorporate the result into the income tax forms and
13 instructions for each tax year.

14 7. In addition to the other taxes imposed by this
15 section, a tax is imposed on the amount of a lump sum
16 distribution for which the taxpayer has elected under
17 section 402(e) of the Internal Revenue Code to be
18 separately taxed for federal income tax purposes for
19 the tax year. The rate of tax is equal to twenty-five
20 percent of the separate federal tax imposed on the
21 amount of the lump sum distribution. A nonresident is
22 liable for this tax only on that portion of the lump
23 sum distribution allocable to Iowa. The total amount
24 of the lump sum distribution subject to separate
25 federal tax shall be included in net income for
26 purposes of determining eligibility under the thirteen
27 thousand five hundred dollar or less or ~~nine ten~~
28 thousand dollar or less exclusion, as applicable.

29 Sec. 7. Section 422.8, subsection 2, paragraph a,
30 Code 2001, is amended to read as follows:

31 a. Nonresident's net income allocated to Iowa is
32 the net income, or portion of net income, which is
33 derived from a business, trade, profession, or
34 occupation carried on within this state or income from
35 any property, trust, estate, or other source within
36 Iowa. However, income derived from a business, trade,
37 profession, or occupation carried on within this state
38 and income from any property, trust, estate, or other
39 source within Iowa shall not include distributions
40 from pensions, including defined benefit or defined

41 contribution plans, annuities, individual retirement
42 accounts, and deferred compensation plans or any
43 earnings attributable thereto so long as the
44 distribution is directly related to an individual's
45 documented retirement and received while the
46 individual is a nonresident of this state. If a
47 business, trade, profession, or occupation is carried
48 on partly within and partly without the state, only
49 the portion of the net income which is fairly and
50 equitably attributable to that part of the business,

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1 trade, profession, or occupation carried on within the
2 state is allocated to Iowa for purposes of section
3 422.5, subsection 1, paragraph "j" "e", and section
4 422.13 and income from any property, trust, estate, or
5 other source partly within and partly without the
6 state is allocated to Iowa in the same manner, except
7 that annuities, interest on bank deposits and
8 interest-bearing obligations, and dividends are
9 allocated to Iowa only to the extent to which they are
10 derived from a business, trade, profession, or
11 occupation carried on within the state.

12 Sec. 8. Section 422.8, subsection 4, Code 2001, is
13 amended to read as follows:

14 4. The amount of minimum tax paid to another state
15 or foreign country by a resident taxpayer of this
16 state from preference items derived from sources
17 outside of Iowa shall be allowed as a credit against
18 the tax computed under this division except that the
19 credit shall not exceed what the amount of state
20 alternative minimum tax would have been on the same
21 preference items which were taxed by the other state
22 or foreign country. The limitation on this credit
23 shall be computed according to the following formula:
24 The total of preference items earned outside of Iowa
25 and taxed by another state or foreign country shall be
26 divided by the total of preference items of the
27 resident taxpayer of Iowa. In computing this
28 quotient, those items excludable under section 422.5,
29 subsection 1, paragraph "k" "f", subparagraph (1)
30 shall not be used in computing the preference items.
31 This quotient multiplied times the net state
32 alternative minimum tax as determined in section
33 422.5, subsection 1, paragraph "k" "f" on the total of
34 preference items as if entirely earned in Iowa shall
35 be the maximum tax credit against the Iowa alternative
36 minimum tax. However, the maximum tax credit will not
37 be allowed to the extent that the minimum tax imposed
38 by the other state or foreign country is less than the
39 maximum tax credit computed above.

40 Sec. 9. Section 422.9, subsection 1, Code 2001, as
41 amended by 2001 Iowa Acts, Senate File 350, section
42 22, is amended to read as follows:

43 1. An optional standard deduction, after deduction
44 of federal income tax, equal to one thousand two
45 hundred thirty dollars for a married person who files
46 separately or a single person or equal to three
47 thousand thirty dollars for a husband and wife who
48 file a joint return, a surviving spouse, or an
49 unmarried head of household. The optional standard
50 deduction shall not exceed the amount remaining after

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1 deduction of the federal income tax. The amount of
2 federal income taxes deducted shall not exceed the
3 amount as computed under subsection 2, paragraph "b".

4 Sec. 10. Section 422.9, subsection 2, paragraph b,
5 Code 2001, as amended by 2001 Iowa Acts, Senate File
6 350, section 22, is amended by striking the paragraph
7 and inserting in lieu thereof the following:

8 b. Add the amount of federal income taxes paid or
9 accrued, as the case may be, to the extent the federal
10 tax payment is for a tax year beginning prior to
11 January 1, 2001. Subtract the amount of federal
12 income tax refunds received in a tax year to the
13 extent that the federal income tax was deducted on an
14 Iowa individual income tax return for a tax year
15 beginning prior to January 1, 2001.

16 Sec. 11. Section 422.11B, Code 2001, is amended to
17 read as follows:

18 422.11B MINIMUM TAX CREDIT.

19 1. There is allowed as a credit against the tax
20 determined in section 422.5, subsection 1, paragraphs
21 "a" through "j" "e" for a tax year an amount equal to
22 the minimum tax credit for that tax year.

23 The minimum tax credit for a tax year is the
24 excess, if any, of the adjusted net minimum tax
25 imposed for all prior tax years beginning on or after
26 January 1, 1987, over the amount allowable as a credit
27 under this section for those prior tax years.

28 2. The allowable credit under subsection 1 for a
29 tax year shall not exceed the excess, if any, of the
30 tax determined in section 422.5, subsection 1,
31 paragraphs "a" through "j" "e" over the state
32 alternative minimum tax as determined in section
33 422.5, subsection 1, paragraph "k" "f".

34 The net minimum tax for a tax year is the excess,
35 if any, of the tax determined in section 422.5,
36 subsection 1, paragraph "k" "f" for the tax year over
37 the tax determined in section 422.5, subsection 1,
38 paragraphs "a" through "j" "e" for the tax year.

39 The adjusted net minimum tax for a tax year is the
40 net minimum tax for the tax year reduced by the amount
41 which would be the net minimum tax if the only item of
42 tax preference taken into account was that described
43 in paragraph (6) of section 57(a) of the Internal
44 Revenue Code.

45 Sec. 12. Section 422.13, subsection 1, paragraph
46 c, Code 2001, as amended by 2001 Iowa Acts, Senate
47 File 140, section 7, is amended to read as follows:

48 c. However, if that part of the net income of a
49 nonresident which is allocated to Iowa pursuant to
50 section 422.8, subsection 2, is less than one thousand

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1 dollars the nonresident is not required to make and
2 sign a return except when the nonresident is subject
3 to the state alternative minimum tax imposed pursuant
4 to section 422.5, subsection 1, paragraph "k" "f".

5 Sec. 13. Section 422.13, subsection 1A, Code 2001,
6 as amended by 2001, Iowa Acts, Senate File 140,
7 section 7, is amended to read as follows:

8 1A. Notwithstanding any other provision in this
9 section, a resident of this state is not required to
10 make and file a return if the person's net income is
11 equal to or less than the appropriate dollar amount
12 listed in section 422.5, subsection 2, upon which tax
13 is not imposed. A nonresident of this state is not
14 required to make and file a return if the person's
15 total net income in section 422.5, subsection 1,
16 paragraph "j" "e", is equal to or less than the
17 appropriate dollar amount provided in section 422.5,
18 subsection 2, upon which tax is not imposed. For
19 purposes of this subsection, the amount of a lump sum
20 distribution subject to separate federal tax shall be
21 included in net income for purposes of determining if
22 a resident is required to file a return and the
23 portion of the lump sum distribution that is allocable
24 to Iowa is included in total net income for purposes
25 of determining if a nonresident is required to make
26 and file a return.

27 Sec. 14. Section 422.21, unnumbered paragraph 5,
28 Code 2001, is amended to read as follows:

29 The director shall determine for the ~~1989~~ 2002
30 calendar year and each subsequent calendar year the
31 annual and cumulative inflation factors for each
32 calendar year to be applied to tax years beginning on
33 or after January 1 of that calendar year. The
34 director shall compute the new dollar amounts as
35 specified to be adjusted in section 422.5 by the
36 latest cumulative inflation factor and round off the
37 result to the nearest one dollar. The annual and

38 cumulative inflation factors determined by the
 39 director are not rules as defined in section 17A.2,
 40 subsection 11. The director shall determine for the
 41 1990 calendar year and each subsequent calendar year
 42 the annual and cumulative standard deduction factors
 43 to be applied to tax years beginning on or after
 44 January 1 of that calendar year. The director shall
 45 compute the new dollar amounts of the standard
 46 deductions specified in section 422.9, subsection 1,
 47 by the latest cumulative standard deduction factor and
 48 round off the result to the nearest ten dollars. The
 49 annual and cumulative standard deduction factors
 50 determined by the director are not rules as defined in

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1 section 17A.2, subsection 11.
 2 Sec. 15. EFFECTIVE AND APPLICABILITY DATES.
 3 This Act, being deemed of immediate importance,
 4 takes effect upon enactment and applies retroactively
 5 to January 1, 2001, for tax years beginning on or
 6 after that date."
 7 2. Title page, by striking lines 1 through 3 and
 8 inserting the following: "An Act relating to the
 9 individual income tax by eliminating the deduction for
 10 federal income taxes paid, decreasing the tax rates,
 11 increasing the amount of the net income exclusion for
 12 single individuals, and including effective and
 13 retroactive applicability date provisions."

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S-3717

1 Amend House File 577, 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 12C.1, subsection 1, Code
 6 2001, as amended by 2001 Iowa Acts, House File 637,
 7 section 4, is amended to read as follows:
 8 1. All funds held by the following officers or
 9 institutions shall be deposited in one or more

10 depositories first approved by the appropriate
11 governing body as indicated: for the treasurer of
12 state, by the executive council; for judicial officers
13 and court employees, by the supreme court; for the
14 county treasurer, recorder, auditor, and sheriff, by
15 the board of supervisors; for the city treasurer or
16 other designated financial officer of a city, by the
17 city council; for the county public hospital or merged
18 area hospital, by the board of hospital trustees; for
19 a memorial hospital, by the memorial hospital
20 commission; for a school corporation, by the board of
21 school directors; for a city utility or combined
22 utility system established under chapter 388, by the
23 utility board; for a library service area established
24 under chapter 256, by the library service area board
25 of trustees; and for an electric power agency as
26 defined in section 28F.2 or 476A.20, by the governing
27 body of the electric power agency. However, the
28 treasurer of state and the treasurer of each political
29 subdivision or the designated financial officer of a
30 city shall invest all funds not needed for current
31 operating expenses in time certificates of deposit in
32 approved depositories pursuant to this chapter or in
33 investments permitted by section 12B.10. The list of
34 public depositories and the amounts severally
35 deposited in the depositories are matters of public
36 record. This subsection does not limit the definition
37 of "public funds" contained in subsection 2.
38 Notwithstanding provisions of this section to the
39 contrary, public funds of a state government deferred
40 compensation plan established by the executive council
41 may also be invested in the investment products
42 authorized under section 509A.12.

43 Sec. 2. Section 12C.1, subsection 2, paragraph b,
44 Code 2001, is amended to read as follows:

45 b. "Public funds" and "public deposits" mean the
46 moneys of the state or a political subdivision or
47 instrumentality of the state including a county,
48 school corporation, special district, drainage
49 district, unincorporated town or township,
50 municipality, or municipal corporation or any agency,

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1 board, or commission of the state or a political
2 subdivision; any court or public body noted in
3 subsection 1; a legal or administrative entity created
4 pursuant to chapter 28E; an electric power agency as
5 defined in section 28F.2 or 476A.20; and federal and
6 state grant moneys of a quasi-public state entity that
7 are placed in a depository pursuant to this chapter.

8 Sec. 3. Section 28F.2, Code 2001, is amended to

9 read as follows:

10 28F.2 DEFINITIONS.

11 As used in this chapter, unless the context
12 otherwise requires:

13 1. The terms "public" "Public" agency", "state", and
14 "private agency" shall have the meanings prescribed by
15 section 28E.2.

16 2. The term "project" "Project" or "projects"
17 shall mean means any works or facilities referred to
18 in section 28F.1 and shall include all property real
19 and personal, pertinent thereto or connected with such
20 project or projects, and the existing works or
21 facilities, if any, to which such project or projects
22 are an extension, addition, betterment or improvement.

23 3. "Electric power agency" means an entity
24 financing or acquiring electric power facilities
25 pursuant to this chapter or chapter 28E or 476A.

26 Sec. 4. Section 427.1, subsection 2, Code 2001, is
27 amended to read as follows:

28 2. MUNICIPAL AND MILITARY PROPERTY. The property
29 of a county, township, city, school corporation, levee
30 district, drainage district, or the Iowa national
31 guard, when devoted to public use and not held for
32 pecuniary profit, except property of a municipally
33 owned electric utility held under joint ownership and
34 property of an electric power facility financed under
35 chapter 28F ~~which~~ or 476A that shall be subject to
36 taxation under chapter 437A and facilities of a
37 municipal utility that are used for the provision of
38 local exchange services pursuant to chapter 476, but
39 only to the extent such facilities are used to provide
40 such services, which shall be subject to taxation
41 under chapter 433, except that section 433.11 shall
42 not apply. The exemption for property owned by a city
43 or county also applies to property which is operated
44 by a city or county as a library, art gallery or
45 museum, conservatory, botanical garden or display,
46 observatory or science museum, or as a location for
47 holding athletic contests, sports or entertainment
48 events, expositions, meetings or conventions, or
49 leased from the city or county for any such purposes,
50 or leased from the city or county by the Iowa national

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1 guard or by a federal agency for the benefit of the
2 Iowa national guard when devoted for public use and
3 not for pecuniary profit. Food and beverages may be
4 served at the events or locations without affecting
5 the exemptions, provided the city has approved the
6 serving of food and beverages on the property if the
7 property is owned by the city or the county has

8 approved the serving of food and beverages on the
9 property if the property is owned by the county.
10 Sec. 5. Section 437A.3, subsection 17, paragraph
11 b, Code 2001, is amended to read as follows:
12 b. An electric power generating plant where the
13 acquisition cost of all interests acquired exceeds ten
14 million dollars. For purposes of this paragraph,
15 "electric power generating plant" means each nameplate
16 rated electric power generating plant owned solely or
17 jointly by any person or electric power facility
18 financed under the provisions of chapter 28F or 476A
19 in which electrical energy is produced from other
20 forms of energy, including all equipment used in the
21 production of such energy through its step-up
22 transformer.

23 Sec. 6. Section 437A.6, subsection 1, paragraph b,
24 Code 2001, is amended to read as follows:

25 b. Facilities owned by or leased to a municipal
26 utility when devoted to public use and not held for
27 pecuniary profit, except facilities of a municipally
28 owned electric utility held under joint ownership or
29 lease and facilities of an electric power facility
30 financed under chapter 28F or 476A.

31 Sec. 7. Section 437A.7, subsection 2, paragraph a,
32 Code 2001, is amended to read as follows:

33 a. Transmission lines owned by or leased to a
34 municipal utility when devoted to public use and not
35 for pecuniary profit, except transmission lines of a
36 municipally owned electric utility held under joint
37 ownership and transmission lines of an electric power
38 facility financed under chapter 28F or 476A.

39 Sec. 8. Section 476.1A, Code 2001, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 5A. Filing alternate energy
42 purchase program plans with the board, and offering
43 such programs to customers, pursuant to section
44 476.47.

45 Sec. 9. Section 476.1B, subsection 1, Code 2001,
46 is amended by adding the following new paragraphs:
47 NEW PARAGRAPH. m. An electric power agency as
48 defined in chapters 28F and 476A that includes as a
49 member a city or municipally owned utility that builds
50 transmission facilities after July 1, 2001, is subject

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1 to applicable transmission reliability rules or
2 standards adopted by the board for those facilities.
3 n. Filing alternate energy purchase program plans
4 with the board, and offering such programs to
5 customers, pursuant to section 476.47.
6 Sec. 10. Section 476.6, Code 2001, is amended by

7 adding the following new subsection:

8 NEW SUBSECTION. 16B. ELECTRIC POWER GENERATING
9 FACILITY EMISSIONS.

10 a. It is the intent of the general assembly that
11 the state, through a collaborative effort involving
12 state agencies and affected generation owners, provide
13 for compatible statewide environmental and electric
14 energy policies with respect to regulated emissions
15 from rate-regulated electric power generating
16 facilities in the state that are fueled by coal. Each
17 rate-regulated public utility that is an owner of one
18 or more electric power generating facilities fueled by
19 coal and located in this state on July 1, 2001, shall
20 develop a multiyear plan and budget for managing
21 regulated emissions from its facilities in a cost-
22 effective manner.

23 (1) The initial multiyear plan and budget shall be
24 filed with the board by April 1, 2002. Updates to the
25 plan and budget shall be filed at least every twenty-
26 four months.

27 (2) Copies of the initial plan and budget, as well
28 as any subsequent updates, shall be served on the
29 environmental protection division of the department of
30 natural resources.

31 (3) The initial multiyear plan and budget and any
32 subsequent updates shall be considered in a contested
33 case proceeding pursuant to chapter 17A. The
34 environmental protection division of the department of
35 natural resources and the consumer advocate shall
36 participate as parties to the proceeding.

37 (4) The department of natural resources shall
38 state whether the plan or update meets applicable
39 state environmental requirements for regulated
40 emissions. If the plan does not meet these
41 requirements, the department shall recommend
42 amendments that outline actions necessary to bring the
43 plan or update into compliance with the environmental
44 requirements.

45 b. The board shall not approve a plan or update
46 that does not meet applicable state environmental
47 requirements and federal ambient air quality standards
48 for regulated emissions from electric power generating
49 facilities located in the state.

50 c. The board shall review the plan or update and

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1 the associated budget, and shall approve the plan or
2 update and the associated budget if the plan or update
3 and the associated budget are reasonably expected to
4 achieve cost effective compliance with applicable
5 state environmental requirements and federal ambient

6 air quality standards. In reaching its decision, the
 7 board shall consider whether the plan or update and
 8 the associated budget reasonably balance costs,
 9 environmental requirements, economic development
 10 potential, and the reliability of the electric
 11 generation and transmission system.

12 d. The board shall issue an order approving or
 13 rejecting a plan, update, or budget within one hundred
 14 eighty days after the public utility's filing is
 15 deemed complete; however, upon good cause shown, the
 16 board may extend the time for issuing the order as
 17 follows:

18 (1) The board may grant an extension of thirty
 19 days.

20 (2) The board may grant more than one extension,
 21 but each extension must rely upon a separate showing
 22 of good cause.

23 (3) A subsequent extension must not be granted any
 24 earlier than five days prior to the expiration of the
 25 original one-hundred-eighty-day period, or the current
 26 extension.

27 e. The reasonable costs incurred by a rate-
 28 regulated public utility in preparing and filing the
 29 plan, update, or budget and in participating in the
 30 proceedings before the board and the reasonable costs
 31 associated with implementing the plan, update, or
 32 budget shall be included in its regulated retail
 33 rates.

34 f. It is the intent of the general assembly that
 35 the board, in an environmental plan, update, or
 36 associated budget filed under this section by a rate-
 37 regulated public utility, may limit investments or
 38 expenditures that are proposed to be undertaken prior
 39 to the time that the environmental benefit to be
 40 produced by the investment or expenditure would be
 41 required by state or federal law.

42 g. The board shall report to the general assembly
 43 by January 21, 2003, on the appropriateness and
 44 desirability of requiring the municipal utilities and
 45 the rural electric cooperatives to file multiyear
 46 plans and budgets for managing regulated emissions
 47 from their electric power generating facilities fueled
 48 by coal and located in this state, similar to the
 49 process required for rate-regulated public utilities
 50 under this subsection.

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1 Sec. 11. NEW SECTION. 476.47 ALTERNATE ENERGY
 2 PURCHASE PROGRAMS.

3 1. Beginning January 1, 2004, an electric utility,
 4 whether or not rate-regulated under this chapter,

5 shall offer an alternate energy purchase program to
6 customers, based on energy produced by alternate
7 energy production facilities in Iowa.

8 2. The board shall require electric utilities to
9 file plans for alternate energy purchase programs
10 offered pursuant to this section.

11 a. Rate-regulated electric utilities shall file
12 plans for alternate energy purchase programs that
13 allow customers to contribute voluntarily to the
14 development of alternate energy in Iowa, and shall
15 file tariffs as required by the board by rule.

16 b. Electric utilities that are not rate-regulated
17 shall offer alternate energy purchase programs at
18 rates determined by their governing authority, and
19 shall file tariffs with the board for informational
20 purposes only.

21 3. The electric utility shall notify consumers of
22 its alternate energy purchase program and any proposed
23 modifications to such program at least sixty days
24 prior to implementation of the program or any
25 modification.

26 4. For purposes of this section, an electric
27 utility may base its program on energy produced by
28 alternate energy production facilities located outside
29 of Iowa under any of the following circumstances:

30 a. The energy is purchased by the electric utility
31 pursuant to a contract in effect prior to July 1,
32 2001, and continues until the expiration of the
33 contract, including any options to renew that are
34 exercised by the electric utility.

35 b. The electric utility has a financial interest,
36 as of July 1, 2001, in the alternate energy production
37 facility that is located outside of Iowa, or in an
38 entity that has a financial interest in an alternate
39 energy production facility located outside of Iowa.

40 c. The energy is purchased by an electric utility
41 that is not rate-regulated and that is required to
42 purchase all of its electric power requirements from a
43 single supplier that is physically located outside of
44 Iowa.

45 5. This section shall not apply to non-rate-
46 regulated electric utilities physically located
47 outside of Iowa that serve Iowa customers.

48 6. Any consumer-owned utility may apply to the
49 board for a waiver under this section, and the board,
50 for good cause, may grant the waiver.

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1 Sec. 12. Section 476.53, Code 2001, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 476.53 ELECTRIC GENERATING AND TRANSMISSION
5 FACILITIES.

6 1. It is the intent of the general assembly to
7 attract the development of electric power generating
8 and transmission facilities within the state in
9 sufficient quantity to ensure reliable electric
10 service to Iowa consumers and provide economic
11 benefits to the state.

12 2. The general assembly's intent with regard to
13 the development of electric power generating and
14 transmission facilities, as provided in subsection 1,
15 shall be implemented in a manner that is cost-
16 effective and compatible with the environmental
17 policies of the state, as expressed in Title XI.

18 3. a. If a rate-regulated public utility files an
19 application pursuant to section 476A.3 to construct in
20 Iowa a baseload electric power generating facility
21 with a nameplate generating capacity equal to or
22 greater than three hundred megawatts or a combined-
23 cycle electric power generating facility, or an
24 alternate energy production facility as defined in
25 section 476.42, or if a rate-regulated public utility
26 leases or owns in Iowa, in whole or in part, a new
27 baseload electric power generating facility with a
28 nameplate generating capacity equal to or greater than
29 three hundred megawatts or a combined-cycle electric
30 power generating facility, or a new alternate energy
31 production facility as defined in section 476.42, the
32 board shall specify in advance, by order issued after
33 a contested case proceeding, the ratemaking principles
34 that will apply when the costs of the facility are
35 included in regulated electric rates.

36 b. In determining the applicable ratemaking
37 principles, the board shall not be limited to
38 traditional ratemaking principles or traditional cost
39 recovery mechanisms.

40 c. In determining the applicable ratemaking
41 principles, the board shall make the following
42 findings:

43 (1) The rate-regulated public utility has in
44 effect a board-approved energy efficiency plan as
45 required under section 476.6, subsection 19.

46 (2) The rate-regulated public utility has
47 demonstrated to the board that the public utility has
48 considered other sources for long-term electric supply
49 and that the facility or lease is reasonable when
50 compared to other feasible alternative sources of

3 competitive bidding process, under rules adopted by
4 the board, that demonstrate the facility or lease is a
5 reasonable alternative to meet its electric supply
6 needs.

7 d. The applicable ratemaking principles shall be
8 determined in a contested case proceeding, which
9 proceeding may be combined with the proceeding for
10 issuance of a certificate conducted pursuant to
11 chapter 476A.

12 e. The order setting forth the applicable
13 ratemaking principles shall be issued prior to the
14 commencement of construction or lease of the facility.

15 f. Following issuance of the order, the rate-
16 regulated public utility shall have the option of
17 proceeding with construction or lease of the facility
18 in Iowa, or withdrawing its application for a
19 certificate under chapter 476A.

20 g. Notwithstanding any provision of this chapter
21 to the contrary, the ratemaking principles established
22 by the order issued pursuant to paragraph "e" shall be
23 binding with regard to the specific electric power
24 generating facility in any subsequent rate proceeding.

25 Sec. 13. Section 476A.4, Code 2001, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 5. A proceeding for the issuance
28 of a certificate under section 476A.5 may be
29 consolidated with a contested case proceeding for
30 determination of applicable ratemaking principles
31 under section 476.53.

32 Sec. 14. Section 476A.6, Code 2001, is amended to
33 read as follows:

34 476A.6 DECISION -- CRITERIA.

35 The board shall render a decision on the
36 application in an expeditious manner. A certificate
37 shall be issued to the applicant if the board finds
38 all of the following:

39 1. The services and operations resulting from the
40 construction of the facility are ~~required by the~~
41 ~~present or future public convenience, use and~~
42 ~~necessity consistent with legislative intent as~~
43 expressed in section 476.53 and the economic
44 development policy of the state as expressed in Title
45 I, subtitle 5, and will not be detrimental to the
46 provision of adequate and reliable electric service.

47 2. The applicant is willing to ~~perform such~~
48 ~~services and~~ construct, maintain, and operate the
49 facility pursuant to the provisions of the certificate
50 and this chapter.

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1 3. The construction, maintenance, and operation of
 2 the facility will ~~cause minimum adverse be consistent~~
 3 with reasonable land use, ~~and~~ environmental, ~~and~~
 4 aesthetic impact policies and are consonant with
 5 reasonable utilization of air, land, and water
 6 resources, ~~for beneficial purposes~~ considering
 7 available technology and the economics of available
 8 alternatives.

9 ~~4. The applicant, if a public utility as defined~~
 10 ~~in section 476.1, has in effect a comprehensive energy~~
 11 ~~management program designed to reduce peak loads and~~
 12 ~~to increase efficiency of use of energy by all classes~~
 13 ~~of customers of the utility, and the facility in the~~
 14 ~~application is necessary notwithstanding the existence~~
 15 ~~of the comprehensive energy management program. As~~
 16 ~~used in this subsection, a "comprehensive energy~~
 17 ~~management program" includes at a minimum the~~
 18 ~~following:~~

19 a. ~~Establishment of load management and~~
 20 ~~interruptible service programs, where cost effective.~~
 21 b. ~~Development of wheeling agreements and other~~
 22 ~~energy sharing agreements, where cost effective with~~
 23 ~~utilities that have available capacity.~~
 24 c. ~~Establishment of cost-effective energy~~
 25 ~~efficiency and renewable energy services and programs.~~
 26 d. ~~Compliance with board rules on energy~~
 27 ~~management procedures.~~

28 ~~5. The applicant, if a public utility as defined~~
 29 ~~in section 476.1, shall demonstrate to the board that~~
 30 ~~the utility has considered sources for long-term~~
 31 ~~electric supply from either purchase of electricity or~~
 32 ~~investment in facilities owned by other persons.~~

33 ~~6. The applicant, if a public utility as defined~~
 34 ~~in section 476.1, has considered all feasible~~
 35 ~~alternatives to the proposed facility including~~
 36 ~~nongeneration alternatives; has ranked those~~
 37 ~~alternatives by cost; has implemented the least-cost~~
 38 ~~alternatives first; and the facility in the~~
 39 ~~application is necessary notwithstanding the~~
 40 ~~implementation of these alternatives.~~

41 Sec. 15. Section 476A.7, Code 2001, is amended by
 42 adding the following new subsection:

43 NEW SUBSECTION. 3. Pursuant to the provisions of
 44 section 476.53, a rate-regulated public utility shall
 45 have the option of withdrawing its application for
 46 issuance of a certificate at any time prior to the
 47 issuance of the certificate, or after the certificate
 48 has been issued.

49 Sec. 16. Section 476A.15, Code 2001, is amended to
 50 read as follows:

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1 476A.15 WAIVER.

2 The board, if it determines that the public
3 interest would not be adversely affected, may waive
4 any of the requirements of this chapter ~~for facilities~~
5 ~~with a capacity of one hundred or fewer megawatts.~~

6 Sec. 17. NEW SECTION. 476A.20 DEFINITIONS.

7 For purposes of this subchapter, unless the context
8 otherwise requires:

9 1. "Electric power agency" means an entity as
10 defined in section 28F.2.

11 2. "Facility" means an electric power generating
12 plant, or transmission line or system, as defined in
13 section 476A.1.

14 3. "Public bond or obligation" means an obligation
15 as defined in section 76.14.

16 Sec. 18. NEW SECTION. 476A.21 ELECTRIC POWER
17 AGENCY -- GENERAL AUTHORITY.

18 In addition to other powers conferred upon an
19 electric power agency by chapter 28F or other
20 applicable law, an electric power agency may enter
21 into and carry out joint agreements with other
22 participants for the acquisition of ownership of a
23 joint facility and for the planning, financing,
24 operation, and maintenance of the joint facility, as
25 provided in this subchapter.

26 Sec. 19. NEW SECTION. 476A.22 ELECTRIC POWER
27 AGENCY -- AUTHORITY -- CONFLICTING PROVISIONS.

28 1. In addition to any powers conferred upon an
29 electric power agency under chapter 28F or other
30 applicable law, an electric power agency may exercise
31 all other powers reasonably necessary or appropriate
32 for or incidental to the effectuation of the electric
33 power agency's authorized purposes, including without
34 limitation, the powers enumerated in chapters 6A and
35 6B for purposes of constructing or acquiring an
36 electric power facility.

37 2. An electric power agency, in connection with
38 its property and affairs, and in connection with
39 property within its control, may exercise any and all
40 powers that might be exercised by a natural person or
41 a private corporation in connection with similar
42 property and affairs.

43 3. The enumeration of specified powers and
44 functions of an electric power agency in this
45 subchapter is not a limitation of the powers of an
46 electric power agency, but the procedures prescribed
47 for exercising the powers and functions enumerated in
48 this subchapter control and govern in the event of any
49 conflict with any other provision of law.

50 4. The authority conferred pursuant to this

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1 subchapter applies to electric power agencies,
2 notwithstanding any contrary provisions of section
3 28F.1.
4 Sec. 20. NEW SECTION. 476A.23 ISSUANCE OF PUBLIC
5 BONDS OR OBLIGATIONS -- PURPOSES -- LIMITATIONS.
6 1. An electric power agency may from time to time
7 issue its public bonds or obligations in such
8 principal amounts as the electric power agency deems
9 necessary to provide sufficient funds to carry out any
10 of its purposes and powers, including but not limited
11 to any of the following:
12 a. The acquisition or construction of any project
13 to be owned or leased by the electric power agency, or
14 the acquisition of any interest in such project or any
15 right to the capacity of such project, including the
16 acquisition, construction, or acquisition of any
17 interest in an electric power generating plant to be
18 constructed in this state, or the acquisition,
19 construction, or acquisition of any interest in a
20 transmission line or system.
21 b. The funding or refunding of the principal of,
22 or interest or redemption premiums on, any public
23 bonds or obligations issued by the electric power
24 agency whether or not the public bonds or obligations
25 or interest to be funded or refunded have become due.
26 c. The establishment or increase of reserves to
27 secure or to pay the public bonds or obligations or
28 interest on the public bonds or obligations.
29 d. The payment of all other costs or expenses of
30 the electric power agency incident to and necessary to
31 carry out its purposes and powers.
32 2. Notwithstanding anything in this subchapter or
33 chapter 28F to the contrary, a facility shall not be
34 financed with the proceeds of public bonds or
35 obligations, the interest on which is exempt from
36 federal income tax, unless the public issuer of such
37 public bonds or obligations covenants that the issuer
38 shall comply with the requirements or limitations
39 imposed by the Internal Revenue Code or other
40 applicable federal law to preserve the tax exemption
41 of interest payable on the bonds or obligations.
42 3. Notwithstanding anything in this subchapter or
43 chapter 28F to the contrary, an electric power
44 generating facility shall not be financed under this
45 subchapter unless all of the following conditions are
46 satisfied:
47 a. The portion of the electric power generating
48 facility financed by the electric power agency is not
49 designed to serve the electric power requirements of
50 retail customers of members that are municipal

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1 electric utilities established in the state after
2 January 1, 2001.

3 b. The electric power agency annually files with
4 the board, in a manner to be determined by the board,
5 information regarding sales from the electric power
6 generating facility in sufficient detail to determine
7 compliance with these provisions.

8 The board shall report to the general assembly if
9 any of the provisions are being violated.

10 Sec. 21. NEW SECTION. 476A.24 PUBLIC BONDS OR
11 OBLIGATIONS AUTHORIZED BY RESOLUTION OF BOARD --
12 TERMS.

13 1. The board of directors of an electric power
14 agency, by resolution, may authorize the issuance of
15 public bonds or obligations of the electric power
16 agency.

17 2. The public bonds or obligations may be issued
18 in one or more series under the resolution or under a
19 trust indenture or other security agreement.

20 3. The resolution, trust indenture, or other
21 security agreement, with respect to such public bonds
22 or obligations, shall provide for all of the
23 following:

24 a. The date on the public bonds or obligations.

25 b. The time of maturity.

26 c. The rate of interest.

27 d. The denomination.

28 e. The form, either coupon or registered.

29 f. The conversion, registration, and exchange
30 privileges.

31 g. The rank or priority.

32 h. The manner of execution.

33 i. The medium of payment, including the place of
34 payment, either within or outside of the state.

35 j. The terms of redemption, either with or without
36 premium.

37 k. Such other terms and conditions as set forth by
38 the board in the resolution, trust indenture, or other
39 security agreement.

40 4. Public bonds or obligations authorized by the
41 board of directors shall not be subject to any
42 restriction under other law with respect to the
43 amount, maturity, interest rate, or other terms of
44 obligation of a public agency or private person.

45 5. Chapter 75 shall not apply to public bonds or
46 obligations authorized by the board of directors as
47 provided in this section.

48 Sec. 22. NEW SECTION. 476A.25 PUBLIC BONDS OR
49 OBLIGATIONS PAYABLE SOLELY FROM AGENCY REVENUES OR
50 FUNDS.

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1 1. The principal of and interest on any public
2 bonds or obligations issued by an electric power
3 agency shall be payable solely from the revenues or
4 funds pledged or available for their payment as
5 authorized in this subchapter.

6 2. Each public bond or obligation shall contain
7 all of the following terms:

8 a. That the principal of or interest on such
9 public bonds or obligations is payable solely from
10 revenues or funds of the electric power agency.

11 b. That neither the state or a political
12 subdivision of the state other than the electric power
13 agency, nor a public agency that is a member of the
14 electric power agency is obligated to pay the
15 principal or interest on such public bonds or
16 obligations.

17 c. That neither the full faith and credit nor the
18 taxing power of the state, of any political
19 subdivision of the state, or of any such public agency
20 is pledged to the payment of the principal of or the
21 interest on the public bonds or obligations.

22 Sec. 23. NEW SECTION. 476A.26 PUBLIC BONDS OR
23 OBLIGATIONS -- TYPES -- SOURCES FOR PAYMENT --
24 SECURITY.

25 1. Except as otherwise expressly provided by this
26 subchapter or by the electric power agency, every
27 issue of public bonds or obligations of the electric
28 power agency shall be payable out of any revenues or
29 funds of the electric power agency, subject only to
30 any agreements with the holders of particular public
31 bonds or obligations pledging any particular revenues
32 or funds.

33 2. An electric power agency may issue types of
34 public bonds or obligations as it may determine,
35 including public bonds or obligations as to which the
36 principal and interest are payable exclusively from
37 the revenues from one or more projects, or from an
38 interest in such project or projects, or a right to
39 capacity of such project or projects, or from any
40 revenue-producing contract made by the electric power
41 agency with any person, or from its revenues
42 generally.

43 3. Any public bonds or obligations may be
44 additionally secured by a pledge of any grant,
45 subsidy, or contribution from any public agency or
46 other person, or a pledge of any income or revenues,
47 funds, or moneys of the electric power agency from any
48 other source.

49 Sec. 24. NEW SECTION. 476A.27 PUBLIC BONDS OR
50 OBLIGATIONS AND RATES FOR DEBT SERVICE NOT SUBJECT TO

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1 STATE APPROVAL.

2 Public bonds or obligations of an electric power
3 agency may be issued under this subchapter, and rents,
4 rates, and charges may be established in the same
5 manner as provided in section 28F.5 and pledged for
6 the security of public bonds or obligations and
7 interest and redemption premiums on such public bonds
8 or obligations, without obtaining the consent of any
9 department, division, commission, board, bureau, or
10 agency of the state and without any other proceeding
11 or the happening of any other condition or occurrence,
12 except as specifically required by this subchapter.

13 Sec. 25. NEW SECTION. 476A.28 PUBLIC BONDS OR
14 OBLIGATIONS TO BE NEGOTIABLE.

15 All public bonds or obligations of an electric
16 power agency shall be negotiable within the meaning
17 and for all of the purposes of the uniform commercial
18 code, chapter 554, subject only to the registration
19 requirement of section 76.10.

20 Sec. 26. NEW SECTION. 476A.29 VALIDITY OF PUBLIC
21 BONDS OR OBLIGATIONS AT DELIVERY -- TEMPORARY BONDS.

22 1. Any public bonds or obligations may be issued
23 and delivered, notwithstanding that one or more of the
24 officers executing them shall have ceased to hold
25 office at the time when the public bonds or
26 obligations are actually delivered.

27 2. Pending preparation of definitive bonds or
28 obligations, an electric power agency may issue
29 temporary bonds or obligations that shall be exchanged
30 for the definitive bonds or obligations upon their
31 issuance.

32 Sec. 27. NEW SECTION. 476A.30 PUBLIC OR PRIVATE
33 SALE OF BONDS AND NOTES.

34 Public bonds or obligations of an electric power
35 agency may be sold at public or private sale for a
36 price and in a manner determined by the electric power
37 agency.

38 Sec. 28. NEW SECTION. 476A.31 PUBLIC BONDS OR
39 OBLIGATIONS AS SUITABLE INVESTMENTS FOR GOVERNMENTAL
40 UNITS, FINANCIAL INSTITUTIONS, AND FIDUCIARIES.

41 The following persons may legally invest any debt
42 service funds, money, or other funds belonging to such
43 person or within such person's control in any public
44 bonds or obligations issued pursuant to this
45 subchapter:

46 1. A bank, trust company, savings association,
47 building and loan association, savings and loan
48 association, or investment company.

49 2. An insurance company, insurance association, or
50 any other person carrying on an insurance business.

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1 3. An executor, administrator, conservator,
2 trustee, or other fiduciary.

3 4. Any other person authorized to invest in bonds
4 or obligations of the state.

5 Sec. 29. NEW SECTION. 476A.32 RESOLUTION, TRUST
6 INDENTURE, OR SECURITY AGREEMENT CONSTITUTES CONTRACT
7 -- PROVISIONS.

8 The resolution, trust indenture, or other security
9 agreement under which any public bonds or obligations
10 are issued shall constitute a contract with the
11 holders of the public bonds or obligations, and may
12 contain provisions, among others, prescribing any of
13 the following terms:

14 1. The terms and provisions of the public bonds or
15 obligations.

16 2. The mortgage or pledge of and the grant of a
17 security interest in any real or personal property and
18 all or any part of the revenue from any project or any
19 revenue producing contract made by the electric power
20 agency with any person to secure the payment of public
21 bonds or obligations, subject to any agreements with
22 the holders of public bonds or obligations which might
23 then exist.

24 3. The custody, collection, securing, investment,
25 and payment of any revenues, assets, money, funds, or
26 property with respect to which the electric power
27 agency may have any rights or interest.

28 4. The rates or charges for electric energy sold
29 by, or services rendered by, the electric power
30 agency, the amount to be raised by the rates or
31 charges, and the use and disposition of any or all
32 revenue.

33 5. The creation of reserves or debt service funds
34 and the regulation and disposition of such reserves or
35 funds.

36 6. The purposes to which the proceeds from the
37 sale of any public bonds or obligations to be issued
38 may be applied, and the pledge of the proceeds to
39 secure the payment of the public bonds or obligations.

40 7. Limitations on the issuance of any additional
41 public bonds or obligations, the terms upon which
42 additional public bonds or obligations may be issued
43 and secured, and the refunding of outstanding public
44 bonds or obligations.

45 8. The rank or priority of any public bonds or
46 obligations with respect to any lien or security.

47 9. The creation of special funds or moneys to be
48 held for operating expenses, payment, or redemption of
49 public bonds or obligations, reserves or other
50 purposes, and the use and disposition of moneys held

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1 in these funds.

2 10. The procedure by which the terms of any
3 contract with or for the benefit of the holders of
4 public bonds or obligations may be amended or
5 abrogated, the amount of public bonds or obligations
6 the holders of which must consent to such amendment or
7 abrogation, and the manner in which consent may be
8 given.

9 11. The definition of the acts or omissions to act
10 that constitute a default in the duties of the
11 electric power agency to holders of its public bonds
12 or obligations, and the rights and remedies of the
13 holders in the event of default including, if the
14 electric power agency so determines, the right to
15 accelerate the date of the maturation of the public
16 bonds or obligations or the right to appoint a
17 receiver or receivers of the property or revenues
18 subject to the lien of the resolution, trust
19 indenture, or other security agreement.

20 12. Any other or additional agreements with or for
21 the benefit of the holders of public bonds or
22 obligations or any covenants or restrictions necessary
23 or desirable to safeguard the interests of the
24 holders.

25 13. The custody of any of the electric power
26 agency's property or investments, the safekeeping of
27 such property or investments, the insurance to be
28 carried on such property or investments, and the use
29 and disposition of insurance proceeds.

30 14. The vesting in a trustee or trustees, within
31 or outside the state, of such property, rights,
32 powers, and duties as the electric power agency may
33 determine; or the limiting or abrogating of the rights
34 of the holders of any public bonds or obligations to
35 appoint a trustee, or the limiting of the rights,
36 powers, and duties of such trustee.

37 15. The appointment of and the establishment of
38 the duties and obligations of any paying agent or
39 other fiduciary within or outside the state.

40 Sec. 30. NEW SECTION. 476A.33 MORTGAGE OR TRUST
41 DEED TO SECURE BONDS.

42 For the security of public bonds or obligations
43 issued or to be issued by an electric power agency,
44 the electric power agency may mortgage or execute
45 deeds of trust of the whole or any part of its
46 property.

47 Sec. 31. NEW SECTION. 476A.34 NO PERSONAL
48 LIABILITY ON PUBLIC BONDS OR OBLIGATIONS.

49 An official, director, member of an electric power
50 agency, or any person executing public bonds or

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1 obligations shall not be liable personally on the
2 public bonds or obligations or be subject to any
3 personal liability or accountability by reason of the
4 issuance of such public bonds or obligations.

5 Sec. 32. NEW SECTION. 476A.35 REPURCHASE OF
6 SECURITIES.

7 An electric power agency may purchase public bonds
8 or obligations out of any funds available for such
9 purchase, and hold, pledge, cancel, or resell the
10 public bonds or obligations, subject to and in
11 accordance with any agreements with the holders.

12 Sec. 33. NEW SECTION. 476A.36 PLEDGE OF REVENUE
13 AS SECURITY.

14 An electric power agency may pledge its rates,
15 rents, and other revenues, or any part of such rates,
16 rents, and revenues, as security for the repayment,
17 with interest and redemption premiums, if any, of the
18 moneys borrowed by the electric power agency or
19 advanced to the electric power agency for any of its
20 authorized purposes and as security for the payment of
21 moneys due and owed by the electric power agency under
22 any contract.

23 Sec. 34. Section 478.3, Code 2001, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 3. For the purpose of this
26 section, the term "public" shall not be interpreted to
27 be limited to consumers located in this state.

28 Sec. 35. CODE EDITOR DIRECTIVE. The Code editor
29 shall change references to "this chapter" in sections
30 476A.1 through 476A.15 as necessary and appropriate to
31 reflect the addition of the new subchapter to chapter
32 476A as a result of this Act.

33 Sec. 36. EFFECTIVE DATE. This Act, being deemed
34 of immediate importance, takes effect upon enactment."

35 2. Title page, line 2, by inserting after the
36 word "construction" the following: "or lease".

37 3. Title page, line 3, by inserting after the
38 word "facility" the following: ", and for the
39 development of ratemaking principles to apply to
40 certain electric generating facilities".

41 4. Title page, lines 3 and 4, by striking the
42 words "approval of power purchase contracts";

43 5. Title page, line 5, by inserting after the
44 word "policy;" the following: "providing for
45 alternate energy purchase programs; approval of plans
46 and budgets for regulating emissions from coal-fired
47 plants;".

48 6. Title page, line 11, by inserting after the
49 word "transmission" the following: "; and providing
50 an effective date".

JOANN JOHNSON

**REPORTS OF CONFERENCE COMMITTEES
(Senate Files)**

**Filed During the
Seventy-Ninth General Assembly
2001 Regular Session**

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 203

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 203, a bill for an Act extending the regular program district cost guarantee for school districts, and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1745.

2. That the House amendment, S-3535, to Senate File 203, as passed by the Senate, is amended to read as follows:

1. Page 4, line 10, by inserting after the word "twelve" the following: ", and may include a virtual academy".

2. By striking page 6, line 13, through page 9, line 10, and inserting the following: "Sec. ____ Section 257.14, subsection 2, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

2. For the budget years commencing July 1, 2002, and July 1, 2003, if the department of management determines that the regular program district cost of a school district for a budget year is less than the total of the regular program district cost plus any adjustment added under this section for the base year for that school district, the school district shall be eligible to receive a budget adjustment for that district for that budget year up to an amount equal to the difference. The board of directors of a school district that wishes to receive a budget adjustment pursuant to this subsection shall adopt a resolution to receive the budget adjustment and shall, by April 1, annually, notify the department of management of the adoption of the resolution and the amount of the budget adjustment to be received.

Sec. ____ Section 257.14, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 3. For the budget year commencing July 1, 2004, and succeeding budget years, if the department of management determines that the regular program district cost of a school district for a budget year is less than one hundred one percent of the regular program district cost for the base year for that school district, a district shall be eligible for a budget adjustment corresponding to the following schedule:

a. For the budget year commencing July 1, 2004, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or ninety percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2004, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

b. For the budget year commencing July 1, 2005, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or eighty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2005, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

c. For the budget year commencing July 1, 2006, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or seventy percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2006, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

d. For the budget year commencing July 1, 2007, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or sixty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2007, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

e. For the budget year commencing July 1, 2008, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or fifty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2008, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

f. For the budget year commencing July 1, 2009, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or forty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2009, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

g. For the budget year commencing July 1, 2010, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or thirty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2010, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

h. For the budget year commencing July 1, 2011, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or twenty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2011, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

i. For the budget year commencing July 1, 2012, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or ten percent of the amount by which the budget guarantee as calculated for the budget year beginning

July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2012, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

j. For the budget year commencing July 1, 2013, and each budget year thereafter, the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year.

For the purposes of this subsection, a school district shall be eligible to apply the eighty, seventy, sixty, fifty, forty, thirty, twenty, and ten percent provisions in paragraphs "b" through "i", only if the school district received a budget adjustment for the budget year beginning July 1, 2004, based on the ninety percent provision in paragraph "a".

The board of directors of a school district that wishes to receive a budget adjustment pursuant to this subsection shall adopt a resolution to receive the budget adjustment and shall, by April 1, annually, notify the department of management of the adoption of the resolution and the amount of the budget adjustment to be received."

3. By renumbering as necessary.

On the part of the Senate:

NANCY BOETTGER, Chair
JEFF ANGELO
MICHAEL CONNOLLY
JACK KIBBIE
JOHN REDWINE

On the part of the House:

BOB BRUNKHORST, Chair
CARMINE BOAL
BETTY GRUNDBERG
MARY MASCHER
PHIL WISE

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 346

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 346, a bill for an Act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries, respectfully make the following report:

1. That the House recedes from its amendment, S-3376.

2. That Senate File 346, as passed by the Senate, is amended to read as follows:

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

"Section 1. Section 232.68, subsection 2, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The commission of bestiality in the presence of a minor under section 717C.1 by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child."

2. Page 1, line 12, by striking the words "~~may shall~~" and inserting the following: "may".

3. Page 1, by inserting after line 15, the following:

"Sec. . NEW SECTION. 717C.1 BESTIALITY.

1. For purposes of this section:

a. "Animal" means any nonhuman vertebrate, either dead or alive.

b. "Sex act" means any sexual contact between a person and an animal by penetration of the penis into the vagina or anus, contact between the mouth and genitalia, or by contact between the genitalia of one and the genitalia or anus of the other.

2. A person who performs a sex act with an animal, is guilty of an aggravated misdemeanor.

3. Upon a conviction for a violation of this section, and in addition to any sentence authorized by law, the court shall require the person to submit to a psychological evaluation and treatment at the person's expense."

4. Page 2, by inserting after line 27, the following:

"Sec. __. Section 904.310, Code 2001, is amended to read as follows:
904.310 CANTEENS.

The director may maintain a canteen at an institution under the director's jurisdiction for the sale to persons confined in the institution of items such as toilet articles, candy, tobacco products, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise for the canteen. The director shall specify the items to be sold in the canteen. The department may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen and donations designated by inmates for reimbursement of victims' travel expenses. Any money in the fund over the amount needed to do normal business transactions, ~~and to reimburse any accounts which have subsidized the canteen fund, and to reimburse victims' travel expenses,~~ shall be considered profit. This money may remain in the canteen fund and be used for any purchase which the superintendent approves that will directly and collectively benefit the inmates of the institution or to reimburse victims' travel expenses."

5. Page 3, line 8, by inserting after the word "later." the following: "However, a recording of testimony involving any employee of the department shall continue to be filed and maintained until the employee no longer is employed by the department."

6. By striking page 3, line 9, through page 4, line 4.

7. Title page, line 2, by inserting after the word "officers," the following: "for the creation of a new criminal offense with a correctional impact,".

8. Title page, line 5, by inserting after the word "department," the following: "for inmate donations for victims' travel expenses, and".

9. Title page, by striking lines 7 and 8, and inserting the following: "corrections."

10. By renumbering as necessary.

On the part of the Senate:

ANDY McKEAN, Chair
JEFF ANGELO
STEVE KING

On the part of the House:

CLEL BAUDLER, Chair
GEORGE EICHHORN
KEITH KREIMAN
CHUCK LARSON
MARK TREMMEL

**SENATE RESOLUTIONS AND
CONCURRENT RESOLUTIONS**

**Adopted and not Previously
Printed During the**

Seventy-Ninth General Assembly

2001 Regular Session

RESOLUTIONS ADOPTED

Senate resolutions and concurrent resolutions adopted and not previously printed during the Seventy-ninth General Assembly, 2001 Regular Session.

SENATE RESOLUTION 1: filed January 11, 2001; adopted by the Senate on January 16, 2001.

SENATE RESOLUTION 1

1 By: Behn
2 (COMPANION TO LSB 1543HH BY ROBERTS)
3 A Senate resolution congratulating Mr. Thomas H.
4 Paulsen for being named the Iowa Teacher of the Year
5 for 2000.
6 WHEREAS, Mr. Thomas H. Paulsen was influenced by
7 two forces that shape many an Iowan -- a love of
8 agriculture gained from his birth and upbringing on an
9 Iowa family farm, and a love of education, instilled
10 by his mother, who taught in a country school until
11 his birth; and
12 WHEREAS, he was further guided in the ninth grade
13 toward his own teaching career by an inspirational
14 agriculture education teacher; and
15 WHEREAS, he received his undergraduate degree in
16 agriculture education from Northwest Missouri State
17 University and his master's degree from the Iowa State
18 University; and
19 WHEREAS, Mr. Paulsen has served 13 years as an
20 agriculture education instructor -- first at
21 Lynnville-Sully High School and currently at Carroll
22 High School, and as a Future Farmers of America (FFA)
23 advisor and a football and basketball coach; and
24 WHEREAS, during this service, Mr. Paulsen has
25 earned numerous awards and recognition, including the
26 Iowa Vocational Agriculture Teachers' Association
27 Outstanding Young Member, American Vocational
28 Association Outstanding Young Member, Carroll County
29 Environmental Educator of the Year, and Carroll Rotary

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1 Club Public School Teacher of the Year for 1999; and
2 WHEREAS, Mr. Paulsen developed and shaped the
3 agriculture education program that Carroll High School
4 and Kuemper Catholic High School cooperatively share
5 in Carroll; and
6 WHEREAS, Mr. Paulsen is a source of constant
7 encouragement and guidance for FFA members, leading

8 them to projects that not only provide the students
9 with learning opportunities, but which also benefit
10 the community; and

11 WHEREAS, the National Riparian (Streamside) Buffer
12 Initiative is a fine example of such a project, as FFA
13 members have worked diligently with public and private
14 sector partners to recruit landowners to use native
15 grasses as vegetative buffer strips on over 500 acres
16 to increase wildlife habitat while reducing soil
17 erosion and increasing water quality for neighbors who
18 utilize the Middle Raccoon River for their municipal
19 water supply; and

20 WHEREAS, Mr. Paulsen acts as a mentor to other
21 agriculture education teachers and, as a pilot member
22 of the statewide Agriculture Educators' Professional
23 Development Committee, he has assisted in developing
24 an ongoing program for agriculture education
25 instructors to further develop their technical
26 teaching, classroom management, and personal
27 development while receiving continuing education
28 credit; and

29 WHEREAS, Mr. Paulsen was selected as Teacher of the
30 Year for 2000 by a panel of judges composed of

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1 representatives from the Iowa Department of Education,
2 the Iowa State Education Association, the School
3 Administrators of Iowa, the Parent Teacher
4 Association, the 1999 Iowa Teacher of the Year, the
5 Meredith Corporation, and Drake University; and

6 WHEREAS, as Iowa's Teacher of the Year for 2000,
7 Mr. Paulsen was granted a one-year sabbatical to visit
8 schools and speak to community groups as Iowa's
9 Ambassador for Education during the 2000-2001 school
10 year; NOW THEREFORE,

11 BE IT RESOLVED BY THE SENATE, That the General
12 Assembly honors Mr. Thomas H. Paulsen of Carroll High
13 School for his exemplary work in education, applauds
14 his efforts and achievements in bringing out the best
15 in his students at Carroll High School and Kuemper
16 Catholic High School, and congratulates him for his
17 outstanding accomplishment in being named the Iowa
18 Teacher of the Year for 2000.

19 BE IT FURTHER RESOLVED, That an official copy of
20 this Resolution be prepared for presentation to Mr.
21 Thomas H. Paulsen.

SENATE RESOLUTION 2: filed January 23, 2001; adopted by the Senate on January 31, 2001.

SENATE RESOLUTION 2

1 By: McKean
 2 A Senate resolution honoring Grand Ole Opry singer
 3 Wilma Lee Cooper.
 4 WHEREAS, Wilma Lee Cooper has been a member of the
 5 Grand Ole Opry since 1957 and is widely acclaimed as
 6 the First Lady of Bluegrass; and
 7 WHEREAS, Wilma Lee Cooper and her late husband,
 8 Stoney Cooper, spent part of their early career in
 9 Iowa and Nebraska, and have returned to perform in the
 10 upper Midwest on many occasions, and continue to have
 11 a wide following in the region; and
 12 WHEREAS, Wilma Lee Cooper's career has spanned the
 13 decades from her childhood in West Virginia in the
 14 1930s, when she sang with her parents and sisters as
 15 the Leary Family, through the next nearly 40 years of
 16 singing with her husband, Stoney Cooper, and the
 17 Clinch Mountain Clan, until Stoney's death in 1977,
 18 and through more recent appearances on the Grand Ole
 19 Opry stage with the reorganized Clinch Mountain Clan;
 20 and
 21 WHEREAS, the music of Wilma Lee Cooper has always
 22 been traditional country music, with some of her best-
 23 known songs being "Walking My Lord Up Calvary's Hill,"
 24 "The Legend of the Dogwood Tree," "Come Walk With Me,"
 25 "Big Midnight Special," "There's A Big Wheel," and "A
 26 Daisy A Day"; and
 27 WHEREAS, Wilma Lee Cooper has been recognized as
 28 having made remarkable contributions to bluegrass
 29 music, and has received awards and honors from many
 30

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1 sources, including the International Bluegrass Music
 2 Association, the Smithsonian Institution, the Country
 3 Music Foundation, Harvard University, and the Country
 4 Gospel Music Hall of Fame, and has been chosen to
 5 record for the Library of Congress; and
 6 WHEREAS, Wilma Lee Cooper will be inducted into the
 7 Society for the Preservation of Bluegrass Music of
 8 America's Preservation Hall of Greats on February 4,
 9 2001, and will celebrate her 80th birthday on February
 10 7, 2001; NOW THEREFORE,
 11 BE IT RESOLVED BY THE SENATE, That the Senate
 12 recognizes Wilma Lee Cooper for her achievements as a
 13 vocal artist, recognizing not only her talent and
 14 career accomplishments but also her contribution to

15 the rich country music heritage celebrated by Iowans
 16 and music enthusiasts around the world.

SENATE RESOLUTION 3: filed January 24, 2001; adopted by
 the Senate on January 31, 2001.

1 SENATE RESOLUTION 3
 2 By: Committee on Ethics
 3 (SUCCESSOR TO SSB 1011)
 4 A Senate resolution relating to the senate rules governing
 5 lobbyists and their interactions with the senate and
 6 members of the senate during the seventy-ninth
 7 general assembly.
 8 BE IT RESOLVED BY THE SENATE, That the senate rules
 9 governing lobbyists for the ~~seventy-eighth~~ seventy-
 10 ninth general assembly shall be as follows:
 11 SENATE RULES GOVERNING LOBBYISTS
 12 1. DEFINITIONS. As used in these rules, "client",
 13 "gift", "honoraria" or "honorarium", "immediate family
 14 member" and "lobbyist" have the meaning provided in
 15 chapter 68B. As used in these rules the term
 16 "political action committee" means a committee, but
 17 not a candidate's committee, which accepts
 18 contributions, makes expenditures, or incurs
 19 indebtedness in the aggregate of more than five
 20 hundred dollars in any one calendar year ~~for the~~
 21 ~~purpose of supporting or opposing to expressly~~
 22 ~~advocate the nomination, election, or defeat of a~~
 23 ~~candidate for public office or to expressly advocate~~
 24 ~~the passage or defeat of a ballot issue or influencing~~
 25 legislative action, or an association, lodge, society,
 26 cooperative, union, fraternity, sorority, educational
 27 institution, civic organization, labor organization,
 28 religious organization, or professional or other
 29 organization which makes contributions in the
 30 aggregate of more than five hundred dollars in any one

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1 calendar year ~~for the purpose of supporting or~~
 2 ~~opposing to expressly advocate the nomination,~~
 3 ~~election, or defeat of a candidate for public office~~
 4 ~~or to expressly advocate the passage or defeat of a~~
 5 ~~ballot issue or influencing legislative action.~~
 6 2. APPLICABILITY. These rules are only applicable
 7 to lobbying activities involving the Iowa general
 8 assembly.
 9 3. REGISTRATION REQUIRED. All lobbyists shall, on
 10 or before the day their lobbying activity begins,
 11 register in the manner provided under section 68B.36
 12 by filing a completed lobbyist's registration form

13 with the person or person designated by the chief
14 clerk of the house and the secretary of the senate to
15 receive lobbyist registration statements. Lobbyist
16 registration forms shall be available in the office of
17 the chief clerk of the house and the secretary of the
18 senate. In addition, the lobbyist shall file with the
19 secretary of the senate a statement of the general
20 subjects of legislation in which the lobbyist is or
21 may be interested, the numbers of the bills and
22 resolutions and the bill number of study bills (if
23 known) which will be lobbied, whether the lobbyist
24 intends to lobby for or against each bill, resolution,
25 or study bill (if known), and on whose behalf the
26 lobbyist is lobbying the bill, resolution, or study
27 bill.
28 Any change in or addition to the foregoing
29 information shall be registered with the person or
30 persons designated by the chief clerk of the house and

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1 the secretary of the senate to receive lobbyist
2 registration statements within ten days after the
3 change or addition is known to the lobbyist.
4 Registration expires upon the commencement of the
5 next regular session of the general assembly, except
6 that the secretary of the senate may adopt and
7 implement a reasonable pre-registration procedure in
8 advance of each regular session during which persons
9 may register for that session and the following
10 legislative interim.

11 4. CANCELLATION OF REGISTRATION. If a lobbyist's
12 service on behalf of a particular employer, client, or
13 cause is concluded prior to the end of the calendar
14 year, the lobbyist may cancel the registration on
15 appropriate forms supplied by the secretary of the
16 senate. Upon cancellation of registration, a lobbyist
17 is prohibited from engaging in any lobbying activity
18 on behalf of that particular employer, client, or
19 cause until reregistering and complying with these
20 rules. A lobbyist's registration is valid for only
21 one session of a general assembly.

22 5. AMENDMENT OF REGISTRATION. If a registered
23 lobbyist represents more than one employer, client, or
24 cause and the lobbyist's services are concluded on
25 behalf of a particular employer, client, or cause
26 after the lobbyist registers but before the first day
27 of the next legislative session, the lobbyist shall
28 file an amendment to the lobbyist's registration
29 indicating which employer, client, or cause is no
30 longer represented by the lobbyist and the date upon

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1 which the representation concluded.
2 If a lobbyist is retained by one or more additional
3 employers, clients, or causes after the lobbyist
4 registers but before the first day of the next
5 legislative session, the lobbyist shall file an
6 amendment to the lobbyist's registration indicating
7 the employer, client, or cause to be added and the
8 date upon which the representation begins.
9 Amendments to a lobbyist's registration regarding
10 changes which occur during the time that the general
11 assembly is in session shall be filed within one
12 working day after the date upon which the change in
13 the lobbyist's representation becomes effective.

14 6. PUBLIC ACCESS. All information filed by a
15 lobbyist or a client of a lobbyist under chapter 68B
16 of the Code is a public record and open to public
17 inspection at any reasonable time.

18 7. LOBBYIST AND CLIENT REPORTING. Each lobbyist
19 registered with the senate and each lobbyist's client
20 shall file the reports required under sections 68B.37
21 and 68B.38 with the secretary of the senate.

22 For purposes of this rule, and the reports required
23 under sections 68B.37 and 68B.38, "services enumerated
24 under section 68B.2, subsection 13, paragraph "a" and
25 "lobbying purposes" include, but are not limited to,
26 the following:

27 a. Time spent by the lobbyist at the state capitol
28 building commencing with the first day of a
29 legislative session and ending with the day of final
30 adjournment of each legislative session as indicated

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1 by the journals of the house and senate.

2 b. Time spent by the lobbyist attending meetings
3 or hearings which results in the lobbyist
4 communicating with members of the general assembly or
5 legislative employees about current or proposed
6 legislation.

7 c. Time spent by the lobbyist researching and
8 drafting proposed legislation with the intent to
9 submit the legislation to a member of the general
10 assembly or a legislative employee.

11 d. Time spent by the lobbyist actually
12 communicating with members of the general assembly and
13 legislative employees about current or proposed
14 legislation.

15 8. GOVERNMENT OFFICIALS. All federal, state, and
16 local officials or employees representing their
17 departments, commissions, boards, or agencies shall

18 present to the secretary of the senate a letter of
19 authorization from their department or agency heads
20 prior to the commencement of their lobbying. The
21 lobbyist registration statement of these officials and
22 employees shall not be deemed complete until the
23 letter of authorization is attached. Federal, state,
24 and local officials who wish to lobby in opposition to
25 their departments, commissions, boards, or agencies
26 must indicate such on their lobbyist registration
27 statements.

28 9. CHARGE ACCOUNTS AND LOANS. Lobbyists and the
29 organizations they represent shall not allow any
30 senators to charge any amounts or items to any charge

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1 account to be paid for by those lobbyists or by the
2 organizations they represent. A lobbyist shall not
3 make a loan to a senator unless the loan is made in
4 the ordinary course of business, the lobbyist is in
5 the business of making loans, and the terms and
6 conditions of the loan are the same or substantially
7 similar to the finance charges and loan terms that are
8 available to members of the general public.

9 10. OFFERS OF ECONOMIC OPPORTUNITY. A lobbyist,
10 an employer of a lobbyist, or a political action
11 committee shall not offer economic or investment
12 opportunity or promise of employment to any senator
13 with intent to influence the senator's conduct in the
14 performance of official duties.

15 A lobbyist shall not take action intended to
16 negatively affect the economic interests of a senator.

17 For purposes of this rule, supporting or opposing a
18 candidate for office or supporting or opposing a bill,
19 amendment, or resolution shall not be considered to be
20 action intended to negatively affect the economic
21 interests of a senator.

22 11. MEMBERSHIP CONTRIBUTIONS. A lobbyist, or
23 employer of a lobbyist, shall not pay for membership
24 in or contributions to clubs or organizations on
25 behalf of a senator.

26 12. ACCESS TO SENATE FLOOR. Lobbyists shall not
27 be permitted on the floor of the senate while the
28 senate is in session. Elected state officials, except
29 the governor, lieutenant governor, and the members of
30 the house of representatives, shall not be permitted

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1 on the floor of the senate while the senate is in
2 session to encourage the passage, defeat, or
3 modification of legislation.

4 13. EFFECTIVE PERIOD. These rules governing
 5 lobbyists shall be in effect throughout the calendar
 6 year, whether or not the general assembly is in
 7 session.

8 14. GIFTS. A lobbyist or the client of a lobbyist
 9 shall not, directly or indirectly, offer or make a
 10 gift or a series of gifts to a senator, except as
 11 otherwise provided in section 68B.22.

12 15. HONORARIA. A lobbyist or client of a lobbyist
 13 shall not give an honorarium to a member or employee
 14 of the senate, except as otherwise provided in section
 15 68B.23.

16 16. COMPLAINTS. Rules 15 through 23 of the senate
 17 code of ethics apply to complaints and procedures
 18 regarding violations of these rules.

SENATE RESOLUTION 4: filed January 25, 2001; adopted by
 the Senate on February 6, 2001.

1 SENATE RESOLUTION 4

2 By: Committee on Ethics
 3 (SUCCESSOR TO SSB 1010)

4 A Senate resolution relating to the Senate Code of Ethics
 5 governing the conduct of members of the Senate in
 6 relation to their senatorial duties during the
 7 Seventy-ninth General Assembly.

8 BE IT RESOLVED BY THE SENATE, That the Senate Code
 9 of Ethics for the ~~Seventy-eighth~~ Seventy-ninth General
 10 Assembly shall be amended to read as follows:

11 SENATE CODE OF ETHICS

12 PREAMBLE. Every legislator owes a duty to uphold
 13 the integrity and honor of the general assembly, to
 14 encourage respect for the law and for the general
 15 assembly and the members thereof, and to observe the
 16 legislative code of ethics.

17 In doing so, members of the senate have a duty to
 18 conduct themselves so as to reflect credit on the
 19 general assembly, and to inspire the confidence,
 20 respect, and trust of the public, and to strive to
 21 avoid both unethical and illegal conduct and the
 22 appearance of unethical and illegal conduct.

23 Recognizing that service in the Iowa general
 24 assembly is a part-time endeavor and that members of
 25 the general assembly are honorable individuals who are
 26 active in the affairs of their localities and
 27 elsewhere and that it is necessary that they maintain
 28 a livelihood and source of income apart from their
 29 legislative compensation, the following rules are
 30 adopted pursuant to section 68B.31, to assist the

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- 1 members in the conduct of their legislative affairs.
2 1. ECONOMIC INTEREST OF SENATOR. Taking into
3 account that legislative service is part-time, a
4 senator shall not accept economic or investment
5 opportunity, under circumstances where the senator
6 knows, or should know, that there is a reasonable
7 possibility that the opportunity is being afforded the
8 senator with intent to influence the senator's conduct
9 in the performance of official duties.
10 2. DIVESTITURE. Where a senator learns that an
11 economic or investment opportunity previously accepted
12 was offered with the intent of influencing the
13 senator's conduct in the performance of official
14 duties, the senator shall take steps to divest that
15 senator of that investment or economic opportunity,
16 and shall report the facts of the situation to the
17 senate ethics committee.
18 3. CHARGES FOR SERVICES. A senator shall not
19 charge to or accept from a person, corporation,
20 partnership, or association known to have a
21 legislative interest a price, fee, compensation, or
22 other consideration for the sale or lease of any
23 property or the furnishing of services which is in
24 excess of that which the senator would charge another.
25 4. USE OF CONFIDENTIAL INFORMATION. A senator in
26 order to further the senator's own economic or other
27 interests, or those of any other person, shall not
28 disclose or use confidential information acquired in
29 the course of official duties.
30 5. HONORARIA. A senator shall not accept an

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- 1 honorarium from a restricted donor for a speech,
2 writing for publication, or other similar activity,
3 except as otherwise provided in section 68B.23.
4 6. EMPLOYMENT. A senator shall not accept
5 employment, either directly or indirectly, from a
6 political action committee. A senator may accept
7 employment from a political party, but shall disclose
8 the employment relationship in writing to the
9 secretary of the senate within ten days after the
10 beginning of each legislative session. If a senator
11 accepts employment from a political party during a
12 legislative session, the senator shall disclose the
13 employment relationship within ten days after
14 acceptance of the employment.
15 For the purpose of this rule, a political action
16 committee means a committee, but not a candidate's
17 committee, which accepts contributions, makes

18 expenditures, or incurs indebtedness in the aggregate
 19 of more than five hundred dollars in any one calendar
 20 year ~~for the purpose of supporting or opposing to~~
 21 expressly advocate the nomination, election, or defeat
 22 of a candidate for public office or to expressly
 23 advocate the passage or defeat of a ballot issue or
 24 influencing legislative action, or an association,
 25 lodge, society, cooperative, union, fraternity,
 26 sorority, educational institution, civic organization,
 27 labor organization, religious organization, or
 28 professional organization which makes contributions in
 29 the aggregate of more than five hundred dollars in any
 30 one calendar year ~~for the purpose of supporting or~~

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1 ~~opposing to expressly advocate the nomination,~~
 2 ~~election, or defeat of~~ a candidate for public office
 3 or ballot issue or influencing legislative action.
 4 7. ECONOMIC INTERESTS OF LOBBYIST. With the
 5 exception of exercising unfettered discretion in
 6 supporting or refusing to support proposed
 7 legislation, a senator shall not take action intended
 8 to affect the economic interests of a lobbyist or
 9 citizen supporting or opposing proposed legislation.
 10 8. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A
 11 senator may appear before a governmental agency or
 12 board in any representation case, except that the
 13 senator shall not act as a lobbyist. Whenever a
 14 senator appears before a governmental agency or board,
 15 the senator shall carefully avoid all conduct which
 16 might in any way lead members of the general public to
 17 conclude that the senator is using the senator's
 18 official position to further the senator's
 19 professional success or personal financial interest.
 20 9. CONFLICTS OF INTERESTS. In order to permit the
 21 general assembly to function effectively, a senator
 22 will sometimes be required to vote on bills and
 23 participate in committee work which will affect the
 24 senator's employment and other monetary interests. In
 25 making a decision relative to the senator's activity
 26 on given bills or committee work which are subject to
 27 the code, the following factors shall be considered:
 28 a. Whether a substantial threat to the senator's
 29 independence of judgment has been created by the
 30 conflict situation.

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- 1 b. The effect of the senator's participation on
- 2 public confidence in the integrity of the legislature.
- 3 c. The need for the senator's particular

4 contribution, such as special knowledge of the subject
5 matter, to the effective functioning of the
6 legislature.
7 A senator with a conflict of interest may
8 participate in floor debate if prior to debate the
9 senator indicates the conflict of interest.
10 10. GIFTS. Except as otherwise provided in
11 section 68B.22, a senator, or that person's immediate
12 family member, shall not, directly or indirectly,
13 accept or receive any gift or series of gifts from a
14 restricted donor.
15 11. DISCLOSURE REQUIRED. Each senator shall file
16 with the secretary of the senate within ten days after
17 the adoption of the code of ethics by the senate, and
18 within ten days after the convening of the second
19 session of the general assembly, a statement under
20 section 68B.35 on forms provided by the secretary of
21 the senate setting forth the following information:
22 The nature of each business in which the senator is
23 engaged and the nature of the business of each company
24 in which the senator has a financial interest. A
25 senator shall not be required to file a report or be
26 assumed to have a financial interest if the annual
27 income derived from the investment in stocks, bonds,
28 bills, notes, mortgages, or other securities offered
29 for sale through recognized financial brokers is less
30 than one thousand dollars.

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1 Disclosures required under this rule shall be as of
2 the date filed unless provided to the contrary, and
3 shall be amended to include interests and changes
4 encompassed by this rule that occur while the general
5 assembly is in session. All filings under this rule
6 shall be open to public inspection in the office of
7 the secretary of the senate at all reasonable times.
8 The secretary of the senate shall inform the ethics
9 committee of the statements which are filed and shall
10 report to the ethics committee the names of any
11 senators who appear not to have filed complete
12 statements. The chairperson of the ethics committee
13 shall request in writing that a senator who has failed
14 to complete the report or appears to have filed an
15 incomplete report do so within five days, and, upon
16 the failure of the senator to comply, the ethics
17 committee shall require the senator to appear before
18 the committee.
19 12. STATUTORY VIOLATIONS. Members of the general
20 assembly are urged to familiarize themselves with
21 chapters 68B, 721, and 722.
22 13. CHARGE ACCOUNTS. Senators shall not charge

23 any amount or item to any charge account to be paid
24 for by any lobbyist or any client the lobbyist
25 represents.
26 14. TRAVEL EXPENSES. A senator shall not charge
27 to the state of Iowa amounts for travel and expenses
28 unless the senator actually has incurred those mileage
29 and expense costs. Senators shall not file the
30 vouchers for weekly mileage reimbursement required by

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1 section 2.10, subsection 1, unless the travel was
2 actually incurred at commensurate expense to the
3 senator.
4 15. COMPLAINTS. Complaints or charges against any
5 senator or any lobbyist shall be in writing, made
6 under oath, and filed with the secretary of the senate
7 or the chairperson of the ethics committee. If filed
8 with the secretary of the senate, the secretary shall
9 immediately advise the chairperson of the ethics
10 committee of the receipt of the complaint.
11 Complaint forms shall be available from the
12 secretary of the senate, or the chairperson of the
13 ethics committee, but a complaint shall not be
14 rejected for failure to use an approved form if the
15 complaint substantially complies with senate
16 requirements.
17 A complainant may submit exhibits and affidavits
18 attached to the complaint.
19 16. FILING OF COMPLAINTS.
20 a. Persons entitled. Complaints may be filed by
21 any person believing that a senator or lobbyist has
22 violated the senate ethics code, the senate rules
23 governing lobbyists, or chapter 68B of the Iowa Code.
24 A violation of the criminal law may be considered to
25 be a violation of this code of ethics if the violation
26 constitutes a serious misdemeanor or greater, or a
27 repetitive and flagrant violation of the law.
28 b. Committee complaint. The ethics committee may,
29 upon its own motion, initiate a complaint,
30 investigation, or disciplinary action.

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1 c. Timeliness of filing. A complaint will be
2 considered to be timely filed if it is filed within
3 three years of the occurrence of the alleged violation
4 of the ethics code.
5 17. PERMANENT RECORD. The secretary of the senate
6 shall maintain a permanent record of all complaints
7 filed, evidence received by the committee, and any
8 transcripts or other recordings made of committee

9 proceedings, including a separate card file containing
10 the date filed, name and address of the complainant,
11 name and address of the respondent, a brief statement
12 of the charges made, and ultimate disposition of the
13 complaint. The secretary shall keep each such
14 complaint confidential until public disclosure is made
15 by the ethics committee.

16 18. PREHEARING PROCEDURE.

17 a. Defective complaint. Upon receipt of a
18 complaint, the chairperson and ranking member of the
19 ethics committee shall determine whether the complaint
20 substantially complies with the requirements of this
21 code of ethics and section 68B.31, subsection 6. If
22 the complaint does not substantially comply with the
23 requirements for formal sufficiency under the code of
24 ethics, the complaint may be returned to the
25 complainant with a statement that the complaint is not
26 in compliance with the code and a copy of the code.
27 If the complainant fails to amend the complaint to
28 comply with the code within a reasonable time, the
29 chair and ranking member may dismiss the complaint
30 with prejudice for failure to prosecute.

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1 b. Service of complaint on respondent. Upon
2 receipt of any complaint substantially complying with
3 the requirements of this code of ethics, the
4 chairperson of the ethics committee shall cause a copy
5 of the complaint and any supporting information to be
6 delivered promptly to the respondent, requesting a
7 written response to be filed within ten days. The
8 response may do any of the following:

- 9 (1) Admit or deny the allegation or allegations.
- 10 (2) Object that the allegation fails to allege a
11 violation of chapter 68B or the code of ethics.
- 12 (3) Object to the jurisdiction of the committee.
- 13 (4) Request a more specific statement of the
14 allegation or allegations.

15 c. Objection to member. In addition to the items
16 which may be included in a response pursuant to
17 paragraph "b", the response may also include an
18 objection to the participation of any member of the
19 committee in the consideration of the allegation or
20 allegations on the grounds that the member cannot
21 render an impartial and unbiased decision.

22 d. Extension of time. At the request of the
23 respondent and upon a showing of good cause, the
24 committee, or the chairperson and ranking member, may
25 extend the time for response, not to exceed ten
26 additional days.

27 e. Confidentiality. If a complaint is not

28 otherwise made public, the members of the committee
29 shall treat the complaint and all supporting
30 information as confidential until the written response

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1 is received from the respondent.
2 f. Communications with ethics committee. After a
3 complaint has been filed or an investigation has been
4 initiated, a party to the complaint or investigation
5 shall not communicate, or cause another to
6 communicate, as to the merits of the complaint or
7 investigation with a member of the committee, except
8 under the following circumstances:
9 (1) During the course of any meetings or other
10 official proceedings of the committee regarding the
11 complaint or investigation.
12 (2) In writing, if a copy of the writing is
13 delivered to the adverse party or the designated
14 representative for the adverse party.
15 (3) Orally, if adequate prior notice of the
16 communication is given to the adverse party or the
17 designated representative for the adverse party.
18 (4) As otherwise authorized by statute, the senate
19 code of ethics, the senate rules governing lobbyists,
20 or vote of the committee.
21 g. Scheduling hearing. Upon receipt of the
22 response, the committee shall schedule a public
23 meeting to review the complaint and available
24 information, and shall:
25 (1) Notify the complainant that no further action
26 will be taken, unless further substantiating
27 information is produced, or
28 (2) Dismiss the complaint for failure to meet the
29 statutory and code of ethics requirements for valid
30 complaints, or

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1 (3) Request that the chief justice of the supreme
2 court appoint an independent special counsel to
3 conduct an investigation of the complaint and
4 supporting information, to make a determination of
5 probable cause, and to report the findings to the
6 committee, which shall be received within a reasonable
7 time.
8 h. Public hearing. If independent special counsel
9 is appointed, upon receipt of the report of
10 independent special counsel's findings, the committee
11 shall schedule a public meeting to review the report
12 and shall do either of the following:
13 (1) Cause the complaint to be scheduled for a

14 public hearing.

15 (2) Dismiss the complaint based upon a
16 determination by independent special counsel and the
17 committee that insufficient evidence exists to support
18 a finding of probable cause.

19 19. HEARING PROCEDURE.

20 a. Notice of hearing. If the committee causes a
21 complaint to be scheduled for a public hearing, notice
22 of the hearing date and time shall be given to the
23 complainant and respondent in writing, and of the
24 respondent's right to appear in person, be represented
25 by legal counsel, present statements and evidence, and
26 examine and cross-examine witnesses. The committee
27 shall not be bound by formal rules of evidence, but
28 shall receive relevant evidence, subject to
29 limitations on repetitiveness. Any evidence taken
30 shall be under oath.

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1 b. Subpoena power. The committee may require, by
2 subpoena or otherwise, the attendance and testimony of
3 witnesses and the production of such books, records,
4 correspondence, memoranda, papers, documents, and any
5 other things it deems necessary to the conduct of the
6 inquiry.

7 c. Ex post facto. An investigation shall not be
8 undertaken by the committee of a violation of a law,
9 rule, or standard of conduct that is not in effect at
10 the time of violation.

11 d. Disqualification of member. Members of the
12 committee may disqualify themselves from participating
13 in any investigation of the conduct of another person
14 upon submission of a written statement that the member
15 cannot render an impartial and unbiased decision in a
16 case. A member may also be disqualified by a
17 unanimous vote of the remaining eligible members of
18 the committee.

19 A member of the committee is ineligible to
20 participate in committee meetings, as a member of the
21 committee, in any proceeding relating to the member's
22 own official conduct.

23 If a member of the committee is disqualified or
24 ineligible to act, the majority or minority leader who
25 appointed the member shall appoint a replacement
26 member to serve as a member of the committee during
27 the period of disqualification or ineligibility.

28 e. Hearing. At the hearing, the chairperson shall
29 open the hearing by stating the charges, the purpose
30 of the hearing, and its scope. The burden of proof

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1 rests upon the complainant to establish the facts as
2 alleged, by clear and convincing evidence. However,
3 questioning of witnesses shall be conducted by the
4 members of the committee, by independent special
5 counsel, or by a senator. The chairperson shall also
6 permit questioning by legal counsel representing the
7 complainant or respondent.

8 The chairperson or other member of the committee
9 presiding at a hearing shall rule upon procedural
10 questions or any question of admissibility of evidence
11 presented to the committee. Rulings may be reversed
12 by a majority vote of the committee members present.

13 The committee may continue the hearing to a future
14 date if necessary for appropriate reasons or purposes.

15 f. Committee action. Upon receipt of all relevant
16 evidence and arguments, the committee shall consider
17 the same and recommend to the senate:

18 (1) That the complaint be dismissed, or

19 (2) That the senator or lobbyist be censured or
20 reprimanded, and recommend the appropriate form of
21 censure or reprimand, or

22 (3) Any other appropriate sanction, including
23 suspension or expulsion from membership in the senate,
24 or suspension of lobbying privileges.

25 g. Disposition resolution. By appropriate
26 resolution, the senate may amend, adopt, or reject the
27 report of the ethics committee, including the
28 committee's recommendations regarding disciplinary
29 action.

30 20. COMMITTEE AUTHORIZED TO MEET. The senate

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1 ethics committee is authorized to meet at the
2 discretion of the chairperson to conduct hearings and
3 other business that properly may come before it. If
4 the committee submits a report seeking senate action
5 against a senator or lobbyist after the second regular
6 session of a general assembly has adjourned sine die,
7 the report shall be submitted to and considered by the
8 subsequent general assembly. However, the report may
9 be submitted to and considered during any special
10 session which may take place after the second regular
11 session of a general assembly has adjourned sine die,
12 but before the convening of the next general assembly.

13 20A. ADVISORY OPINIONS.

14 a. Requests for formal opinions. A request for a
15 formal advisory opinion may be filed by any person who
16 is subject to the authority of the ethics committee.

17 The ethics committee may also issue a formal advisory

18 opinion on its own motion, without having previously
 19 received a formal request for an opinion, on any issue
 20 that is within the jurisdiction of the committee.
 21 Requests shall be filed with either the secretary of
 22 the senate or the chairperson of the ethics committee.
 23 b. Form and contents of requests. A request for a
 24 formal advisory opinion shall be in writing and may
 25 pertain to any subject matter that is related to the
 26 application of the senate code of ethics, the senate
 27 rules governing lobbyists, or chapter 68B of the Code
 28 to any person who is subject to the authority of the
 29 ethics committee. Requests shall contain one or more
 30 specific questions and shall relate either to future

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1 conduct or be stated in the hypothetical. A request
 2 for an advisory opinion shall not specifically name
 3 any individual or contain any other specific
 4 identifying information, unless the request relates to
 5 the requester's own conduct. However, any request may
 6 contain information which identifies the kind of
 7 individual who may be affected by the subject matter
 8 of the request. Examples of this latter kind of
 9 identifying information may include references to
 10 conduct of a category of individuals, such as but not
 11 limited to conduct of legislators, legislative staff,
 12 or lobbyists.
 13 c. Confidentiality of formal requests and
 14 opinions. Requests for formal opinions are not
 15 confidential and any deliberations of the committee
 16 regarding a request for a formal opinion shall be
 17 public. Opinions issued in response to requests for
 18 formal opinions are not confidential, shall be in
 19 writing, and shall be placed on file in the office of
 20 the secretary of the senate. Persons requesting
 21 formal opinions shall personally receive a copy of the
 22 written formal opinion that is issued in response to
 23 the request.
 24 20B. CALCULATION OF TIME -- DAYS. For purposes of
 25 these rules, unless the context otherwise requires,
 26 the word "day" or "days" shall mean a calendar day
 27 except that if the day is the last day of a specific
 28 time period and falls upon a Saturday, Sunday, or
 29 legal holiday, the time prescribed shall be extended
 30 so as to include the whole of the next day in which

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1 the offices of the senate and the general assembly are
 2 open for official business.
 3 21. COMPLAINT FILING FORM. The following form

4 shall be used to file a complaint under these rules:

5 THE SENATE

6 Ethics Complaint Form

7 Re: _____ (Senator/Lobbyist),
8 of _____, Iowa.

9 I, _____ (Complainant), residing
10 at _____, in the City of _____,

11 State of _____, hereby complain that
12 _____ (Senator/Lobbyist), whose
13 address is _____,

14 has violated the Senate Code of Ethics or Senate
15 Rules Governing Lobbyists in that:

16 (Explain the basis for the complaint here. Use addi-
17 tional pages, if necessary.)

18 Under penalty of perjury, I certify that the above
19 complaint is true and correct as I verily believe.

20 _____
21 Signature of Complainant

22 SUBSCRIBED AND AFFIRMED to before me this _____
23 day of _____, _____.

24 _____
25 Notary Public in and for the
26 State of _____

27 22. COMPLAINT NOTICE FORM. The following form
28 shall be used for notice of a complaint under these
29 rules:

30 STATE OF IOWA

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1 THE SENATE

2 COMMITTEE ON ETHICS)
3 IOWA STATE SENATE)
4)
5 On The Complaint Of) NOTICE OF COMPLAINT

6)
7 _____)
8)
9 And Involving)
10)
11 _____)
12)

13 TO _____,
14 Senator or Lobbyist named above:

15 You are hereby notified that there is now on file
16 with the Secretary of the Senate, State Capitol, Des
17 Moines, Iowa, a complaint which alleges that you have
18 committed a violation of the Senate's Code of Ethics
19 or Senate Rules Governing Lobbyists.

20 A copy of the complaint and the Senate rules for
21 processing the same are attached hereto and made a
22 part of this notice.

23 You are further notified and requested to file your
 24 written answer to the complaint within ten days of the
 25 date upon which the notice was caused to be delivered
 26 to you, (date) _____, _____. Your
 27 answer is to be filed with the Secretary of the Senate,
 28 State Capitol, Des Moines, Iowa.
 29 Dated this _____ day of _____,
 30 _____

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1 Chair, Senate Ethics Committee,
 2 or Secretary of the Senate
 3 23. HEARING NOTICE FORM. The following form shall
 4 be used for notice of a hearing under these rules:
 5 STATE OF IOWA
 6 THE SENATE
 7 COMMITTEE ON ETHICS)
 8 IOWA STATE SENATE)
 9)
 10 On The Complaint Of) NOTICE OF HEARING
 11)
 12 _____)
 13)
 14 And Involving)
 15)
 16 _____)
 17)
 18 TO _____,
 19 Senator or Lobbyist named above:
 20 You are hereby notified that there is now on file
 21 with the Secretary of the Senate, State Capitol, Des
 22 Moines, Iowa, a complaint which alleges that you have
 23 committed a violation of the Senate's Code of Ethics
 24 or Senate Rules Governing Lobbyists.
 25 A copy of the complaint and the Senate rules for
 26 processing the same are attached hereto and made a
 27 part of this notice.
 28 You are further notified that, after preliminary
 29 review, the committee has caused a public hearing to
 30 be scheduled on (date) _____.

Page 19

1 _____, at (hour) _____ (a.m.) (p.m.),
 2 in Room _____, State Capitol, Des Moines, Iowa.
 3 At the hearing, you will have the right to appear
 4 in person, be represented by legal counsel at your own
 5 expense, present statements and evidence, and examine
 6 and cross-examine witnesses. The committee shall not
 7 be bound by formal rules of evidence, but shall
 8 receive relevant evidence, subject to limitations on

9 repetitiveness. Any evidence taken shall be under
10 oath.

11 The committee may continue the hearing to a future
12 date if necessary for appropriate reasons or purposes.

13 You are further notified that the committee will
14 receive such evidence and take such action as
15 warranted by the evidence.

16 Dated this _____ day of _____, _____.

17 _____
18 Chair, Senate Ethics Committee,
19 or Secretary of the Senate

20 24. PERSONAL FINANCIAL DISCLOSURE FORM. The
21 following form shall be used for disclosure of
22 economic interests under these rules and section
23 68B.35:

24 STATEMENT OF ECONOMIC INTERESTS

25 Name: _____
26 (Last) (First) (Middle Initial)

27 Address: _____
28 (Street Address, Apt.# - P.O. Box)

29 _____
30 (City) (State) (Zip)

Page 20

1 Phone: (Home) ____-____-____ (Business) ____-____-____
2 *****

3 a. Please list each business, occupation, or
4 profession in which you are engaged. In listing the
5 business, occupation, or profession, it is not
6 necessary that your employer or the name of the
7 business be listed, although all businesses,
8 occupations, or professions must be listed, regardless
9 of the amount of income derived or time spent
10 participating in the activity. (Examples of types of
11 businesses, occupations, or professions that may be
12 listed: teacher, lawyer, legislator, real estate
13 agent, insurance adjuster, salesperson....)

- 14 (1) _____
- 15 (2) _____
- 16 (3) _____
- 17 (4) _____
- 18 (5) _____

19 b. Please list the nature of each of the
20 businesses, occupations, or professions which you
21 listed in paragraph "a", above, unless the nature of
22 the business, occupation, or profession is already
23 apparent from the information indicated above. The
24 descriptions in this paragraph should correspond by
25 number to the numbers for each of the businesses,
26 occupations, or professions listed in paragraph "a".
27 (Examples: If you indicated, for example, that you

28 were a salesperson in subparagraph (1) of paragraph
29 "a", you should list in subparagraph (1) of this
30 paragraph the types of goods or services sold in this

Page 21

1 item. If you indicated that you were a teacher in
2 subparagraph (2) of paragraph "a", you should indicate
3 in subparagraph (2) of this paragraph the type of
4 school or institution in which you provide instruction
5 or whether the instruction is provided on a private
6 basis. If you indicated that you were a lawyer in
7 subparagraph (3) of paragraph "a", you should indicate
8 your areas of practice and whether you are in private,
9 corporate, or government practice in subparagraph (3)
10 of this paragraph. If you indicated in subparagraph
11 (4) of paragraph "a" that you were a consultant, in
12 subparagraph (4) of this paragraph you should indicate
13 the kind of services provided and types of clients
14 served.)

- 15 (1) _____
- 16 (2) _____
- 17 (3) _____
- 18 (4) _____
- 19 (5) _____

20 c. Please list each source, by general
21 description, from which you receive, or which
22 generates, more than one thousand dollars in gross
23 annual income in the categories listed below. For
24 purposes of this item, a source produces gross annual
25 income if the revenue produced by the source is
26 subject to federal or state income taxes. In
27 completing this item, it is not necessary to list the
28 name of the company, business, financial institution,
29 corporation, partnership, or other entity which
30 constitutes the source of the income and the amount or

Page 22

1 value of the holding should not be listed.
2 (1) Securities (Here for example, you need not
3 state that you own X number of shares of any specific
4 company by brand or corporate name, or that the stock
5 is of a certain value, but may instead state that you
6 possess stock in a company and indicate the nature of
7 the company's business.):

- 8 _____
- 9 _____
- 10 _____
- 11 _____
- 12 _____

13 (2) Instruments of Financial Institutions (You

14 need not indicate, for example, in which institutions
15 you hold certificates of deposit that produce annual
16 income over the one thousand dollar threshold, but
17 simply listing the nature of the institution will
18 suffice, e.g., bank, credit union, or savings and loan
19 association.):

20 _____
21 _____
22 _____
23 _____
24 _____

25 (3) Trusts (The name of the particular trust need
26 not be listed. However, if the income is received
27 from a charitable trust/foundation, such as the Pugh
28 Charitable Trust, in the form of a grant, the fact
29 that the trust is a charitable trust should be noted
30 here.):

Page 23

1 _____
2 _____
3 _____
4 _____
5 _____

6 (4) Real Estate (When listing real estate, it is
7 not necessary to list the location of the property,
8 but the general nature of the real estate interest
9 should be indicated, e.g. residential leasehold
10 interest or farm leasehold interest.):

11 _____
12 _____
13 _____
14 _____
15 _____

16 (5) Retirement Systems (When listing retirement
17 benefits, it is not necessary to list the name of the
18 particular pension system or company, but rather the
19 type of benefit should be listed, e.g., health
20 benefits, life insurance benefits, private pension, or
21 government pension.):

22 _____
23 _____
24 _____
25 _____
26 _____

27 (6) Other Income Categories Specified in State or
28 Federal Income Tax Regulations (List description of
29 other sources of income producing over one thousand
30 dollars in annual income not previously reported

Page 24

1 above, but which must be reported for income tax
 2 purposes.):
 3 _____
 4 _____
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 (Signature of filer) (Date)

SENATE RESOLUTION 6: filed January 30, 2001; adopted by the Senate on February 6, 2001.

1 SENATE RESOLUTION 6
 2 By: Committee on Rules and Administration
 3 A Senate resolution relating to permanent rules of the
 4 senate for the seventy-ninth general assembly.
 5 BE IT RESOLVED BY THE SENATE, That the permanent
 6 rules of the senate for the ~~seventy-eighth~~ seventy-
 7 ninth general assembly be as follows:
 8 RULES OF THE SENATE
 9 Rule 1
 10 Quorum
 11 A constitutional majority shall constitute a quorum
 12 of the senate. Any senator may insist a quorum be
 13 present.
 14 Rule 2
 15 Adoption and Amendment of Rules
 16 Whenever the senate is operating under temporary
 17 rules, the rules may be amended or repealed, or
 18 permanent rules may be adopted, by a constitutional
 19 majority of the senators. After adoption of permanent
 20 rules of the senate during any general assembly, the
 21 rules may be amended or repealed by a constitutional
 22 majority of the senators voting on a simple
 23 resolution.
 24 Rule 3
 25 Rules of Parliamentary Procedure
 26 In cases not covered by senate rules or joint
 27 rules, Mason's Manual of Legislative Procedure shall
 28 govern.
 29 Rule 4
 30 Sessions of the General Assembly

Page 2

1 The election of officers, organization, hiring and
 2 compensation of employees, and committees of the

3 senate shall carry over from the first to the second
4 regular sessions and to any extraordinary sessions of
5 the same general assembly.
6 All bills and resolutions introduced in the first
7 regular session of a general assembly which are not
8 withdrawn, lost, or indefinitely postponed shall carry
9 over into the second regular session and to any
10 extraordinary session of the same general assembly.
11 Appointments received from the governor for senate
12 confirmation during any session of a general assembly
13 shall be acted upon prior to adjournment of that
14 session as provided by section 2.32 of the Code.
15 Except as provided by this rule, upon the adjournment
16 of the first regular session and any extraordinary
17 session, each bill or resolution shall be
18 automatically referred back to the committee to which
19 it was originally assigned. The secretary of the
20 senate shall publish in the Journal a list of the
21 bills returned to committee under this rule. Within
22 seven days after the first committee meeting after the
23 convening of the second regular session, committees
24 shall either authorize the chair to refer such bills
25 and resolutions to a subcommittee for consideration,
26 indefinitely postpone further consideration of such
27 bills, or report them out to the floor and place them
28 on the calendar. If the subcommittee is different
29 than that appointed during the first session, the
30 committee chair shall report to the senate the bill or

Page 3

1 resolution number and the names of the subcommittee
2 members.
3 Bills and resolutions which have been voted upon on
4 final passage by either house in any session shall
5 remain on the calendar in the same status as at the
6 end of the session at any subsequent regular or
7 extraordinary session.

8 Rule 5

9 Regular Order of Daily Business

10 The following order shall govern, subject to any
11 special order:

- 12 1. Correction of the journal.
- 13 2. Senators to be excused.
- 14 3. Communications to the Senate.
- 15 4. Introduction of bills and resolutions.
- 16 5. Points of personal privilege.
- 17 6. Consideration of senate calendar.

18 Rule 6

19 Senate Calendar

- 20 1. Each legislative day the secretary of the
21 senate shall prepare a listing of bills to be known as

22 the "Senate Calendar".

23 2. The senate calendar may contain a listing under
24 the category "Special Order" which shall be placed at
25 the head of the calendar. Bills in such category
26 shall be those which are specifically set for debate
27 by the majority leader with the consent of the senate
28 on a certain date and time. Bills shall be listed by
29 the secretary in the order they are set for debate.

30 3. The senate calendar shall include separate

Page 4

1 listings for any bills and resolutions in the
2 following categories:

- 3 a. Conference Committee Report
- 4 b. Bills in Conference Committee
- 5 c. House Amendment to Senate Amendment to House
6 File
- 7 d. House Refuses to Concur in Senate Amendment to
8 House File
- 9 e. Senate Files Amended by the House
- 10 f. Unfinished Business
- 11 g. Motions to Reconsider
- 12 h. Administrative Rules Nullification Resolutions
- 13 i. Veto Messages from the Governor

14 4. The secretary shall list bills and resolutions
15 in the above categories in the order they are
16 received. Upon their first publication in the
17 calendar, bills and resolutions in the above
18 categories may be called up for debate at any time by
19 the majority leader. Motions to reconsider shall be
20 called up as provided by Rule 24.

21 5. The senate calendar shall include a listing of
22 senate appropriations committee bills and bills
23 reported out by the senate appropriations committee.
24 The list shall be known as the "Appropriations
25 Calendar". The secretary shall list the bills in the
26 order they are received. Upon their first publication
27 in the calendar, bills on the appropriations calendar
28 may be called up for debate at any time by the
29 majority leader provided they are eligible under Rule
30 8.

Page 5

1 6. The senate calendar shall include a listing of
2 bills which pertain to the levy, assessment or
3 collection of taxes sponsored by or initially assigned
4 to and reported out by the senate ways and means
5 committee. The list shall be known as the "Ways and
6 Means Calendar". The secretary shall list the bills
7 in the order they are received. Upon their first

8 publication in the calendar, bills on the ways and
9 means calendar may be called up for debate at any time
10 by the majority leader provided they are eligible
11 under Rule 8.

12 7. The senate calendar shall include a list of
13 bills and resolutions, known as the "Regular
14 Calendar", which shall consist of bills and
15 resolutions reported out by a senate committee. The
16 bills and resolutions reported out each day shall be
17 placed in the order of their file numbers and
18 following those reported out on previous days.
19 Priority shall be given to senate over house bills and
20 resolutions and to joint resolutions over bills. Upon
21 their first publication in the calendar, bills on the
22 regular calendar may be called up for debate at any
23 time by the majority leader, provided they are
24 eligible under Rule 8.

25 A bill reported out of committee which is
26 subsequently referred to the ways and means or
27 appropriations committee and then reported out of that
28 committee, shall be returned to the regular calendar
29 and retain its original place thereon.

30 8. The senate calendar shall include a listing of

Page 6

1 the governor's appointees to state boards,
2 commissions, and other offices requiring senate
3 confirmation. This listing shall be known as the
4 "Confirmation Calendar". Names on the confirmation
5 calendar may be called up for confirmation at any time
6 by the majority leader provided they are eligible
7 under rule 59.

8 9. The majority leader, or in the absence of the
9 majority leader the assistant majority leaders, may
10 select from among the bills on the previous
11 legislative day's Senate calendar and from the bills
12 selected create a new listing which shall be known as
13 the "Debate Calendar". The debate calendar shall list
14 bills as the majority leader expects to take them up
15 during the following week. A bill or resolution on
16 the debate calendar may be debated only when eligible
17 under Rule 8.

18 10. The majority leader, or in the absence of the
19 majority leader the assistant majority leaders, may
20 create a list of bills or resolutions about which no
21 controversy is believed to exist which shall be known
22 as the "Proposed Noncontroversial Calendar". Bills or
23 resolutions included on this listing may be debated at
24 any time upon being called up for debate by the
25 majority leader. Any bill or resolution which
26 appeared on the previous day's Senate calendar may be

27 placed by any senator on the proposed noncontroversial
28 calendar, which shall be published. Any bill or
29 resolution on the proposed noncontroversial calendar
30 shall be stricken from the list if any senator files a

Page 7

1 written objection with the secretary of the senate on
2 the first or second legislative day after it appears
3 on the proposed noncontroversial calendar. Any bill
4 stricken from the proposed noncontroversial calendar
5 shall be returned to its former place on the Senate
6 calendar. The secretary shall prepare the
7 noncontroversial calendar which shall consist of all
8 bills or resolutions on the proposed noncontroversial
9 calendar to which no objection was received.

10 11. If the senate shall not be in session on a day
11 assigned in paragraphs nine and ten for action upon a
12 calendar, such assigned action shall occur on the next
13 succeeding legislative day.

14 12. On any bill called up for debate from any
15 calendar, debate may continue from day to day until it
16 is adopted, fails, or is postponed or deferred. If
17 further debate is postponed or deferred without a time
18 to continue being set, except for bills on the debate
19 calendar, the bill shall be listed as unfinished
20 business. Bills which are returned to the committee
21 of first referral or to a different committee after
22 being considered by the senate and classified as
23 unfinished business shall be returned to the
24 unfinished business calendar by that committee when
25 the bill is reported out of committee. The unfinished
26 business date on the calendar shall be the date on
27 which the bill was returned to committee. Bills on
28 the debate calendar upon which further debate is
29 postponed or deferred without a time to continue being
30 set shall return to the regular calendar.

Page 8

1 Rule 7

2 Steering Committee

3 The senate may authorize the appointment of a
4 steering committee. The majority leader shall appoint
5 the majority party members to the steering committee.
6 The minority leader shall appoint the minority party
7 members to the steering committee. The function of
8 the steering committee shall be to create its own
9 calendar from the bills and resolutions on the regular
10 calendar. Bills and resolutions on the steering
11 committee calendar shall have priority over bills and
12 resolutions on all other calendars, except the

13 appropriations calendar.

14

Rule 8

15

When Eligible for Consideration

16

Bills, resolutions, and appointments shall be

17

eligible for consideration by the senate as follows:

18

1. An appointment by the governor which requires

19

senate confirmation shall be eligible on the

20

legislative day after it is first printed in the

21

senate calendar as provided by Rule 59.

22

2. A house or individually sponsored bill or

23

resolution reported out by a committee shall be

24

eligible on the legislative day after it is first

25

printed in the senate calendar.

26

3. A committee bill or resolution sponsored by the

27

appropriations committee shall be eligible on the

28

legislative day after it is first printed in the

29

senate calendar.

30

4. Any committee bill or resolution, other than a

Page 9

1

bill or resolution sponsored by the appropriations

2

committee, shall be eligible on the third legislative

3

day it is printed in the senate calendar.

4

5. A bill that has been reported out to the senate

5

calendar, referred to a different committee and

6

reported out by that committee is eligible for

7

consideration by the senate on the day it would have

8

been eligible under subsection 2, 3, or 4, whichever

9

is applicable, as if the bill had been printed in the

10

calendar after having been reported out by the first

11

committee.

12

6. Any bill or resolution placed on the steering

13

committee calendar is eligible for consideration on

14

the day of its placement on that calendar.

15

When a bill or resolution on the calendar is not

16

yet eligible, the date when it will become eligible

17

shall be printed in the calendar.

18

Rule 9

19

Debate and Decorum

20

Before addressing the senate, the senator shall

21

request recognition by depressing the "speak" device

22

and, when recognized, rise and respectfully address

23

the chair.

24

The senator shall confine all remarks to the

25

question under debate and shall avoid discussing

26

personalities or implication of improper motives. No

27

questions except by the senator recognized shall be

28

entertained after a senator is recognized to give

29

final remarks.

30

Rule 10

Page 10

1 Point of Personal Privilege

2 A point of personal privilege shall only be
3 recognized when there is no motion pending or other
4 business being considered by the senate. Senators
5 speaking on a point of personal privilege shall be
6 limited to ten minutes.

7 Rule 11

8 Introduction and Presentation of Guests

9 Only former members of the senate and former and
10 present members of Congress shall be presented to the
11 senate, except that the president of the senate may
12 present a visitor whose presence is of special
13 significance to the senate. The presence of school
14 groups accompanied by school officials shall be
15 announced by the president of the senate and shall be
16 recorded in the journal upon written request of a
17 member of the senate.

18

Rule 12

19 Form and Withdrawal of Motions, Amendments and Signatures

20 Motions need not be in writing unless required by
21 the president or by the senate. No motion requires a
22 second. Any amendment, motion (including a motion to
23 reconsider), or resolution may be withdrawn by the
24 mover if it has not been amended by the senate and if
25 no amendment is pending. All amendments to bills,
26 resolutions, and reports shall be in writing and filed
27 before being acted upon by the senate.

28 No amendment, resolution, bill, or conference
29 committee report shall be considered by the senate
30 without a copy of the amendment, resolution, bill, or

Page 11

1 conference committee report being on the desks of the
2 entire membership of the senate prior to
3 consideration.

4 All amendments, reports, petitions or other
5 documents requiring a signature shall have the name
6 typed under the place for the signature. Once a
7 signature is affixed and the document containing the
8 signature filed with the recording clerk in the well,
9 that signature shall not be removed.

10 When an amendment to a main amendment is filed that
11 would negate the effect of the main amendment and
12 thereby leave the bill unchanged, the presiding
13 officer shall have the authority to declare the
14 amendment to the main amendment out of order, subject
15 to an appeal to the full senate.

16 When a house amendment to a senate file is before
17 the senate, an amendment to the house amendment shall

18 be considered an amendment in the first degree.
 19 Regardless of its origin, an amendment in the third
 20 degree shall be ruled out of order.
 21 When a ruling on germaneness is issued by the
 22 presiding officer, it shall be accompanied by an
 23 explanation of the ruling.

24 Rule 13

25 Order and Precedence of Motions and Amendments
 26 When a question is under debate, no motion shall be
 27 received but to adjourn, to recess, questions of
 28 privilege, to lay on the table, for the previous
 29 question, to postpone to a day certain, to refer, to
 30 amend, to postpone indefinitely, to defer, or

Page 12

1 incidental motions. A substitute is not in order
 2 unless it is in the form of a motion to substitute.
 3 Such motions shall have precedence in the order in
 4 which they are named. No motion to postpone to a day
 5 certain, to refer, or postpone indefinitely, being
 6 decided, shall be again allowed on the same day with
 7 regard to the same question. A motion to strike out
 8 the enacting clause of a bill shall have precedence
 9 over all amendments and, if carried, shall be
 10 considered equivalent to the rejection of the bill.
 11 A motion to strike everything after the enacting
 12 clause has precedence over a committee amendment and
 13 all other amendments except one to strike the enacting
 14 clause. A committee amendment has precedence over all
 15 other amendments except as provided in this rule.
 16 A motion to rerefer a bill to committee may specify
 17 when the committee shall report the bill to the
 18 senate. If the motion is adopted in such form, the
 19 committee must report the bill by the date and time
 20 specified with or without recommendation or the bill
 21 shall automatically be returned to the calendar. When
 22 the bill is returned to the calendar, it shall occupy
 23 the same position it occupied at the time the bill was
 24 rereferred to the committee. If the committee to
 25 which the bill is rereferred submits an amendment in
 26 its report, that committee amendment shall take
 27 precedence over other amendments except if that
 28 committee amendment is in conflict with amendments
 29 previously adopted, the committee amendment shall not
 30 be considered until consideration of motions to

Page 13

1 reconsider the previously adopted amendments result in
 2 removing the conflict. A committee may not file an
 3 amendment to a bill unless the bill is in the

4 committee's possession.

5 Rule 14

6 MOTIONS BEFORE THE SENATE

7 Motions before the senate shall be displayed on the
8 electronic voting system display boards.

9 Rule 15

10 Nondebatable Motions

11 The following motions are not debatable:

12 Adjourn

13 Recess

14 Call of the Senate

15 Lay on Table or Take from Table

16 Previous Question

17 Reconsider vote by which bill was placed on last reading.

18 A Motion to Reconsider and Lay the Motion to Reconsider
19 on the Table (Double-barreled Motion).

20 Rule 16

21 Division of the Question

22 Any senator may call for a division of a question,
23 which shall be divided if it includes propositions so
24 distinct that if one is taken away, a substantive
25 proposition shall remain in a technically proper form
26 for the decision of the senate. A motion to strike
27 out and insert is indivisible; but a motion to strike
28 out, if lost, shall not preclude amendments to the
29 matter attempted to be stricken or a motion to strike
30 out and insert.

Page 14

1 Rule 17

2 The Previous Question

3 The previous question shall be in this form:

4 "Shall debate be closed on the pending question?" A
5 motion for the previous question may be adopted by a
6 majority of the senators present and voting. Its
7 effect shall be to put an end to debate and bring the
8 senate to a direct vote upon the pending question.
9 However, any senator who has not previously spoken on
10 the pending question and who, after the main question
11 is taken up and before the motion for the previous
12 question has been made, requested recognition by
13 depressing the "speak" device may speak no longer than
14 five minutes on the pending question. If action on
15 the pending question continues into another
16 legislative day or is deferred, the previous question
17 shall apply and the requests to be recognized shall be
18 honored.

19 When the motion applies to an amendment, the
20 senator proposing the amendment shall have five
21 minutes to close debate on the amendment.

22 The senator handling the measure under

23 consideration shall have ten minutes to close debate
24 on the main question.

25 Rule 18

26 Call of the Senate

27 Ten senators may file in writing a call of the
28 senate on any single item of legislative business. A
29 call of the senate requires the presence of every
30 senator and is in order at any time prior to the vote

Page 15

1 being announced by the president. The sergeant-at-
2 arms shall return promptly all absent senators.
3 Debate on the item may continue while absent senators
4 are returning, but no vote on the item is in order on
5 it until all have returned. Adoption of a motion to
6 recess or adjourn to a specific time will not lift the
7 call. The call may be lifted, or a senator may be
8 excused from the call without lifting the call, by a
9 vote of a constitutional majority of the senators.
10 Those senators excused prior to the filing of the call
11 are excused from the call.

12 Rule 19

13 Committee of the Whole

14 The senate may resolve itself into a committee of
15 the whole senate when it wishes to permit more free
16 and informal discussion. Persons other than senators
17 may appear and present information.
18 Any senator may move "that the senate now resolve
19 itself into a committee of the whole to consider" a
20 stated subject.
21 The president of the senate shall be chair of the
22 committee of the whole unless otherwise ordered by the
23 senate.
24 The procedure in committee of the whole is subject
25 to the rules of the senate. The previous question and
26 the motion to reconsider shall be in order.
27 The committee of the whole cannot take any final
28 action and its power is limited to recommendation to
29 the senate. The proceedings of the committee of the
30 whole, including any roll call vote, shall be printed

Page 16

1 in the journal.
2 Any senator may at any time, except while voting or
3 while a senator has the floor, move that "the
4 committee rise" which is equivalent to a motion to
5 adjourn.
6 After adoption of the motion to rise, the chair may
7 report to the senate in the same manner as other
8 committee reports are given.

9

Rule 20

10

Last Reading and Passage of Bills

11

12

13

14

15

16

When a motion to place a bill on its last reading is lost, the same motion shall be in order at any later time. After the last reading of a bill, no amendment shall be received. The vote on final passage shall be taken immediately without debate.

17

Rule 21

18

Engrossment of Bills

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20

21

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30

An engrossment is a proofreading and verification in order to be certain that a bill before the senate is identical with the original bill as introduced with all amendments which have been adopted correctly inserted.

In an engrossed bill, all obvious typographical, spelling or other clerical errors are corrected and section or paragraph numbers and internal references are changed as required to conform the original bill to any amendments which have been adopted. All such corrections or changes shall be reported in the journal by the secretary of the senate. The engrossed bill shall be placed in the bill file with the

Page 17

1 original bill and amendments.

2

Rule 22

3

Manner of Voting

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27

On voice vote, the question shall be distinctly put in this form: "Those in favor of (the question) say "aye"." "Those opposed to (the question) say "no"."

A non-record or record roll call vote may be requested by any senator or ordered by the president any time before the results are announced. A non-record roll call shall be requested by asking for a "division". A record roll call shall be requested by asking for a "~~roll call~~" "record". Upon request for a non-record or record roll call vote, the president shall announce that such a non-record or record roll call vote has been requested and shall state the question to be put to the senate. The president then shall direct the secretary of the senate to receive the votes.

Senators present may cast their votes, either by operating the voting mechanism located at their assigned desk or by signaling the president if they are unable to vote at their assigned desk. The president shall enter the votes of senators signaling their votes.

After sufficient time has elapsed for all senators present to record their votes, the president shall direct the secretary of the senate to close the voting

28 system. The president shall still enter the senators'
29 votes at any time prior to directing the secretary of
30 the senate to lock the voting system. The president

Page 18

1 shall then immediately announce the vote.

2 During a non-record or record roll call vote, both
3 individual votes and vote totals shall be indicated
4 openly on the display boards. On non-record roll
5 calls, only vote totals shall be printed in the
6 journal.

7 In the event the electronic voting system is not in
8 operating order, the president shall direct the
9 secretary of the senate to take the non-record or
10 record roll call by calling the names of the senators
11 in alphabetical order.

12 Rule 23

13 Duty of Voting

14 Every senator present when a question is put shall
15 vote "aye", "no" or "present" unless previously
16 excused by the senate. Upon demand being made by any
17 senator, the secretary of the senate shall call in
18 alphabetical order the names of the senators not
19 voting or voting "present". Those senators called
20 shall vote "aye" or "no" unless the senator states a
21 personal interest in the question or concludes that he
22 or she should not vote under the senate code of
23 ethics.

24 Rule 24

25 Reconsideration

26 When a main motion has been decided by the senate,
27 any senator having voted on the prevailing side may
28 move to reconsider the vote on the same or next
29 legislative day. Motions to reconsider the vote on a
30 bill or resolution shall be in writing and filed with

Page 19

1 the secretary of the senate.

2 Notwithstanding any time limitations applicable to
3 motions to reconsider main motions, a motion to
4 reconsider the vote on an amendment may be made at any
5 time before final disposition of the motion to be
6 amended. Such motion shall be in writing and filed
7 with the secretary of the senate. A motion to
8 reconsider an amendment to a main motion shall be
9 taken up for consideration only prior to the
10 disposition of the main motion or upon reconsideration
11 of the main motion.

12 A constitutional majority by a record roll call is
13 necessary to reconsider a bill or joint resolution.

14 During three legislative days from the date the motion
15 to reconsider a bill or resolution is filed, only the
16 mover may call it up. Thereafter, any senator may
17 call up the motion. If a date for adjournment has
18 been set by resolution of the senate, any senator may
19 call up a motion to reconsider at any time within
20 three days prior to the date set for adjournment.
21 If the motion to reconsider a bill or resolution
22 prevails, motions to reconsider amendments thereto
23 shall be in order and shall be disposed of without
24 delay.
25 A motion that any action taken by the senate be
26 reconsidered and the motion to reconsider be laid upon
27 the table shall be a single and indivisible motion,
28 known as the double-barreled motion, which, if
29 carried, shall have the effect of preventing
30 reconsideration unless a motion to take from the table

Page 20

1 prevails. A constitutional majority is necessary for
2 the double-barreled motion to prevail on a bill or
3 joint resolution. The double-barreled motion can only
4 be made from the floor after the vote is announced and
5 the member who moved the final reading shall have
6 priority in making it.
7 A motion to reconsider and lay on the table shall
8 have priority over a motion to reconsider if they are
9 both filed on the same legislative day.
10 In the event that a motion to reconsider is pending
11 at the end of the first session or any extraordinary
12 session of any general assembly, or the general
13 assembly adjourns sine die, and the motion has not
14 been voted upon by the senate, it shall be determined
15 to have failed.

Rule 25

Suspension of Rules and Taking from Table

18 No standing rule or rules incorporated by reference
19 under Rule 3 or order of the senate shall be rescinded
20 or suspended, nor shall any matter, tabled upon
21 motion, be taken up, except by an affirmative vote of
22 a constitutional majority of the senate.

INTRODUCTION AND FORM OF BILLS

Rule 26

Time and Method of Introducing Bills and Amendments

26 All bills to be introduced in the senate shall be
27 typed in proper form by the legislative service bureau
28 and shall be filed with the recording clerk.
29 All amendments shall be typed in proper form and
30 filed with the recording clerk not later than 4:30

Page 21

1 p.m., or adjournment, whichever is later, in order to
2 be listed in the following day's clip sheet.

3 An "impact amendment" is an amendment which
4 reasonably could have an annual effect of at least one
5 hundred thousand dollars or a combined total effect
6 within five years after enactment of five hundred
7 thousand dollars or more on the aggregate revenues,
8 expenditures or fiscal liability of the state or its
9 subdivisions.

10 An impact amendment to a bill which has been on the
11 special order calendar for at least three full
12 legislative days prior to its consideration shall not
13 be taken up by the senate unless:

- 14 1) a fiscal note is attached, and the amendment is
15 filed at least one legislative day prior to the date
16 set for consideration of the bill; or
- 17 2) the amendment is an appropriation or other
18 measure where the total effect is stated in dollar
19 amounts.

20 Rule 27

21 Limit on Introduction of Bills

22 No bill or joint resolution, except bills and joint
23 resolutions cosponsored by the majority and minority
24 floor leaders, shall be introduced in the senate after
25 4:30 p.m. on Friday of the sixth week of the first
26 regular session of a general assembly unless a written
27 request for drafting the bill has been filed with the
28 legislative service bureau before that time. After
29 adjournment of the first regular session, bills may be
30 prefiled at any time before the convening of the

Page 22

1 second regular session. No bill shall be introduced
2 after 4:30 p.m. on Friday of the second week of the
3 second regular session of a general assembly unless a
4 written request for drafting the bill has been filed
5 with the legislative service bureau before that time.
6 However, standing committees may introduce bills and
7 joint resolutions at any time. A bill which relates
8 to departmental rules sponsored by the administrative
9 rules review committee and approved by a majority of
10 the members of the committee in each house may be
11 introduced at any time and must be referred to a
12 standing committee which must take action on the bill
13 within three weeks. Senate and concurrent resolutions
14 may be introduced at any time.

15 No bill, joint resolution, concurrent resolution or
16 senate resolution shall be introduced at any
17 extraordinary session unless sponsored by a standing

18 committee, the majority and minority floor leaders, or
19 the committee of the whole.

20 Rule 28

21 Introduction, Reading and Form of Bills and Resolutions

22 Every senate bill and resolution shall be
23 introduced by one or more senators or by any standing
24 committee of the senate and shall at once be given its
25 first reading.

26 If the senate is in session when a bill or
27 resolution is introduced, the first reading shall
28 consist of reading its file number, the title and
29 sponsor of the bill. If the senate is not in session
30 but a journal is published for the day, the first

Page 23

1 reading shall consist of a journal entry of the bill's
2 file number, title, sponsor and the notation "Read
3 first time under Rule 28."

4 Any bill or resolution approved for introduction by
5 a standing committee during an interim period between
6 sessions of one General Assembly shall be introduced
7 without further action by the committee at the next
8 succeeding regular session of the same General
9 Assembly and placed immediately upon the regular
10 calendar.

11 Every bill and resolution referred to committee
12 shall have received two readings before its passage.

13 The subject of every bill shall be expressed in its
14 title.

15 Rule 29

16 Explanations

17 No bill, except appropriation committee bills and
18 simple or concurrent resolutions, shall be introduced
19 unless a concise and accurate explanation is attached.
20 The chief sponsor or a committee to which the bill has
21 been referred may add a revised explanation at any
22 time before the last reading, and it shall be included
23 in the daily clip sheet.

24 Rule 30

25 Resolutions

26 A "senate resolution" is a resolution acted upon
27 only by the senate which expresses sentiment or is
28 used for the appointment of special committees within
29 the senate. A senate resolution requires the
30 affirmative vote of a majority of the senators present

Page 24

1 and voting. A senate resolution shall be filed with
2 the secretary of the senate. A senate resolution
3 shall be printed in the bound journal after its

4 adoption and in the daily journal upon written request
5 to the secretary of the senate by the sponsor of the
6 resolution.

7 Rule 31

8 Nullification Resolutions

9 A nullification resolution may be introduced by a
10 standing committee, the administrative rules review
11 committee, or any member of the senate. A
12 nullification resolution introduced by the
13 administrative rules review committee or a member of
14 the senate shall be referred to the same standing
15 committee it would be referred to if it was a bill.

16 Any nullification resolution may be referred to the
17 administrative rules review committee by a majority
18 vote of the standing committee which introduced it or
19 to which it was referred. The administrative rules
20 review committee may seek an agreement with the
21 affected administrative agency wherein the agency
22 agrees to voluntarily rescind or modify a rule or
23 rules relating to the subject matter of the
24 nullification resolution. An agreement to voluntarily
25 rescind or modify an administrative agency rule shall
26 be in writing and signed by the chief administrative
27 officer of the administrative agency and a majority of
28 the administrative rules review committee members of
29 each house and shall be placed on file in the offices
30 of the chief clerk of the house, the secretary of the

Page 25

1 senate and the secretary of state. If an agreement is
2 not reached, or the nullification resolution is not
3 approved by a majority of the administrative rules
4 review committee members of each house, within two
5 weeks of the date the resolution is referred to the
6 administrative rules review committee, the resolution
7 shall be placed on the calendar. If the nullification
8 resolution is approved by the administrative rules
9 review committee it shall be placed on the calendar.
10 A nullification resolution is subject to a motion to
11 withdraw the nullification resolution as provided in
12 rule 42.

13 A nullification resolution is debatable, but cannot
14 be amended on the floor of the senate.

15 Rule 32

16 Resolutions, Applicable Rules

17 All rules applicable to bills shall apply to
18 resolutions, except as otherwise provided in the
19 rules.

20 Rule 33

21 Study Bills

22 1. A study bill is any matter which a senator

23 wishes to have considered by a standing committee or
 24 appropriations subcommittee for introduction as a
 25 committee bill or resolution. The term "study bill"
 26 includes "proposed bills" provided for in Rule 37 and
 27 departmental requests prefiled in the manner specified
 28 in section 2.16 of the Code.

29 2. A study bill shall bear the name of the member
 30 who wishes to have the bill considered. A study bill

Page 26

1 proposed by a state agency shall bear the name of the
 2 agency. A committee chair may submit a study bill in
 3 the name of that committee.

4 3. Upon first receiving a study bill from a
 5 senator, a committee chairperson shall submit three
 6 copies to the secretary of the senate. Study bills
 7 received in the secretary of the senate's office
 8 before 3:00 p.m. shall be filed, numbered, and
 9 reported in the journal for that day. Study bills
 10 received in the secretary of the senate's office after
 11 3:00 p.m. shall be filed, numbered, and reported in
 12 the journal for the subsequent day. The secretary
 13 shall number such bills in consecutive order. The
 14 secretary shall maintain a record of all study bills
 15 and their assigned number. Committee records shall
 16 refer to study bills by the number assigned by the
 17 secretary.

18 4. The secretary shall file a report in the
 19 journal of each study bill received. The report shall
 20 show the study bill number, its title or subject
 21 matter and the committee which is considering it. If
 22 a study bill is referred to a subcommittee, then the
 23 committee chairperson shall report in the journal the
 24 names of the subcommittee members to which it is
 25 assigned.

26 5. If a committee bill or resolution is introduced
 27 which was not previously the subject of a study bill
 28 in the sponsoring committee, the majority leader may
 29 re-refer the bill back to the committee.

30 6. A study bill not prepared by the legislative

Page 27

1 service bureau may be submitted to a standing
 2 committee, but shall not be considered by the full
 3 committee unless reviewed and typed in proper form by
 4 the legislative service bureau.

5 COMMITTEES AND COMMITMENT

6 Rule 34

7 Committee Appointments

8 Committee appointments shall be made by the

9 majority leader for majority party members, after
 10 consultation with the president, and by the minority
 11 leader for minority party members, after consultation
 12 with the president. No senator shall serve on more
 13 than five standing committees. The majority leader,
 14 after consultation with the president, shall designate
 15 the chairperson and vice-chairperson of each standing
 16 committee. The minority leader, after consultation
 17 with the president, shall designate the ranking member
 18 of each standing committee from the minority
 19 membership of that committee.

20 Rule 35

21 Standing Committees

22 The names of the standing committees of the senate
 23 shall be:

- 24 Agriculture
- 25 Appropriations
- 26 Business and labor relations
- 27 Commerce
- 28 Education
- 29 Human resources
- 30 Judiciary

Page 28

- 1 Local government
- 2 Natural resources & Environment
- 3 Rules and administration
- 4 Small business, economic development, and tourism
- 5 State government
- 6 Transportation
- 7 Ways and means

8 Rule 36

9 Committee on Rules and Administration

10 The committee on rules and administration shall
 11 recommend rules and rule changes to the senate, shall
 12 hire senate employees, shall recommend salary scales
 13 for all senate employees, and shall oversee senate
 14 budget and administration matters.

15 The committee on rules and administration will
 16 select, for senate approval, an individual to serve as
 17 secretary of the senate.

18 Upon authorization being given by the committee on
 19 rules and administration, the minority party members
 20 of the committee will select, for senate approval, an
 21 individual to serve as assistant parliamentarian.

22 The committee shall have the following standing
 23 subcommittees:

- 24 1. Joint Rules
- 25 2. Senate Rules
- 26 3. Administrative Services
- 27 4. Caucus Services.

28 The majority leader shall serve as chair of the
 29 rules and administration committee and as chair of the
 30 standing subcommittee on caucus services. The

Page 29

1 president of the senate shall serve as vice-chair of
 2 the rules and administration committee, and as chair
 3 of the subcommittee on administrative services.

4 Rule 37

5 Appropriations Committee

6 The appropriations committee shall receive bills
 7 committed to it and shall assign each to one of the
 8 appropriations subcommittees.

9 The appropriations subcommittees shall be named:

10 Administration & Regulation

11 Agriculture and Natural Resources

12 Economic Development

13 Education

14 Health and Human Rights

15 Human Services

16 Justice System

17 Oversight & Communications

18 Transportation, Infrastructure & Capitals

19 The appropriations subcommittees shall receive
 20 bills assigned to them or may originate proposed bills
 21 within the subcommittee's jurisdiction as defined by
 22 the appropriations committee for consideration by the
 23 appropriations committee. Each subcommittee may
 24 submit amendments to bills together with the
 25 subcommittee's recommended action to the
 26 appropriations committee.

27 If a bill or proposed bill is submitted to the
 28 appropriations committee by an appropriations
 29 subcommittee the appropriations committee may:

30 1. report the bill or approve the proposed bill

Page 30

1 for introduction by the appropriations committee;
 2 2. report the bill with any appropriations
 3 committee-approved amendments incorporated;
 4 3. draft a new bill for sponsorship by the
 5 appropriations committee and report it; or
 6 4. re-refer it together with the appropriations
 7 committee's objections to the appropriations
 8 subcommittee from which it was originally referred or
 9 which originated the draft bill.
 10 The appropriations committee and subcommittees may
 11 meet jointly with the appropriations committee of the
 12 house of representatives.

13

Rule 38

14 First Reading and Commitment
15 Upon the first reading of an individual bill or
16 resolution, or a house committee bill or resolution,
17 the president shall refer the bill or resolution to an
18 appropriate standing committee unless otherwise
19 ordered by the senate. If the bill or resolution is a
20 senate committee bill or resolution, the president
21 shall place it on the calendar after its first
22 reading. If the subject of the bill or resolution is
23 not germane to the title of the committee presenting
24 it, the president of the senate may refer it to a
25 committee deemed appropriate.
26 All bills carrying an appropriation for any purpose
27 or involving the expenditure of state funds shall be
28 referred to the committee on appropriations.
29 All bills pertaining to the levy, assessment or
30 collection of taxes or fees shall be referred to the

Page 31

1 committee on ways and means.
2 Any bill which provides for a new state board,
3 commission, agency or department or makes separate or
4 autonomous an existing state board, commission, agency
5 or department, shall be referred to the committee on
6 state government. This rule shall also apply when
7 such a provision is added to a bill or resolution by
8 amendment adopted by the senate. If the bill or
9 resolution is so referred after being sponsored or
10 reported out by another committee, and if the
11 committee on state government does not report out the
12 bill or resolution within ten legislative days after
13 referral, the bill or resolution shall automatically
14 be restored to the calendar with the same priority it
15 had immediately before referral.

16 Rule 39

17 Rules for Standing Committees

18 The following rules shall govern all standing
19 committees of the senate. Any committee may adopt
20 additional rules which are consistent with these
21 rules:

- 22 1. A majority of the members shall constitute a
23 quorum.
- 24 2. The chair of a committee shall refer each bill
25 and resolution to a subcommittee within seven days
26 after the bill or resolution has been referred to the
27 committee. The chair may appoint subcommittees for
28 study of bills and resolutions without calling a
29 meeting of the committee, but the subcommittee must be
30 announced at the next meeting of the committee. No

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1 bill or resolution shall be reported out of a
2 committee until the next meeting after the
3 subcommittee is announced, except that the chair of
4 the appropriations committee may make the announcement
5 of the assignment to a subcommittee by placing a
6 notice in the journal. Any bill so assigned by the
7 appropriations committee chair shall be eligible for
8 consideration by the committee upon report of the
9 subcommittee but not sooner than three legislative
10 days following the publication of the announcement in
11 the journal.

12 When a bill or resolution has been assigned to a
13 subcommittee, the chair shall report to the senate the
14 bill or resolution number and the names of the
15 subcommittee members and such reports shall be
16 reported in the journal. Subcommittee assignments
17 shall be reported to the journal daily. Reports filed
18 before 3:00 p.m. shall be printed in the journal for
19 that day; reports filed after 3:00 p.m. shall be
20 printed in the journal for the subsequent day.

21 Where standing subcommittees of any committee have
22 been named, the names of the members and the title of
23 the subcommittee shall be published once and
24 thereafter publication of assignments may be made by
25 indicating the title of the subcommittee.

26 3. No bill or resolution shall be considered by a
27 committee until it has been referred to a subcommittee
28 and the subcommittee has made its report unless
29 otherwise ordered by a majority of the members.

30 4. The rules adopted by a committee, including

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1 subsections 2, 3, 9, 10, 11, and 12 of this rule, may
2 be suspended by an affirmative vote of a majority of
3 the members of the committee.

4 5. The affirmative vote of a majority of the
5 members of a committee is needed to sponsor a
6 committee bill or resolution or to report a bill or
7 resolution out for passage.

8 6. The vote on all bills and resolutions shall be
9 by roll call unless a short-form vote is unanimously
10 agreed to by the committee. A record shall be kept by
11 the secretary.

12 7. No committee, except a conference committee or
13 the steering committee, is authorized to meet when the
14 senate is in session.

15 8. A subcommittee shall not report a bill to the
16 committee unless the bill has been typed into proper
17 form by the legislative service bureau.

18 9. A bill or resolution shall not be voted upon
19 the same day a public hearing called under subsection
20 10 is held on that bill or resolution.

21 10. Public hearings may be called at the
22 discretion of the chair. The chair shall call a
23 public hearing upon the written request of one-half
24 the membership of the committee. The chair shall set
25 the time and place of the public hearing.

26 11. A subcommittee chair must notify the committee
27 chair not later than one legislative day prior to
28 bringing the bill or resolution before the committee.
29 The committee cannot vote on a bill or resolution for
30 at least one full day following the receipt of the

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1 subcommittee report by the chairperson.

2 12. A motion proposing action on a bill or
3 resolution that has been defeated by a committee shall
4 not be voted upon again at the same meeting of the
5 committee.

6 13. Committee meetings shall be open.

7 Rule 40

8 Voting in Committee

9 All committee meetings shall be open at all times.

10 Voting by secret ballot is prohibited. Roll call
11 votes shall be taken in each committee when final
12 action on any bill or resolution is voted, unless a
13 short-form vote is unanimously agreed to by the
14 committee. A roll call vote also shall be taken in
15 each committee at the request of a member upon any
16 amendment or motion. All results shall be entered in
17 the minutes which shall be public records. Records of
18 these votes shall be made available by the chair or
19 the committee secretary at any time. This rule also
20 applies to the steering committee and appropriations
21 subcommittees.

22 The committee shall not authorize the introduction
23 of a committee bill or resolution until the members
24 have received final copies of the bill or resolution
25 with amendments or changes incorporated, and typed
26 into proper form by the legislative service bureau.
27 The committee may, by unanimous consent, dispense with
28 this requirement when only nonsubstantive amendments
29 or changes are necessary to correct the bill or
30 resolution, or when a study bill or individually

Page 35

1 sponsored bill is voted out as a committee bill with
2 no change in the text of the bill or the title.

3 The legislative service bureau shall file a report

4 with the committee members detailing the amendments or
 5 changes and this report shall become a part of the
 6 committee report.

7 Rule 41

8 Announcement of Committee Meetings

9 It shall be in order for the chair of any committee
 10 to announce to the senate the time and place of
 11 committee meetings. The announcement shall include a
 12 proposed agenda for the meeting. The sergeant-at-arms
 13 shall post at the rear of the chamber the daily
 14 schedule of committee meetings.

15 Rule 42

16 Withdrawal of Bills and Resolutions from Committee

17 The secretary of the senate shall note on each bill
 18 and resolution the date of its reference to committee.
 19 No bill or resolution shall be withdrawn from any
 20 committee within fifteen legislative days after the
 21 bill or resolution has been referred to the committee
 22 and thereafter only upon written petition for the
 23 withdrawal of such bill or resolution signed by a
 24 constitutional majority of the senators, except as
 25 provided in Rule 38. Only senators may circulate such
 26 a petition.

27 Rule 43

28 Committee Reports

29 All committees shall file a report of committee
 30 meetings. Such reports shall contain the following

Page 36

1 information:

- 2 a. The time the meeting convened;
 - 3 b. Those senators who were present and absent at
 4 the time the meeting convened, as well as the time any
 5 senator, who was not present at the time the meeting
 6 convened, arrives for the meeting;
 - 7 c. The vote on any bill or resolution reported out
 8 of the committee for floor action;
 - 9 d. The title of the bill;
 - 10 e. The file number of the bill or resolution (if
 11 known);
 - 12 f. Whether the committee recommends that the bill
 13 or resolution be passed, amended and passed,
 14 indefinitely postponed, or considered without
 15 committee recommendation;
 - 16 g. An indication of other bills or matters
 17 discussed;
 - 18 h. Such other matters as the committee chair shall
 19 direct; and
 - 20 i. The time the meeting adjourned.
- 21 No committee report shall be read, but all
 22 committee reports shall be printed in the journal.

23 Upon printing, all committee reports shall then stand
 24 approved unless the senate directs otherwise.

25 Rule 44

26 Bills or Resolutions Recommended for Indefinite Postponement
 27 No senate bill or resolution recommended for
 28 indefinite postponement shall be considered in the
 29 absence of the chief sponsor or, if a house bill or
 30 resolution, in the absence of the senator representing

Page 37

1 the district in which the sponsor resides. When a
 2 question is postponed indefinitely, it shall not be
 3 again acted upon during that session of the general
 4 assembly.

5 GENERAL RULES

6 Rule 45

7 ~~Admission~~ Access to Senate Chamber and Decorum

8 The persons who shall have access to the senate
 9 chamber, and the times access shall be available, and
 10 the rules governing their activities in the chamber
 11 and other areas controlled by the senate shall be as
 12 prescribed by the rules and administration committee
 13 pursuant to a written policy adopted by the committee
 14 and filed with the secretary of the senate.

15 Rule 45A

16 Smoking Restricted

17 ~~In addition to a written policy on smoking~~
 18 ~~restrictions adopted by the committee on rules and~~
 19 ~~administration, smoking may be prohibited in room R15A~~
 20 ~~by the committee or subcommittee chair when a~~
 21 ~~committee or an appropriations subcommittee is meeting~~
 22 ~~in room R15.~~

23 Rule 46

24 Legislative Interns and Aides

25 Legislative interns for senators shall be allowed
 26 on the floor of the senate in accordance with Rule 45;
 27 provided that each intern first has obtained a name
 28 badge from the secretary of the senate. The secretary
 29 of the senate shall issue an appropriate badge to all
 30 interns for senators.

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1 In addition, those persons designated as "aides to
 2 senators" shall be allowed on the floor of the senate.
 3 The secretary of the senate shall issue an appropriate
 4 badge for such individuals.

5 Rule 47

6 Clearing of Lobby and Gallery

7 In case of disturbance or disorderly conduct in the
 8 lobby or gallery, the presiding officer may order it

9 cleared.

10

Rule 48

11

Presentation of Petitions

12

Each petition shall contain a brief statement of its subject matter and the name of the senator presenting it. Petitions shall be filed with the secretary of the senate and noted in the journal.

15

Rule 49

16

Distribution of Printed Material

17

No general distribution of printed material in the senate shall be allowed unless authorized by the secretary of the senate or by a senator.

20

Rule 50

21

Concerning the Printing of Papers

22

Any paper, other than that contemplated by Section 10, Article III of the Constitution of the State of Iowa, presented to the senate may, with the consent of a constitutional majority, be printed in the journal.

25

Rule 51

26

Reprinting of Documents

27

When any bill has been substantially amended by the senate, the secretary of the senate shall order the

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1

bill reprinted on paper of a different color. All adopted amendments inserting new material shall be distinguishable.

4

The secretary of the senate may order the printing of a reasonable number of additional copies of bills, resolutions, amendments or journals.

7

OFFICERS AND EMPLOYEES

8

Rule 52

9

Duties of the President

10

The senate shall elect, from its membership, a president. The president shall call the senate to order at the hour to which the senate is adjourned. Unless otherwise ordered by the senate, the president shall proceed with the regular order of daily business. The president shall preserve order and decorum and decide all questions of order and corrections to the journal, subject to an appeal to the senate. The president shall direct voting as provided in rule 22. When a ruling on germaneness is issued by the presiding officer, it shall be accompanied by an explanation of the ruling. The president of the senate shall be the chair of the committee of the whole unless otherwise ordered by the senate, under rule 19.

25

Upon the first reading of an individual bill or resolution, or a house committee bill or resolution, the president shall refer the bill or resolution to

27

28 the appropriate standing committee unless otherwise
 29 ordered by the senate. If the bill or resolution is a
 30 senate committee bill or resolution, the president

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1 shall place it on the calendar after its first
 2 reading. If the subject of the bill or resolution is
 3 not germane to the title of the committee presenting
 4 it, the president of the senate may refer it to the
 5 appropriate committee.
 6 The president shall sign legislative enactments
 7 upon their enrolling.
 8 The president of the senate shall serve as a member
 9 of the legislative council and the senate rules and
 10 administration committee. The president shall serve
 11 on the rules and administration committee as chair of
 12 the standing subcommittee designated to supervise the
 13 secretary of the senate and other employees of the
 14 administrative services division of the senate.

15 Rule 53

16 The President Pro Tempore

17 The senate shall elect, from its membership, a
 18 president pro tempore. When the president is absent,
 19 the president pro tempore shall preside, except when
 20 the chair is filled by temporary appointment by the
 21 president or the majority leader.

22 The president pro tempore, when presiding, shall
 23 perform duties as prescribed in rule 52, paragraphs 1
 24 and 2.

25 The president pro tempore shall serve as a member
 26 of the legislative council and as a member of the
 27 senate committee on rules and administration.

28 Rule 54

29 Secretary of the Senate

30 The secretary of the senate shall be an officer of

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1 the senate and shall:
 2 1. Serve as chief administrative officer of the
 3 senate.
 4 2. Have charge of the secretary's desk.
 5 3. Be responsible for the custody and safekeeping
 6 of all bills, resolutions, and amendments filed,
 7 except while they are in the custody of a committee.
 8 4. Have charge of the daily journal.
 9 5. Have control of all rooms assigned for the use
 10 of the senate.
 11 6. Keep a detailed record of senate action on all
 12 bills and resolutions.
 13 7. Insert adopted amendments into bills before

14 transmittal to the house of representatives and prior
15 to final enrollment.

16 8. Prescribe the duties of and supervise all
17 senate employees.

18 9. Authorize all expenditures of funds within the
19 senate budget.

20 The secretary of the senate shall also act as
21 senate parliamentarian and shall:

22 1. Advise the presiding officer of the senate
23 about parliamentary procedures during deliberations of
24 the senate.

25 2. Perform other duties as prescribed by the
26 committee on rules and administration.

27 3. Process the handling of amendments when filed
28 and during the floor consideration of bills.

29 Rule 55

30 Legal Counsel

Page 42

1 The legal counsel shall be a contractual employee
2 of the senate and shall:

3 1. Serve as attorney and counselor for the senate.

4 2. At the request of the majority and minority
5 leaders, research any legal issue in which the senate
6 has an interest. However, the legal counsel shall not

7 issue nor venture any opinions on unresolved questions
8 of law unless permitted by both the majority and
9 minority leaders.

10 Rule 56

11 Sergeant-at-Arms

12 The sergeant-at-arms shall be an employee of the
13 senate and shall:

14 1. Wear the appropriate badge of his or her
15 office.

16 2. Attend the senate during its sessions.

17 3. Aid in the enforcement of order under the
18 direction of the president of the senate and the
19 secretary of the senate.

20 4. Execute the commands of the senate.

21 5. See that no unauthorized person disturbs the
22 contents of the senators' desks.

23 6. Supervise the doorkeepers, the assistant
24 sergeant-at-arms, and pages.

25 7. Announce all delegations from the governor or
26 house.

27 8. Supervise the seating of visitors and press
28 representatives.

29 Rule 57

30 Senate Secretaries

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1 Every senator shall be permitted to employ for each
2 session of a general assembly a personally selected
3 secretary.

4 Rule 58

5 Use of Electronic Voting System

6 Any officer or employee of the senate, other than a
7 duly elected member of the senate, who operates the
8 electronic voting machine mechanism located at the
9 desk of said member of the senate shall be subject to
10 immediate termination from employment. The provisions
11 of this paragraph only shall apply during the taking
12 of a record or non-record roll call vote ~~or division~~
13 utilizing the electronic voting system.

14 CONFIRMATION OF APPOINTMENTS

15 Rule 59

16 Appointments

17 The secretary of the senate shall:

- 18 a. send, to each appointee submitted by the
19 governor for senate confirmation, a copy of a senate
20 questionnaire as approved by the rules and
21 administration committee;
- 22 b. receive completed questionnaires from
23 appointees and forward copies of the completed
24 questionnaires to appropriate committee members;
- 25 c. maintain "Confirmation Calendar" categories on
26 the senate calendar as directed under this rule,
27 senate rule 6, and by the committee on rules and
28 administration. No appointee shall be listed as
29 eligible on the confirmation calendar until the
30 secretary has received the appointee's completed

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1 senate questionnaire.

2 As soon as possible after the convening of a
3 session, and again within one week following March 15,
4 the secretary of the senate shall publish in the
5 senate journal the names of all nominees submitted for
6 confirmation. The secretary of the senate shall
7 maintain a file of all appointments received from the
8 governor for confirmation. The file shall contain a
9 description of the duties and the compensation for
10 each nominee. The file shall show the date an
11 appointment was received from the governor, the date
12 the appointment was published in the journal, whether
13 the nominee has been introduced, whether a committee
14 report has been filed, when the senate questionnaire
15 was sent to the appointee, and shall include a copy of
16 the appointee's completed senate questionnaire, upon
17 receipt.

18 INVESTIGATING COMMITTEES. All appointments
19 received from the governor shall be referred to the
20 rules and administration committee by the secretary of
21 the senate on the same day they are published in the
22 senate journal. The rules and administration
23 committee shall establish an en bloc confirmation
24 calendar which must be filed with the secretary of the
25 senate. Within three (3) legislative days after
26 receiving an appointment, the committee shall either
27 place a nominee on the en bloc confirmation calendar
28 or assign the nominee to an appropriate standing
29 committee for further investigation, publishing notice
30 of such assignment in the senate journal for the next

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1 legislative day. If the rules and administration
2 committee fails to take action on a nominee within the
3 three days, the nominee shall automatically be placed
4 on the en bloc confirmation calendar.
5 Within the three (3) legislative days after an
6 appointment has been referred to the rules and
7 administration committee, any ten senators may require
8 that the nominee be assigned to an appropriate
9 standing committee by filing a written, signed request
10 therefor with the chairperson of the rules and
11 administration committee. The committee chair shall
12 refer the appointment to a subcommittee within one (1)
13 legislative day after a standing committee receives an
14 appointment for further investigation, publishing
15 notice of such assignment in the senate journal for
16 the next legislative day. Within ten (10) legislative
17 days after a standing committee receives an
18 appointment for further investigation the subcommittee
19 shall file its report with the standing committee.
20 Within fourteen (14) legislative days after a
21 standing committee receives an appointment for further
22 investigation, the committee shall conduct an
23 investigation of the nominee and file its report
24 thereon with the secretary of the senate, who shall
25 then place the nominee on the en bloc calendar or
26 individual confirmation calendar as directed by the
27 committee. The failure of a committee to file its
28 report within the prescribed time means that
29 nominee is to be automatically placed, without
30 recommendation, upon the individual confirmation

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1 calendar.
2 Any individual nominated to head a department or
3 agency of state government, whose appointment is

4 subject to senate confirmation, must be introduced to
5 the full senate prior to a vote on confirmation of the
6 nominee. Additionally, any five (5) senators may
7 request that any nominee be introduced to the senate
8 by filing a written request with the secretary of the
9 senate within ten (10) legislative days of the
10 nominee's name appearing in the journal. Any
11 individual nominated to a position requiring senate
12 confirmation may request to be introduced to the full
13 senate by notifying the secretary of the senate at
14 least one (1) legislative day in advance of their
15 appearance. If an individual is nominated both to
16 fill a vacancy for an unexpired term and is also
17 nominated for reappointment to that position during
18 the same session, a single introduction is sufficient
19 for eligibility for confirmation to both terms.

20 HEARINGS. Any member of a committee investigating
21 an appointment may, within five (5) legislative days
22 after the committee receives the appointment, obtain
23 a hearing with the nominee by filing a written request
24 with the secretary of the senate who shall forward it
25 to the chair of the standing committee and the chair
26 of the subcommittee. Notice of the hearing shall be
27 published in the journal at least two (2) legislative
28 days prior to the hearing. At the hearing, which
29 shall be before the subcommittee, the nominee may be
30 questioned as to his or her qualifications to fulfill

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1 the office to which nominated and further questioned
2 as to his or her viewpoints on issues facing the
3 office to which nominated. Any senator may at the
4 discretion of the chair of the subcommittee be
5 permitted to submit oral questions. The public may, at
6 the discretion of the investigating committee, be
7 permitted to submit oral or written statements as to
8 the qualifications of the nominee.

9 Also, within five (5) legislative days after the
10 subcommittee receives an appointment for
11 investigation, any senator may submit written
12 questions to be answered by the nominee prior to
13 consideration of the nominee's confirmation by the
14 senate.

15 INFORMATIONAL MEETINGS. After a nominee has been
16 placed on the calendar and prior to the vote on
17 confirmation, any senator may request an informational
18 meeting on the nomination which shall be held before
19 the subcommittee.

20 VOTING ON CONFIRMATIONS. Upon the motion of the
21 majority leader or his or her designee, the nominees
22 on the en bloc confirmation calendar shall be

23 confirmed en bloc by the affirmative vote of two-
 24 thirds of the members elected to the senate. The
 25 journal shall reflect a single roll call accompanied
 26 by a statement of the names of those individuals
 27 subject to the en bloc confirmation vote.
 28 Prior to an en bloc vote, any senator may request,
 29 either in writing or from the floor, an individual
 30 vote on any nominee on the en bloc confirmation

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1 calendar. The senate shall vote separately on the
 2 nominee.
 3 Nominees on the individual confirmation calendar
 4 shall be confirmed by a two-thirds vote; however, the
 5 senate shall take a separate roll call on each
 6 nominee, unless by unanimous consent, it determines to
 7 take one vote on all nominees under consideration. In
 8 any case, the journal shall reflect a single roll call
 9 vote for each nominee.
 10 If an individual is nominated both to fill a
 11 vacancy for an unexpired term and is also nominated
 12 for reappointment to that position, and such
 13 appointment and reappointment appear on the senate
 14 calendar as eligible at the same time, a single vote
 15 is sufficient for confirmation to both terms.

16 Rule 60

17 Time of Committee Passage and Consideration of Bills
 18 1. This rule does not apply to concurrent or
 19 simple resolutions, joint resolutions nullifying
 20 administrative rules, senate confirmations, bills
 21 embodying redistricting plans prepared by the
 22 legislative service bureau pursuant to chapter 42, or
 23 bills passed by both houses in different forms.
 24 Subsection 2 of this rule does not apply to
 25 appropriations bills, ways and means bills, legalizing
 26 acts, administrative rules review committee bills,
 27 bills sponsored by standing committees in response to
 28 a referral from the president of the senate or the
 29 speaker of the house of representatives relating to an
 30 administrative rule whose effective date has been

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1 delayed until the adjournment of the next regular
 2 session of the general assembly by the administrative
 3 rules review committee, bills cosponsored by the
 4 majority and minority floor leaders of the senate,
 5 bills in conference committee, and companion bills
 6 sponsored by the majority floor leaders of both houses
 7 after consultation with the respective minority floor
 8 leaders. For the purposes of this rule, a joint

9 resolution is considered as a bill. To be considered
 10 an appropriations or ways and means bill for the
 11 purposes of this rule, the appropriations committee or
 12 the ways and means committee must either be the
 13 sponsor of the bill or the committee of first referral
 14 in the senate.

15 2. To be placed on the calendar in the senate a
 16 senate bill must be first reported out of ~~the a~~
 17 standing committee of first referral by Friday of the
 18 ~~9th~~ 10th week of the first session and the ~~7th~~ 8th
 19 week of the second session. A house bill must be
 20 first reported out of ~~the a standing~~ committee of
 21 ~~first referral~~ by Friday of the ~~12th~~ 13th week of the
 22 first session and the ~~10th~~ 11th week of the second
 23 session to be placed on the senate calendar.

24 3. During the ~~10th~~ 11th week of the first session
 25 and the ~~8th~~ 9th week of the second session, the senate
 26 shall consider only bills originating in the senate
 27 and unfinished business. During the ~~13th~~ 14th week of
 28 the first session and the ~~11th~~ 12th week of the second
 29 session, the senate shall consider only bills
 30 originating in the house and unfinished business.

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1 Beginning with the ~~14th~~ 15th week of the first session
 2 and the ~~12th~~ 13th week of the second session, the
 3 senate shall consider only bills passed by both
 4 houses, bills exempt from subsection 2 and unfinished
 5 business.

6 4. A motion to reconsider filed and not disposed
 7 of on an action taken on a bill or resolution which is
 8 subject to a deadline under this rule may be called up
 9 at any time before or after the day of the deadline by
 10 the person filing the motion or after the deadline by
 11 the majority floor leader, notwithstanding any other
 12 rule to the contrary.

13 BE IT FURTHER RESOLVED, That should a system of
 14 deadlines for the time of committee passage and
 15 consideration of bills be adopted by joint action of
 16 the senate and house at any time during the ~~seventy-~~
 17 ~~eighth~~ seventy-ninth general assembly, those
 18 provisions shall supersede the provisions of rule 60.

SENATE RESOLUTION 7: filed from the floor; adopted by the
 Senate on February 6, 2001.

1 SENATE RESOLUTION 7
 2 By: Dvorsky, Bolkcom, Drake, Kramer, Iverson,
 3 Tinsman, Rittmer, Greiner, McKibben, Redfern,
 4 Johnson, Lundby, Angelo, Maddox, Boettger,

5 Rehberg, Behn, King, Veenstra, Lamberti,
6 Gaskill, Miller, Redwine, McKinley, Sexton,
7 Schuerer, Jensen, Freeman, Bartz, Zieman,
8 Kibbie, Fink, Horn, Connolly, Deluhery,
9 Fraise, Gronstal, Hansen, Flynn, McCoy,
10 Harper, and Soukup
11 A Senate resolution recognizing the achievements of Nancy Coover
12 Andreasen.
13 WHEREAS, Nancy Coover Andreasen, M.D., Ph.D., the
14 Andrew Woods Chair of Psychiatry, University of Iowa
15 College of Medicine, Editor of the American Journal of
16 Psychiatry, and author of hundreds of articles and
17 books including "The Broken Brain: The Biological
18 Revolution in Psychiatry" in 1984, is recognized
19 internationally for her distinguished contributions as
20 an educator, author, researcher, and provider of
21 mental health services in the field of psychiatry; and
22 WHEREAS, in her over 30 years of study and research
23 in the field of psychiatry, Dr. Andreasen has been a
24 leader and a visionary in her profession by, in
25 addition to her vast number of other accomplishments,
26 developing a tool to evaluate psychiatric
27 abnormalities and to rank their severity, which
28 evolved into a tool to rate symptoms of schizophrenia
29 becoming a "citation classic," cited more than the
30 works of Sigmund and Anna Freud combined; utilizing

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1 neuroimaging to pinpoint and measure the biological
2 basis of human behavior in mental illness,
3 particularly schizophrenia; and being the first to
4 demonstrate a relationship between manic-depressive
5 illness and creativity; and
6 WHEREAS, while Dr. Andreasen has been recognized by
7 her peers for her contributions to her profession with
8 numerous honors and awards, she is also recognized for
9 her compassion toward her patients, as an advocate for
10 persons with chronic mental illness, and as a person
11 who through her unique ability to make brain research
12 understandable to the public has provided relief and
13 hope to persons with mental illness and their
14 families; and
15 WHEREAS, Dr. Andreasen once analogized the need for
16 a vision of the future in scientific research to
17 hockey, recalling a quote from Wayne Gretzky: "I
18 skate to where the puck will be, not to where it is";
19 and
20 WHEREAS, Dr. Andreasen has received numerous
21 honors, including most recently the President's
22 National Medal of Science on December 1, 2000, which
23 has only been awarded to 374 distinguished scientists

24 and engineers and to only three Iowans since its
 25 inception in 1959; and
 26 WHEREAS, the inscription on the President's
 27 National Medal of Science awarded to Dr. Andreasen
 28 reads, "For her pivotal contributions to the social
 29 and behavioral sciences, through the integrative study
 30 of mind, brain, and behavior, by joining behavioral

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1 science with the technologies of neuroscience and
 2 neuroimaging in order to understand mental processes
 3 such as memory and creativity, and mental illnesses
 4 such as schizophrenia"; and
 5 WHEREAS, Dr. Andreasen's humility in the midst of
 6 all the acclaim is best typified by her own words in
 7 acknowledging her most recent award: "I am a firm
 8 believer that the importance of one's work is the
 9 process of doing it, not in getting awards. When I
 10 die, I don't care what prizes I won. I care about
 11 what contributions I can make through my work"; NOW
 12 THEREFORE,
 13 BE IT RESOLVED BY THE SENATE, That the Senate
 14 recognizes Dr. Andreasen not only as an award-winning,
 15 internationally acknowledged psychiatrist, educator,
 16 researcher, and author, but as an Iowa treasure who
 17 through her genuine compassion and dedication has
 18 improved the lives of and has provided hope and
 19 understanding to persons with mental illness and their
 20 families.

SENATE RESOLUTION 8: filed February 6, 2001; adopted by
 the Senate on April 18, 2001.

1 SENATE RESOLUTION 8
 2 By: Dvorsky and Bolkcom
 3 A Senate resolution honoring Christine Grant, former Women's
 4 Athletic Director of the University of Iowa.
 5 WHEREAS, Christine Grant, the Women's Athletic
 6 Director at the University of Iowa for 27 years, has
 7 recently retired from that position which she held
 8 since the department was established in 1973; and
 9 WHEREAS, during her tenure, Christine Grant
 10 supervised a coaching staff which has led Iowa women's
 11 teams to win or share in 25 Big Ten championships,
 12 having nationally ranked teams in women's basketball
 13 and softball, and supervising varsity teams of field
 14 hockey, swimming, diving, tennis, golf, gymnastics,
 15 track and cross country, and volleyball, and adding
 16 soccer and rowing; and
 17 WHEREAS, in addition to her teaching, coaching, and

18 administrative duties, Christine Grant was a founding
 19 member of the Association for Intercollegiate
 20 Athletics for Women, serving as President of that
 21 association from 1979-82, and was on the Board of
 22 Directors of the National Association of Collegiate
 23 Women's Athletic Administrators, serving as President
 24 of that association from 1987-98 and chairing the
 25 Gender Equity Committee; and
 26 WHEREAS, Christine Grant has received numerous
 27 academic and professional awards, including the
 28 "National Administrator of the Year" award from both
 29 the National Association of Collegiate Women's
 30 Athletic Administrators and the Women's Basketball

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1 Coaches' Association; the NCAA Honda Award of Merit
 2 for Outstanding Achievement in Women's Collegiate
 3 Athletics; a Presidential Award from and inducted into
 4 the Hall of Fame of the National Girls and Women in
 5 Sport; and was the corecipient of the first Lou Henry
 6 Hoover Award for outstanding contributions to the
 7 development of girls' and women's sports in Iowa; and
 8 WHEREAS, Christine Grant has become a familiar
 9 name and voice in the world of sports as a crusader
 10 for gender equity in intercollegiate athletics, with
 11 her long association with Title IX and gender equity
 12 activism including testimony before United States
 13 House of Representatives' subcommittees, serving as an
 14 expert consultant to the Health Education and Welfare
 15 Office for Civil Rights Title IX Task Force, and
 16 testimony as an expert witness in landmark sports
 17 discrimination lawsuits; and
 18 WHEREAS, Christine Grant has emphasized competence
 19 and high integrity for the staff and players of the
 20 University of Iowa women's teams; NOW THEREFORE,
 21 BE IT RESOLVED BY THE SENATE, That Christine Grant
 22 be recognized and congratulated for her outstanding
 23 commitment to women's sports and to the University of
 24 Iowa, and wished a well-earned, pleasant retirement.

SENATE RESOLUTION 9: filed February 12, 2001; adopted by
 the Senate on February 13, 2001.

1 SENATE RESOLUTION 9
 2 By: Kramer, Iverson, and Gronstal
 3 A Senate resolution honoring George C. Finkenauer, Doorkeeper
 4 of the Senate.
 5 WHEREAS, George Finkenauer joined the Senate as a
 6 Doorkeeper on January 19, 1990, after his retirement
 7 from Firestone Tire and Rubber; and

8 WHEREAS, George arrived early at his post every
 9 morning, and dutifully made the coffee, earning for
 10 himself the sobriquet of "Mr. Coffee", and the
 11 grateful thanks of the later arrivals; and
 12 WHEREAS, George served his country in World War II,
 13 at the Battle of the Bulge and D-Day, and in the
 14 liberation of Nazi concentration camps, all of which
 15 increased his appreciation for the beauty and value of
 16 life; and
 17 WHEREAS, George took pride in his heritage, hailing
 18 from Dubuque, and in his faith, and was especially
 19 proud of having been chosen on occasion to offer the
 20 opening prayer in the Senate; and
 21 WHEREAS, George was known for his kind heart and
 22 generous nature, and his quiet and capable attention
 23 to his duties; and
 24 WHEREAS, George truly enjoyed his work in the
 25 Senate, and his recollection of names of family
 26 members of his coworkers was but one small indicator
 27 of his caring nature; and
 28 WHEREAS, George's well-earned retirement has left
 29 him to spend more time with his wife Kathleen; and
 30 WHEREAS, George's years of loyal service and

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1 attention are well-deserving of honor and acclaim; NOW
 2 THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, That George C.
 4 Finkenauer be publicly recognized for his dedicated
 5 service to the Iowa Senate, congratulated on his
 6 retirement, and wished all the best.
 7 BE IT FURTHER RESOLVED, That a formal copy of this
 8 Resolution be presented to George C. Finkenauer, with
 9 the thanks of the Senate for a job well done.

SENATE RESOLUTION 10: filed February 12, 2001; adopted by
 the Senate on February 13, 2001.

1 SENATE RESOLUTION 10
 2 By: Kramer, Iverson, and Gronstal
 3 A Senate resolution honoring Everett A. "Sam" Samuelson,
 4 Doorkeeper of the Senate.
 5 WHEREAS, Sam Samuelson joined the Senate as a
 6 Doorkeeper on January 25, 1982, after his retirement
 7 from an oil company; and
 8 WHEREAS, Sam loved music, and entertained many
 9 times with the "Samuelson Trio", playing drums,
 10 accompanied by his wife Martha playing piano, and the
 11 third member of the trio playing bass, including at
 12 social events at the Statehouse; and

13 WHEREAS, Sam's Swedish heritage and his roots in
 14 Pennsylvania are a great source of pride for him; and
 15 WHEREAS, Sam took pleasure in a good story, and
 16 told his fair share of them, finding humor in daily
 17 life and generously giving of his time and his smiles;
 18 and
 19 WHEREAS, Sam truly enjoyed his work in the Senate,
 20 and his friendly face and outgoing attitude made every
 21 visitor to the Chamber feel welcome and every coworker
 22 valued; and
 23 WHEREAS, Sam's well-earned retirement has left him
 24 to spend more time with his wife Martha and his
 25 beloved cats; and
 26 WHEREAS, Sam's years of loyal service and attention
 27 are well-deserving of honor and acclaim; NOW
 28 THEREFORE,
 29 BE IT RESOLVED BY THE SENATE, That Everett A. "Sam"
 30 Samuelson be publicly recognized for his dedicated

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1 service to the Iowa Senate, congratulated on his
 2 retirement, and wished all the best.
 3 BE IT FURTHER RESOLVED, That a formal copy of this
 4 Resolution be presented to Everett A. "Sam" Samuelson,
 5 with the thanks of the Senate for a job well done.

SENATE RESOLUTION 11: filed February 12, 2001; adopted by
 the Senate on February 22, 2001.

1 SENATE RESOLUTION 11
 2 By: McKean and Hansen
 3 A Senate resolution requesting the legislative council
 4 to appoint a committee to promote truthfulness and
 5 honesty in political campaigns.
 6 WHEREAS, allegations relating to the use of false
 7 or misleading assertions and material in political
 8 campaigns have resulted in focusing media attention on
 9 the negative side of political campaigning and away
 10 from the issues in and candidates standing for the
 11 elections; and
 12 WHEREAS, false or misleading assertions and
 13 material in political campaigns do not provide useful
 14 candidate and ballot information to the voters of this
 15 state, but rather only serve to harm and
 16 sensationalize the political process; and
 17 WHEREAS, although there have been attempts to
 18 improve the conduct of persons involved in political
 19 campaigns, because of the complex legal issues
 20 involved in the regulation of campaign conduct and the
 21 context in which most of those attempts have arisen,

22 those attempts have not achieved the goal of
23 eliminating the use of false or misleading
24 representations and material in political campaigns;
25 and
26 WHEREAS, any attempt to improve the conduct of
27 persons involved in political campaigns must apply to
28 all persons involved in the campaigns and should be
29 based on bipartisan consensus in order to be fair and
30 effective; NOW THEREFORE,

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1 BE IT RESOLVED BY THE SENATE, That the legislative
2 council is requested to appoint a committee to
3 undertake a review of the issues and proposals
4 relating to how to most effectively and fairly control
5 and limit the use of false or misleading assertions,
6 untrue or deceptive representations of fact, or other
7 false, misleading, or deceptive material in political
8 campaigns. The review shall include but not be
9 limited to a review of legal impediments to
10 effectively control activity within political
11 campaigns; other states' efforts to regulate conduct
12 in political campaigns; recommendations regarding the
13 most effective forum for resolving issues and
14 complaints relating to the use of false, misleading,
15 or deceptive assertions or material in political
16 campaigns; and recommendations relating to what form
17 any regulation relating to campaign conduct should
18 take. Committee membership shall be as determined by
19 the legislative council and may include, but is not
20 limited to, members of the legislative council, other
21 members of the general assembly, and any other
22 interested persons deemed appropriate by the
23 legislative council. Staffing for the committee shall
24 be provided by the legislative service bureau.

SENATE RESOLUTION 12: filed February 13, 2001; adopted by
the Senate on March 7, 2001.

1 SENATE RESOLUTION 12
2 By: Maddox
3 A Senate resolution honoring Theresa J. Uchytel.
4 WHEREAS, Theresa Uchytel was crowned Miss Iowa
5 2000, on June 10, 2000; and
6 WHEREAS, Theresa Uchytel has been twirling baton
7 for nearly 20 years, achieving such high honors as
8 becoming the World Open Strut and Solo Baton-Twirling
9 Champion and the Head Majorette Instructor for the
10 Marching Auxiliaries of America, and playing
11 basketball, softball, and other sports, in spite of

12 the challenge of having been born without her left
 13 hand; and
 14 WHEREAS, Theresa Uchytel refuses to be defined by
 15 her handicap and seeks to encourage people, regardless
 16 of their challenge, to overcome the obstacles in their
 17 lives; and
 18 WHEREAS, Theresa Uchytel adopted as her Miss Iowa
 19 pageant platform "Facing the Challenge", which
 20 involved plans to educate the public about Americans
 21 with disabilities and how to obtain care; and was
 22 selected first runner-up for the "Quality of Life
 23 Award" in the Miss America pageant due to this
 24 platform; and
 25 WHEREAS, Theresa Uchytel is a national spokesperson
 26 for the Shriners Hospitals for Children, and was
 27 appointed a national advocate for the Americans With
 28 Disabilities Act; and
 29 WHEREAS, Theresa Uchytel's achievements surpass
 30 mere outward beauty, and exemplify personality traits

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1 and perseverance that all Iowans should embrace; NOW
 2 THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, That the Senate
 4 congratulates Theresa Uchytel on her successful reign
 5 as Miss Iowa 2000, recognizes her talents and personal
 6 achievements, and wishes her great success in her
 7 future endeavors.

SENATE RESOLUTION 13: filed February 13, 2001; adopted by
 the Senate on March 20, 2001.

1 SENATE RESOLUTION 13
 2 By: Tinsman
 3 A Senate resolution recognizing the Right Reverend C.
 4 Christopher Epting.
 5 WHEREAS, the Right Reverend C. Christopher Epting,
 6 Bishop of the Episcopal Diocese of Iowa, was born in
 7 Greenville, South Carolina, raised in Orlando,
 8 Florida, graduated from the University of Florida in
 9 1969, and from Seabury-Western Theological Seminary in
 10 1972; and
 11 WHEREAS, Bishop Epting served congregations large
 12 and small, urban and rural, as a parish priest, served
 13 for a time as the Dean of the Institute for Christian
 14 Studies, and received a master's degree in Sacred
 15 Theology from the General Theological Seminary in New
 16 York for his work in spiritual direction; and
 17 WHEREAS, Bishop Epting was elected Bishop of Iowa
 18 in 1988, and has since worked to empower ministry,

19 strengthen the role and presence of deacons, emphasize
 20 adult education and spiritual renewal, and develop
 21 cooperative ministry between churches, and has been
 22 active in ecumenical relations; and
 23 WHEREAS, Bishop Epting serves as chief pastor of
 24 the 63 Episcopal congregations in the Diocese of Iowa,
 25 and serves as a member of the National Standing
 26 Commission on Ecumenical Relations and President of
 27 Province IV of the Episcopal Church, and as Bishop
 28 Visitor to the Community of the Transfiguration in
 29 Cincinnati, Ohio; and
 30 WHEREAS, Bishop Epting was instrumental in drafting

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1 the document "Called to Common Mission," effecting
 2 full communion between the Episcopal Church and the
 3 Evangelical Lutheran Church in America; and
 4 WHEREAS, Bishop Epting believes that people of all
 5 faith traditions need to join together to help all
 6 peoples of the world to enrich one another in faith,
 7 and to live peacefully linked to one another in
 8 community; and
 9 WHEREAS, Bishop Epting has recently been called to
 10 serve as the Presiding Bishop's Deputy for Ecumenical
 11 and Interfaith Relations at the National Episcopal
 12 Church, and will begin service at the National
 13 Episcopal Church office in New York in mid-April 2001;
 14 and
 15 WHEREAS, Bishop Epting has been a major influence
 16 in Iowa and in the Des Moines community, has offered
 17 the opening prayer in the Iowa Senate, and has been a
 18 leader of the ecumenical services held at the Capitol;
 19 NOW THEREFORE,
 20 BE IT RESOLVED BY THE SENATE, That the Senate honor
 21 the Right Reverend C. Christopher Epting, thank him
 22 for his years of service to the people of Iowa, and
 23 wish him success in his future endeavors.
 24 BE IT FURTHER RESOLVED, That the Secretary of the
 25 Senate shall send a copy of this Resolution to the
 26 Right Reverend C. Christopher Epting.

SENATE RESOLUTION 14: filed from the floor; adopted by the Senate on February 15, 2001.

1 SENATE RESOLUTION 14
 2 By: Flynn and Harper
 3 A Senate resolution recognizing Task Force Alpha of the
 4 Iowa Army National Guard for its dedication and
 5 outstanding performance of duty.
 6 WHEREAS, one hundred two soldiers from Company A,

7 1st Battalion, 133rd Infantry of the Iowa Army
 8 National Guard, were selected to perform a vital
 9 security mission in Saudi Arabia and Kuwait from
 10 October 10, 2000, to February 17, 2001; and
 11 WHEREAS, Task Force Alpha includes troops from
 12 Waterloo, Charles City, Dubuque, Oelwein, Hampton, and
 13 Iowa Falls; and
 14 WHEREAS, throughout their mobilization, deployment,
 15 and demobilization, the members of Task Force Alpha
 16 continually demonstrated professionalism, dedication,
 17 and skill of the highest level; and
 18 WHEREAS, the members of Task Force Alpha, in their
 19 active duty abroad, were separated from home and
 20 family relationships and obligations, and missed
 21 special family occasions as they fulfilled their
 22 assignment; and
 23 WHEREAS, the actions of Task Force Alpha reflect
 24 great credit upon all citizen soldiers of the Iowa
 25 National Guard and the people of the state of Iowa;
 26 and
 27 WHEREAS, the people of the state of Iowa take great
 28 pride in the professionalism of the members of Task
 29 Force Alpha; NOW THEREFORE,
 30 BE IT RESOLVED BY THE SENATE, That the Senate

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1 recognize the members of Task Force Alpha for their
 2 dedication and outstanding performance of duty, and
 3 that the Senate express its appreciation to the
 4 families of the members of Task Force Alpha; and
 5 BE IT FURTHER RESOLVED, That a copy of this
 6 Resolution be presented to the Iowa Army National
 7 Guard Commander of the 1st Battalion, 133rd Infantry;
 8 to Company A, 1st Battalion, 133rd Infantry; and to
 9 all the members of Task Force Alpha.

SENATE RESOLUTION 16: filed February 28, 2001; adopted by
 the Senate on March 21, 2001.

1 SENATE RESOLUTION 16
 2 By: Redfern and Harper
 3 A Senate resolution designating the Grout Museum of History
 4 and Science as the official repository of artifacts
 5 related to the Sullivan Brothers.
 6 WHEREAS, George Thomas, Francis Henry, Joseph
 7 Eugene, Madison Abel, and Albert Leo Sullivan,
 8 formerly of Waterloo, Iowa, joined the United States
 9 Navy January 3, 1942; and
 10 WHEREAS, the five brothers were permitted by the
 11 Navy to serve together on the light cruiser USS

12 Juneau; and
 13 WHEREAS, all five brothers, along with over 700
 14 other men, were lost at sea during the Battle of
 15 Guadalcanal, when the USS Juneau was struck by an
 16 enemy torpedo on November 13, 1942; and
 17 WHEREAS, the loss of these five brothers was the
 18 largest loss suffered by one family in a single
 19 engagement during World War II; and
 20 WHEREAS, Thomas and Alleta Able Sullivan and their
 21 daughter Genevieve Sullivan Davidson set aside their
 22 private grief and devoted over a year of patriotic
 23 duty to the recruiting efforts of the United States
 24 Navy; and
 25 WHEREAS, the United States Navy has named two ships
 26 in honor of the Sullivan brothers; and
 27 WHEREAS, the Grout Museum of History and Science is
 28 in possession of tangible artifacts and archival
 29 material belonging to and related to the Sullivan
 30 brothers; and

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1 WHEREAS, the Fighting Sullivans from Waterloo,
 2 Iowa, are known throughout the world, and exemplify
 3 the ideals of self-sacrifice and patriotism; NOW
 4 THEREFORE,
 5 BE IT RESOLVED BY THE SENATE, That the Grout Museum
 6 of History and Science of Waterloo, Iowa, is
 7 recognized as the official repository of all tangible
 8 artifacts and archival material relating to the
 9 Sullivan brothers.

SENATE RESOLUTION 17: filed March 1, 2001; adopted by the
 Senate on March 29, 2001.

1 SENATE RESOLUTION 17
 2 By: King
 3 A Senate resolution honoring Jacklyn Murray for achieving the
 4 2001 Prudential Spirit of Community Award.
 5 WHEREAS, Jacklyn Murray, an esteemed resident of
 6 Onawa, and a student at West Monona Community High
 7 School, has achieved national recognition for
 8 exemplary volunteer service by receiving a 2001
 9 Prudential Spirit of Community Award; and
 10 WHEREAS, this prestigious award, presented by The
 11 Prudential Insurance Company of America in partnership
 12 with the National Association of Secondary School
 13 Principals, honors young volunteers across America who
 14 have demonstrated an extraordinary commitment to
 15 serving their communities; and
 16 WHEREAS, Ms. Murray earned this award by giving

17 generously of her time and energy by designing and
 18 cochairing a project to improve two city parks,
 19 raising \$83,000 to fund the project by recruiting
 20 local teens to help with fund-raising, coordinating
 21 the fund-raisers and donations from area businesses,
 22 and soliciting and receiving numerous grants from
 23 national organizations; and
 24 WHEREAS, as a recipient of these awards, Ms. Murray
 25 will receive a monetary award, an engraved medallion,
 26 and an all-expense paid trip to Washington, D.C., in
 27 May 2001, where she will join other states' nominees
 28 for national recognition events, and the opportunity
 29 to be named among America's top ten youth volunteers
 30 of the year; and

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1 WHEREAS, the success of the state of Iowa, the
 2 strength of our communities, and the overall vitality
 3 of American society depend, in great measure, upon the
 4 dedication of young people like Ms. Murray, who use
 5 their considerable talents and resources to serve
 6 others; NOW THEREFORE,
 7 BE IT RESOLVED BY THE SENATE, That the Senate
 8 hereby congratulates and honors Ms. Murray, as
 9 recipient of a Prudential Spirit of Community Award,
 10 recognizes her outstanding record of volunteer
 11 service, peer leadership, and community spirit, and
 12 extends best wishes for her continued success and
 13 happiness.
 14 BE IT FURTHER RESOLVED, That, after adoption, the
 15 Secretary of the Senate shall send a copy of this
 16 Resolution to Ms. Murray.

SENATE RESOLUTION 18: filed from the floor; adopted by the
 Senate on March 6, 2001.

1 SENATE RESOLUTION 18
 2 By: Iverson, Kramer, Boettger, and Veenstra
 3 A Senate resolution declaring March 6, 2001, Marriage Day.
 4 WHEREAS, marriage is a universal human institution
 5 which is a bedrock of our society; and
 6 WHEREAS, a healthy marriage improves the lives of
 7 the parties by offering them emotional and financial
 8 support; and
 9 WHEREAS, a healthy marriage provides a nurturing
 10 environment for children; and
 11 WHEREAS, good marriages and strong families are
 12 developed through a couple's commitment and hard work;
 13 and
 14 WHEREAS, couples are more likely to work toward

10 University of Northern Iowa on 125 years of dedicated
 11 service.
 12 BE IT FURTHER RESOLVED, That an official copy of
 13 this Resolution be prepared and presented to the
 14 president of the University of Northern Iowa and
 15 representatives of the student body.

SENATE RESOLUTION 23: filed March 15, 2001; adopted by
 the Senate on April 17, 2001.

1 SENATE RESOLUTION 23
 2 By: Veenstra, Behn, Schuerer, Johnson, Greiner,
 3 Redwine, Gaskill, Zieman, Rehberg, McKinley,
 4 and Boettger
 5 A Senate resolution designating May 3, 2001, as statewide
 6 Prayer Day.
 7 WHEREAS, a "Prayer Day" was first proclaimed by the
 8 Continental Congress in 1775; and
 9 WHEREAS, it is fitting that we in the state of Iowa
 10 observe a day when we acknowledge our many blessings
 11 and express gratitude to God while recognizing the
 12 need to strengthen the religious and moral values in
 13 our land; and
 14 WHEREAS, the national association for prayer
 15 promotes a statewide "Prayer Day" in Iowa to bring
 16 peace, unity, and healing to our people; and
 17 WHEREAS, a number of states across America will
 18 recognize the power of prayer by participating in
 19 bringing people together to pray for our schools,
 20 cities, states, and nation; and
 21 WHEREAS, students at all levels of education should
 22 be encouraged to begin their school day with the
 23 pledge of allegiance, to begin the school day on a
 24 positive note and reintroduce a worthy patriotic
 25 program forgotten by many, and instill some
 26 traditional values and morals, which are much needed
 27 in this society; NOW THEREFORE,
 28 BE IT RESOLVED BY THE SENATE, That May 3, 2001, be
 29 designated as "Iowa Prayer Day" and all citizens are
 30 urged to reflect on the role of prayer as a

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1 fundamental part of the nation's heritage and that, in
 2 seeking divine guidance, there is unifying power for
 3 citizens from a diverse number of religious
 4 backgrounds.

SENATE RESOLUTION 29: filed March 27, 2001; adopted by the Senate on April 17, 2001.

1 SENATE RESOLUTION 29

2 By: King
3 A Senate resolution relating to a nonsubstantive redrafting
4 of Iowa's campaign finance laws.
5 WHEREAS, the administration of the state's campaign
6 finance laws by state and local government could be
7 aided by a nonsubstantive redrafting of Iowa Code
8 chapter 56; and
9 WHEREAS, the public understanding and appreciation
10 of Iowa's campaign finance laws could also be aided by
11 such a nonsubstantive redrafting of Iowa Code chapter
12 56; NOW THEREFORE,
13 BE IT RESOLVED BY THE SENATE, That the Legal
14 Counsel of the Iowa Ethics and Campaign Disclosure
15 Board, due to the Legal Counsel's familiarity and
16 expertise relating to both substantive and
17 nonsubstantive issues relating to Iowa's campaign
18 finance law as contained in Code chapter 56, is
19 requested to undertake a nonsubstantive redrafting of
20 the Code chapter for presentation to the appropriate
21 committees of the Iowa General Assembly prior to the
22 convening of the 2002 Regular Session.
23 BE IT FURTHER RESOLVED, That, upon passage, a copy
24 of this Resolution be mailed to W. Charles Smithson,
25 Legal Counsel, Iowa Ethics and Campaign Disclosure
26 Board.

SENATE RESOLUTION 31: filed March 29, 2001; adopted by the Senate on April 9, 2001.

1 SENATE RESOLUTION 31

2 By: Veenstra
3 (COMPANION TO LSB 3535HH BY ALONS)
4 A Senate resolution congratulating the Men's and Women's
5 Basketball Teams of Northwestern College of Orange
6 City.
7 WHEREAS, the Northwestern College Raiders Women's
8 basketball team racked up a season of 32 wins and four
9 losses, and were seeded second in the National
10 Association of Intercollegiate Athletes (NAIA)
11 Division II National Championship Tournament; and
12 WHEREAS, the Northwestern College Raiders men's
13 basketball team finished the year with a record of 29
14 wins and six losses, and were seeded seventh in the
15 NAIA Division II National Championship Tournament; and
16 WHEREAS, on March 14, 2001, both teams bested
17 opponents to win the NAIA Division II titles, with the
18 Raiders women defeating eighth-seeded Albertson of

19 Idaho, 77-50, and the Raiders men defeating 12th-
 20 seeded MidAmerican Nazarene of Kansas, 82-78; and
 21 WHEREAS, both Raiders head coaches received awards,
 22 with Coach Earl Woudstra being voted Women's National
 23 Coach of the Year and Coach Kris Korver being voted
 24 Men's National Coach of the Year; and
 25 WHEREAS, Raiders women brought home the awards for
 26 Women's National Player of the Year and National
 27 Tournament Most Valuable Player in Rachel Binneboese,
 28 who was also voted the All-American Scholar-Athlete
 29 for the second year in a row; three Raiders women made
 30 the All-Tourney Team: Jennifer Recker, Jaime Woudstra,

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1 and Sara Friedrichsen; and Jennifer Recker won the
 2 National Tournament Hustle Award for the second year
 3 in a row; and
 4 WHEREAS, Raiders men brought home awards for the
 5 National Tournament Most Valuable Player in Brandon
 6 Woudstra, and three men made the All-Tourney Team:
 7 Ben Gerleman, Brandon Jacobson, and Lance Reinke; NOW
 8 THEREFORE,
 9 BE IT RESOLVED BY THE SENATE, That the Senate
 10 congratulates the Northwestern College Raiders Women's
 11 Basketball Team and the Northwestern College Raiders
 12 Men's Basketball Team, their coaches, Earl Woudstra
 13 and Kris Korver, and their coaching staffs, on their
 14 superlative seasons, thanks them for the honor and
 15 excitement they brought to the State of Iowa, and
 16 wishes them the very best in the future.

SENATE RESOLUTION 32: filed March 29, 2001; adopted by
 the Senate on April 19, 2001.

1 SENATE RESOLUTION 32
 2 By: McKibben and Black
 3 A Senate resolution congratulating Maytag Corporation on being
 4 named an Energy Star Partner of the Year.
 5 WHEREAS, Energy Star is a voluntary partnership
 6 between the United States Environmental Protection
 7 Agency and the United States Department of Energy with
 8 businesses and organizations nationwide, that helps
 9 consumers to identify the most energy-efficient
 10 products via Energy Star labeling; and
 11 WHEREAS, 32 percent of Maytag's products, including
 12 clothes washers, refrigerators, and dishwashers, are
 13 Energy Star-rated, double the average for the United
 14 States appliance industry; and
 15 WHEREAS, Maytag provided promotional materials to
 16 retailers, conducted advertising campaigns to

17 highlight the energy efficiency of its products,
 18 cosponsored a study with the United States Department
 19 of Energy that demonstrates energy and water savings,
 20 and launched a five-city concert series promoting
 21 energy efficiency; and
 22 WHEREAS, over 600 home appliance centers in
 23 Maytag's retail network signed on as Energy Star
 24 retail partners, and Maytag's mobile marketing trucks
 25 advertise the Energy Star message to consumers
 26 throughout the year; and
 27 WHEREAS, Maytag Corporation received the award from
 28 Environmental Protection Agency Administrator
 29 Christine Todd Whitman at a special ceremony in
 30 Washington, D.C., on March 20, 2001; and

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1 WHEREAS, Iowa citizens are justly proud of the
 2 Maytag Corporation and its efforts to produce energy-
 3 efficient and environmentally safe products, and are
 4 pleased with the planned expansion of the Newton
 5 facility to expand production capacity for the energy-
 6 efficient Neptune and Atlantis washers and dryers, and
 7 the product laboratories; NOW THEREFORE,
 8 BE IT RESOLVED BY THE SENATE, That the Maytag
 9 Corporation be congratulated for achieving an Energy
 10 Star Partner of the Year Award, and for its continuing
 11 dedication to the production of innovative and energy-
 12 efficient home and commercial appliances.
 13 BE IT FURTHER RESOLVED, That, upon adoption, the
 14 Secretary of the Senate shall send a copy of this
 15 Resolution to the Maytag Corporation at its corporate
 16 headquarters in Newton, Iowa.

SENATE RESOLUTION 34: filed April 4, 2001; adopted by the
 Senate on April 12, 2001.

1 SENATE RESOLUTION 34
 2 By: Kramer, McKinley, McKibben, Sexton, Jensen,
 3 Rittmer, Angelo, Gaskill, Dvorsky, Shearer,
 4 Fiegen, Bartz, McLaren, Schuerer, Freeman, Lundby,
 5 Bolkom, Horn, Kibbie, Connolly, Tinsman, Greiner,
 6 Behn, Drake, Zieman, Dearden, Holveck, Flynn, Soukup,
 7 King, Rehberg, Boettger, Lamberti, Hansen, Redfern,
 8 Johnson, Veenstra, Hammond, Fraise, Iverson, Miller,
 9 McKean, Redwine, Maddox, Deluhery, Fink, Harper,
 10 Gronstal, Black, and McCoy
 11 A Senate resolution honoring the University of Iowa Women's
 12 Basketball Team and Coach Lisa Bluder.
 13 WHEREAS, the citizens of Iowa are greatly pleased
 14 that the University of Iowa Hawkeyes Women's

15 Basketball Team captured its second Big Ten Tournament
 16 title with a 75-70 upset victory over Purdue
 17 University, ranked as the No. 8 team in the nation at
 18 that time; and
 19 WHEREAS, the Hawkeyes women were successful in the
 20 National Collegiate Athletic Association first round,
 21 defeating the University of Oregon, but lost to the
 22 University of Utah in the second round; and
 23 WHEREAS, the Hawkeyes received several athletic
 24 awards this season, including the Big Ten Tournament's
 25 Most Outstanding Player, and placed two members on the
 26 All-Tournament Team; and
 27 WHEREAS, the Hawkeyes also received academic
 28 awards, with one member being named to the 2001
 29 Verizon First-Team Academic All-American Women's
 30 Basketball Team, the first-ever Iowa women's

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1 basketball student-athlete to achieve this honor, and
 2 with another member being awarded a scholarship from
 3 the Women's Basketball Coaches Association; and
 4 WHEREAS, the University of Iowa Women's Basketball
 5 Head Coach Lisa Bluder and the coaching staff
 6 encouraged, directed, and inspired the team to
 7 success; NOW THEREFORE,
 8 BE IT RESOLVED BY THE SENATE, That the Senate
 9 congratulates the University of Iowa Women's
 10 Basketball Team, Coach Lisa Bluder, and the coaching
 11 staff, on their successful season and thanks them for
 12 the honor and excitement they brought to the State of
 13 Iowa.
 14 BE IT FURTHER RESOLVED, That, upon adoption, the
 15 Secretary of the Senate shall prepare a copy of this
 16 Resolution for presentation to Coach Lisa Bluder and
 17 the University of Iowa Women's Basketball Team.

SENATE RESOLUTION 35: filed April 10, 2001; adopted by the
 Senate on April 19, 2001.

1 SENATE RESOLUTION 35
 2 By: King
 3 (COMPANION TO LSB 3595HH BY TYMESON)
 4 A Senate resolution recognizing Task Force Charlie of the Iowa
 5 Army National Guard for its dedication and outstanding
 6 performance of duty.
 7 WHEREAS, 122 soldiers from Company C, First
 8 Battalion, 168th Infantry (Task Force Charlie), were
 9 selected to perform a vital security mission in Kuwait
 10 from January 16, 2001, to June 30, 2001; and
 11 WHEREAS, Task Force Charlie includes troops from

12 Denison and western Iowa; and
 13 WHEREAS, throughout their mobilization, deployment,
 14 and demobilization, the members of Task Force Charlie
 15 continually demonstrated professionalism, dedication,
 16 and skill of the highest level; and
 17 WHEREAS, the members of Task Force Charlie, in
 18 their active duty abroad, were separated from home and
 19 family relationships and obligations, and missed
 20 special family occasions as they fulfilled their
 21 assignment; and
 22 WHEREAS, the actions of Task Force Charlie reflect
 23 great credit upon all citizen soldiers of the Iowa
 24 National Guard and the people of the State of Iowa;
 25 and
 26 WHEREAS, the people of the State of Iowa take great
 27 pride in the professionalism of the members of Task
 28 Force Charlie; NOW THEREFORE,
 29 BE IT RESOLVED BY THE SENATE, That the Senate
 30 recognizes the members of Task Force Charlie for their

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1 dedication and outstanding performance of duty, and
 2 that the Senate expresses its appreciation to the
 3 families of the members of Task Force Charlie.
 4 BE IT FURTHER RESOLVED, That a copy of this
 5 Resolution be presented to the Iowa Army National
 6 Guard Commander of the First Battalion, 168th
 7 Infantry; to the members of the First Battalion, 168th
 8 Infantry; and to all the members of Task Force
 9 Charlie.

SENATE RESOLUTION 36: filed from the floor; adopted by the Senate on April 12, 2001.

1 SENATE RESOLUTION 36
 2 By: Redfern and Harper
 3 A Senate resolution congratulating the University of Northern
 4 Iowa Panthers Women's Basketball Team.
 5 WHEREAS, the University of Northern Iowa Panthers
 6 Women's Basketball Team finished the season with a
 7 record of 18 wins and 11 losses, finishing the season
 8 with a winning record for the fourth consecutive
 9 season; and
 10 WHEREAS, the citizens of Iowa are greatly pleased
 11 and justly proud that the University of Northern Iowa
 12 Panthers Women's Basketball Team received its first-
 13 ever postseason bid to play as the number three seed
 14 in the Women's National Invitational Tournament; and
 15 WHEREAS, the Panthers received athletic honors both
 16 during the regular season and post-season, including

17 having two players named to the 2001 All-Missouri
 18 Valley Conference Women's Basketball Team, one player
 19 to the All-Freshman Team, and one player to the All-
 20 Defensive Team; and
 21 WHEREAS, the Panthers also had three team members
 22 named to the 2001 Missouri Valley Conference Scholar-
 23 Athlete Team, and the team achieved an average
 24 cumulative grade-point average (GPA) of 3.35,
 25 including three members who achieved a perfect 4.0
 26 GPA; and
 27 WHEREAS, the University of Northern Iowa Women's
 28 Basketball Team consistently thrilled spectators and
 29 ranked third in the Missouri Valley Conference for
 30 attendance, and broke a school single-season

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1 attendance mark at home games; and
 2 WHEREAS, Panthers Head Coach Tony DiCecco, in his
 3 sixth year at the University of Northern Iowa, is the
 4 winningest coach in the Panthers' 32 completed seasons
 5 of women's basketball, and with the assistance of the
 6 coaching staff, directed and inspired the Panthers
 7 Women's Basketball Team to new levels of success; NOW
 8 THEREFORE,
 9 BE IT RESOLVED BY THE SENATE, That the Senate
 10 congratulates the University of Northern Iowa Panthers
 11 Women's Basketball Team, Head Coach Tony DiCecco, and
 12 the coaching staff on their successful season, thanks
 13 them for the honor and excitement they brought to the
 14 State of Iowa, and wishes them the very best in the
 15 future.
 16 BE IT FURTHER RESOLVED, That, upon adoption, the
 17 Secretary of the Senate shall prepare a copy of this
 18 Resolution for presentation to Coach Tony DiCecco and
 19 the University of Northern Iowa Panthers Women's
 20 Basketball Team.

SENATE RESOLUTION 37: filed from the floor; adopted by the Senate on April 12, 2001.

1 SENATE RESOLUTION 37
 2 By: Committee on Rules and Administration
 3 A Senate resolution deferring action on the confirmation of an
 4 appointment submitted by the Governor.
 5 BE IT RESOLVED BY THE SENATE, That the Senate
 6 defers consideration of the following appointment
 7 submitted by the Governor under the provisions of
 8 section 2.32, subsection 3:
 9 Director of the Information
 10 Technology Department

Richard J. Varn

11 (Term beginning April 26, 2000, and ending at the
12 pleasure of the Governor)

SENATE RESOLUTION 38: filed from the floor; adopted by the Senate on April 12, 2001.

1 SENATE RESOLUTION 38
2 By: Committee on Rules and Administration
3 A Senate resolution deferring action on the confirmation of an
4 appointment submitted by the Governor.
5 BE IT RESOLVED BY THE SENATE, That the Senate
6 defers consideration of the following appointment
7 submitted by the Governor under the provisions of
8 section 2.32, subsection 3:
9 Director of the Department of
10 Natural Resources Jeffrey R. Vonk
11 (Term beginning March 14, 2001, and ending at the
12 pleasure of the Governor)

SENATE RESOLUTION 40: filed from the floor; adopted by the Senate on April 20, 2001. Printed on Senate Journal page 1231.

SENATE RESOLUTION 41: filed April 20, 2001; adopted by the Senate on April 24, 2001.

1 SENATE RESOLUTION 41
2 By: Fink, McLaren, Hammond, Behn, McKinley, Greiner,
3 Rittmer, Jensen, Veenstra, Redfern, McKean, Angelo,
4 Bartz, Freeman, Boettger, Johnson, Schuerer, Zieman,
5 Rehberg, Gaskill, Dearden, Miller, McCoy, Bolkcom,
6 Fiegen, Horn, Connolly, Kibbie, Gronstal, Holveck,
7 Iverson, Lamberti, Kramer, Flynn, Hansen, Black,
8 Shearer, Harper, McKibben, Soukup, and Deluhery
9 A Senate resolution recognizing Iowa State University
10 graduates Marcus Fizer and Fred Hoiberg for serving as
11 "Literacy Champions".
12 WHEREAS, Fred Hoiberg was an outstanding basketball
13 player during his college career at Iowa State
14 University, and currently plays for the National
15 Basketball Association's Chicago Bulls; and
16 WHEREAS, Marcus Fizer was an outstanding basketball
17 player during his college career at Iowa State
18 University, and currently plays for the National
19 Basketball Association's Chicago Bulls; and
20 WHEREAS, as successful athletes with personable
21 demeanors, these men have inspired the admiration of
22 many young Iowans, serving as role models, and setting
23 examples by their conduct in both athletic endeavors
24 and in their personal lives; and
25 WHEREAS, both Fred Hoiberg and Marcus Fizer have

26 agreed to serve as "Literacy Champions," assisting in
27 the promotion of "Iowa Stories 2000"; and
28 WHEREAS, the former Iowa State University
29 basketball players will appear in a literacy poster
30 and take part in several special literacy events

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1 across Iowa; and
2 WHEREAS, in promoting literacy, Fred Hoiberg and
3 Marcus Fizer continue to live up to the expectations
4 of and set great examples for their young fans; NOW
5 THEREFORE,
6 BE IT RESOLVED BY THE SENATE, That Marcus Fizer and
7 Fred Hoiberg are recognized and congratulated on their
8 participation as "Literacy Champions" in the "Iowa
9 Stories 2000" campaign, and their commitment to the
10 continuing improvement of the young people of Iowa.

SENATE RESOLUTION 43: filed April 25, 2001; adopted by the
Senate on May 8, 2001.

1 SENATE RESOLUTION 43
2 By: Horn
3 A Senate resolution urging the Iowa Department of Education's
4 program, Regional Autism Services program, to continue
5 compiling and maintaining yearly records regarding
6 individuals with autism and related disorders.
7 WHEREAS, autism is a developmental disorder that
8 typically affects a person's ability to communicate,
9 form relationships with others, and respond
10 appropriately to the environment; and
11 WHEREAS, some people with autism are relatively
12 high-functioning, with communicative speech and
13 intelligence a strength for a small percentage; others
14 may be nonverbal, and have cognitive delays ranging
15 from mild to severe; all appear to have difficulties
16 with social interaction to some degree and often
17 exhibit a narrow repertoire of interests and
18 abilities, showing repetitive behaviors and rigid
19 patterns of thinking that interfere with learning; and
20 WHEREAS, the medical diagnosis of autism is made
21 when a specified number of characteristics listed in
22 the DSM-IV or ICD-9 diagnostic tools, are present, in
23 ranges perhaps similar to significantly below the
24 child's age, and diagnosis usually occurs between the
25 ages three and five; and
26 WHEREAS, there are other pervasive developmental
27 disabilities, including Rett's Disorder, Childhood
28 Disintegrative Disorder, Asperger's Disorder, and

29 Pervasive Developmental Disorder Not Otherwise
30 Specified, each category of symptoms creating an

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1 individualized set of social, learning, and behavioral
2 differences; and
3 WHEREAS, while there are no known specific causes
4 of these pervasive developmental disorders, some
5 research suggests that causes might include physical
6 problems affecting those parts of the brain that
7 process language and information received through the
8 senses, imbalances of certain chemicals in the brain,
9 and genetic factors; and
10 WHEREAS, autism may also result from a combination
11 of several causes, but factors in the psychological
12 environment of the child do not cause autism; and
13 WHEREAS, autism and associated disorders affect as
14 many as one in 500 individuals, according to the
15 United States Centers for Disease Control and
16 Prevention as of 1997; and
17 WHEREAS, autism is four times more prevalent in
18 boys than girls and knows no racial, ethnic, or social
19 boundaries, and family income, lifestyle, and
20 educational levels do not affect the chance of
21 autism's occurrence; and
22 WHEREAS, the autism prognosis is variable from
23 independent to various levels of supported living and
24 work, and may be compromised by associated conditions
25 including seizure disorder, mental retardation, Down's
26 Syndrome, or genetic disorders such as Fragile X
27 Syndrome, Landau-Kleffner Syndrome, William's
28 Syndrome, or Tourette's Syndrome; and
29 WHEREAS, caring for and educating children and
30 adults with autism and related disorders often require

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1 a considerable dedication of emotional and financial
2 resources by parents, caretakers, schools, community
3 providers, or community organizations; and
4 WHEREAS, the bipartisan Congressional Coalition for
5 Autism Research and Education (C.A.R.E.) has been
6 formed with the goal of increasing autism awareness,
7 educating lawmakers and policymakers, providing a
8 forum in which autism issues can be debated and
9 discussed, and expanding federal research into autism
10 spectrum disorders; and
11 WHEREAS, to ensure that planning for the welfare
12 and development of persons with autism and related
13 disorders is more meaningful, need exists for the
14 Regional Autism Services program, a program supported

15 by school laws of Iowa through the Iowa Department of
 16 Education to continue to collect data on the estimated
 17 overall number of individuals with autism spectrum
 18 disorders in the educational arena, supported by
 19 Medicare Part B and Part C services; NOW THEREFORE,
 20 BE IT RESOLVED BY THE SENATE, That the members of
 21 Iowa's congressional delegation to the United States
 22 House of Representatives are encouraged to become a
 23 part of the Coalition for Autism Research and
 24 Education.
 25 BE IT FURTHER RESOLVED, That upon adoption, the
 26 Secretary of the Senate shall send a copy of this
 27 Resolution to Representatives Leonard L. Boswell, Greg
 28 Ganske, Tom Latham, Jim Leach, and Jim Nussle.

SENATE RESOLUTION 44: filed April 26, 2001; adopted by the Senate on May 8, 2001.

1 SENATE RESOLUTION 44
 2 By: Hansen, King, Redwine, Kibbie, and Veenstra
 3 A Senate resolution recognizing Don "Skip" Meisner upon his
 4 retirement.
 5 WHEREAS, Don "Skip" Meisner graduated from South
 6 Sioux City High School and received his Bachelor of
 7 Science Degree from Morningside College and his
 8 Master's Degree from the University of South Dakota,
 9 and graduated from the Northwestern University Traffic
 10 Engineering Institute, and had training in
 11 cryptography from the United States Army Signal Corps,
 12 and in housing development finance from the national
 13 Development Council; and
 14 WHEREAS, Skip Meisner served his country in the
 15 Armed Forces, then returned to the City of Sioux City
 16 Traffic Engineering and Planning Departments; and
 17 WHEREAS, Skip Meisner became the Executive Director
 18 of the Siouxland Interstate Metropolitan Planning
 19 Council (SIMPCO) in 1966, and has served in that
 20 position for 36 years; and
 21 WHEREAS, during his tenure as Executive Director of
 22 SIMPCO, Skip has worked tirelessly to help the tri-
 23 state region meet the area's needs relating to flood
 24 control, housing, bridge construction, and education,
 25 and has worked on aging issues and legislative issues;
 26 and
 27 WHEREAS, Skip Meisner also served on the Board of
 28 Directors for the Sioux City Community School District
 29 from 1978 to 1986, and chaired the Advisory Commission
 30 on Intergovernmental Relations from 1990 to 1995, and

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1 served on the Iowa Blue Ribbon Transportation Task
 2 Force from 1980 to 1982; and
 3 WHEREAS, the communities and individuals who have
 4 been impacted by Skip's vision, dedication, and
 5 leadership are truly grateful and appreciative; and
 6 WHEREAS, as Skip Meisner retires, it is fitting
 7 that he be recognized for his many years of valuable
 8 service; NOW THEREFORE,
 9 BE IT RESOLVED BY THE SENATE, That the Senate
 10 recognizes Don "Skip" Meisner upon his retirement, and
 11 congratulates him for a job well done.
 12 BE IT FURTHER RESOLVED, That, upon adoption, the
 13 Secretary of the Senate shall prepare a copy of this
 14 Resolution for presentation to Skip Meisner.

SENATE RESOLUTION 45: filed April 26, 2001; adopted by the Senate on May 3, 2001.

1 SENATE RESOLUTION 45
 2 By: Kramer, Lundby, Maddox, Tinsman, Iverson, Holveck,
 3 Dearden, Bolkcom, Harper, Fiegen, Dvorsky, Deluhery,
 4 Horn, Fink, Hammond, and Shearer
 5 A Senate resolution designating June 16, 2001, as Juneteenth
 6 National Freedom Day.
 7 WHEREAS, the third Saturday in June is celebrated
 8 as National Freedom Day and is also known as
 9 Emancipation Day; and
 10 WHEREAS, Juneteenth National Freedom Day is the
 11 oldest known African-American celebration of the end
 12 of slavery in the United States and occurred on or
 13 about June nineteenth; and
 14 WHEREAS, Juneteenth National Freedom Day celebrates
 15 the meaning and importance of the Emancipation
 16 Proclamation, which ended slavery in the United
 17 States; and
 18 WHEREAS, spontaneous celebrations erupted
 19 throughout the United States when African-Americans
 20 learned that they were free; and
 21 WHEREAS, all citizens of Iowa are encouraged to
 22 observe the day in a manner that emphasizes the
 23 meaning and importance of the Emancipation
 24 Proclamation; NOW THEREFORE,
 25 BE IT RESOLVED BY THE SENATE, That the third
 26 Saturday in June, June 16, 2001, is designated
 27 Juneteenth National Freedom Day.
 28 BE IT FURTHER RESOLVED, That the Senate encourages
 29 the citizens of Iowa to recognize and celebrate the
 30 importance of this day to every person who cherishes

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1 liberty and equality for all people.

SENATE RESOLUTION 46: filed May 2, 2001; adopted by the Senate on May 3, 2001.

1 SENATE RESOLUTION 46
 2 By: Johnson
 3 A Senate resolution supporting a women's health care platform
 4 that recognizes and calls for the elimination of
 5 inequities in the health prevention and treatment of
 6 women in Iowa.
 7 WHEREAS, women are metabolically, hormonally, and
 8 physiologically unique, and have different patterns of
 9 health and disease than do men, and some diseases are
 10 more common in women than in men; and
 11 WHEREAS, women are more likely to suffer from
 12 chronic diseases, develop rheumatoid arthritis, and
 13 suffer from depression than are men; and
 14 WHEREAS, women are less often referred for
 15 diagnostic tests and less often treated for heart
 16 disease as compared to men; and
 17 WHEREAS, women outnumber men three to one in long-
 18 term care facilities; and
 19 WHEREAS, women are much more likely to provide
 20 health care to family members and to make health care
 21 decisions and spend two of every three health care
 22 dollars; and
 23 WHEREAS, there is evidence that women are medically
 24 undertreated compared to men, and are underrepresented
 25 in health studies; and
 26 WHEREAS, while there has been some national
 27 attention given to women's health care issues, and
 28 some legislative activity by the United States
 29 Congress on women's health care access issues, there
 30 remains little change in vitally important preventive

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1 health care and treatment issues related to women; and
 2 WHEREAS, the state of Iowa needs to work toward
 3 providing women with equal access to quality health
 4 care, by providing women with state-of-the-art medical
 5 advances and technology, and timely diagnosis and
 6 treatment programs; by increasing the number of women
 7 covered by comprehensive health care insurance; by
 8 encouraging unimpeded access to women's specialty
 9 health providers; and by providing improved
 10 communications between health care providers and women
 11 patients; and

12 WHEREAS, Iowa can support women's health issues by
 13 continuing to expand state screening programs targeted
 14 at lower-income women to include a full range of known
 15 risk factors; increasing government private research
 16 on women's health issues; expanding medical and
 17 nursing school curricula in the areas of women's
 18 health and educating care providers about gender
 19 biology; supporting public education campaigns to
 20 increase women's awareness about their unique health
 21 risks and how to obtain the best care available; and
 22 conducting public health campaigns via state and local
 23 departments of public health with private-sector
 24 partners to focus on key women's preventive health
 25 issues; and
 26 WHEREAS, in a recent survey of voters, almost 80
 27 percent of women and 60 percent of men favored a
 28 women's health care platform that supports relevant
 29 health care, research, and education for women; and
 30 WHEREAS, nine out of 10 men and women agree that

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1 women have the right to quality health care treatment
 2 and access to the latest technologies and appropriate
 3 diagnostic tests; NOW THEREFORE,
 4 BE IT RESOLVED BY THE SENATE, That the Senate urges
 5 the state agencies, regents institutions, recipients
 6 of state grants or funding, and the private sector to
 7 take appropriate action to achieve improved and equal
 8 access for women to quality health care.
 9 BE IT FURTHER RESOLVED, That the Senate commends
 10 the organization, Women in Government, for its
 11 leadership and enterprise in bringing to the forefront
 12 the urgent need, and proposing meaningful steps that
 13 can be taken, to attain access for women to quality
 14 health care and medical technologies, and to educate
 15 researchers about gender differences.

SENATE RESOLUTION 47: filed May 2, 2001; adopted by the
 Senate on May 3, 2001.

1 SENATE RESOLUTION 47
 2 By: Holveck, Iverson, Harper, Hammond, Behn, Rehberg,
 3 Redfern, Kramer, and McKibben
 4 A Senate resolution recognizing and congratulating Quakerdale
 5 on 150 years of service.
 6 WHEREAS, Quakerdale, a nonprofit, social service
 7 agency, founded by Josiah White in 1851, has
 8 strengthened the lives of youth and families in Iowa
 9 for the past 150 years; and
 10 WHEREAS, Quakerdale is committed to the welfare and

11 quality of life for youth and families for generations
12 to come; and
13 WHEREAS, Quakerdale is a chartered member of the
14 Coalition for Family and Children's Services in Iowa,
15 which represents 36 children's and family service
16 agencies, and is an advocate for the continuous
17 improvement of the quality of life for children and
18 families; and
19 WHEREAS, Quakerdale provides an array of services
20 designed to assist youth, families, and individuals
21 who are experiencing crisis or difficulty in their
22 lives, including adoption services, assessment
23 services, community-based day treatment, crisis
24 respite care, counseling services, family foster care,
25 independent living assistance, residential treatment,
26 school-based programs, and shelter care; and
27 WHEREAS, Quakerdale currently has locations in
28 Manning, Marshalltown, New Providence, and Waterloo;
29 and
30 WHEREAS, the year 2001 marks Quakerdale's 150th

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1 anniversary celebration; NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Senate
3 recognizes Quakerdale for its long-term, effective
4 leadership, and compassionate services provided to
5 children and families in Iowa.
6 BE IT FURTHER RESOLVED, That the Senate
7 congratulates Quakerdale on the 150th anniversary of
8 its founding, and calls upon the citizens of Iowa to
9 affirm the work and dedication of Quakerdale.

SENATE RESOLUTION 48: filed May 2, 2001; adopted by the Senate on May 3, 2001.

1 SENATE RESOLUTION 48
2 By: Drake, Jensen, Dearden, Kibbie, and Horn
3 A Senate resolution recognizing the United States Seagoing
4 Marine Association, and designating August 2001 as
5 United States Seagoing Marines Month.
6 WHEREAS, seagoing marines have served aboard ships
7 of the United States Navy during the period from 1775
8 to 1998; and
9 WHEREAS, during the span of 223 years, the seagoing
10 marines participated in every naval campaign and
11 battle to safeguard the freedom and liberty that all
12 Iowans expect and enjoy today; and
13 WHEREAS, seagoing marines from every state have
14 been stationed on the famous battleship USS Iowa and
15 heavy cruiser USS Des Moines, and all the other

16 gallant ships of the United States Navy that have
 17 served our nation so honorably; and
 18 WHEREAS, seagoing marines from all over the nation
 19 are celebrating the first annual fleet review of the
 20 United States Seagoing Marine Association, an Iowa
 21 not-for-profit veterans organization, in Davenport,
 22 Iowa, in August 2001; and
 23 WHEREAS, it is fitting and proper that the valiant
 24 efforts of the seagoing marines be recognized and
 25 celebrated by the citizens of Iowa; NOW THEREFORE,
 26 BE IT RESOLVED BY THE SENATE, That the Senate
 27 recognizes the dedicated service of the seagoing
 28 marines, and declares the month of August 2001 as
 29 United States Seagoing Marines Month.
 30 BE IT FURTHER RESOLVED, That, upon adoption, a copy

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- 1 of this Resolution be sent to the United States
- 2 Seagoing Marine Association.

SENATE RESOLUTION 50: filed from the floor; adopted by the Senate on May 3, 2001.

1 SENATE RESOLUTION 50
 2 By: Committee on State Government
 3 A Senate resolution advising legislative service bureau of the
 4 reasons for the Senate's rejection of Senate File 540.
 5 WHEREAS, Joint Rule 24.1 requires that if either
 6 house rejects a redistricting plan submitted by the
 7 legislative service bureau that house shall convey the
 8 reasons for such rejection to the legislative service
 9 bureau by resolution; NOW THEREFORE,
 10 BE IT RESOLVED BY THE SENATE, That the Senate
 11 requests that the next plan drafted by the legislative
 12 service bureau improve the population deviations to
 13 more nearly represent the ideal of "one person, one
 14 vote"; and
 15 BE IT FURTHER RESOLVED, That Iowa Code section
 16 42.4(4) entitled "Redistricting Standards" states, "It
 17 is preferable that districts be compact in form, but
 18 the standards established by subsections 1, 2 and 3
 19 take precedence over compactness where a conflict
 20 arises between compactness and these standards." Iowa
 21 Code section 42.4(1),(2), and (3) state the preferred
 22 standards are population equalities, contiguous
 23 territories, and district boundaries coinciding with
 24 political subdivisions. Additionally, courts have
 25 consistently held that lower population deviations
 26 from the ideal population should take precedence over
 27 compactness of the districts as defined in the Iowa

28 Code. Therefore, the next plan should more closely
 29 follow those guidelines; and
 30 BE IT FURTHER RESOLVED, That the Senate requests a

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1 plan that at a minimum matches, or improves upon, the
 2 population deviation in our current Congressional and
 3 legislative districts; and,
 4 BE IT FURTHER RESOLVED, That in addition, the
 5 Senate requests the legislative service bureau in the
 6 next plan, strive to develop Congressional and
 7 legislative districts that reflect urban and rural
 8 interests in our state to the extent consistent with
 9 the Iowa Code. Plan #1 regionalized Iowa at the
 10 Congressional level. The districts that are included
 11 in Plan #2 should better reflect the convenient,
 12 contiguous territory of our state.

SENATE RESOLUTION 51: filed from the floor; adopted by the
 Senate on May 8, 2001.

1 SENATE RESOLUTION 51
 2 By: Committee on Rules and Administration
 3 A Senate resolution relating to daily operations of
 4 the Senate.
 5 WHEREAS, the legislative authority of this state is
 6 vested in the General Assembly consisting of the
 7 Senate and the House of Representatives; and
 8 WHEREAS, the Senate necessarily incurs substantial
 9 expenses for its daily operations; and
 10 WHEREAS, the Senate is authorized to expend funds
 11 from the state treasury necessary to pay for its
 12 expenses and for expenses incurred jointly by the
 13 Senate and House of Representatives; and
 14 WHEREAS, it is deemed advisable and proper for the
 15 Senate to make expenditures in accordance with a
 16 budgetary plan; NOW THEREFORE,
 17 BE IT RESOLVED BY THE SENATE:
 18 Section 1. Expenditures of the Senate payable
 19 pursuant to Iowa Code sections 2.10 through 2.14,
 20 inclusive, for the regular legislative session and the
 21 interim period during the fiscal year beginning July
 22 1, 2001 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 \$3,035,026.
 27 2. Interim expenses including members' and staff
 28 compensation and other current expenses in an amount

29 not to exceed \$300,000.

30 3. Fixed expenses, including permanent employees'

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1 compensation and equipment in an amount not to exceed
2 \$2,227,234.

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 \$25,000.

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.

20 Within the indicated ranges the exact compensation
 21 shall be set or adjusted for the senate officers by
 22 the senate rules and administration committee and for
 23 the house officers by the house administration and
 24 rules committee. The committees shall report the
 25 exact compensation assigned to each position on the
 26 next legislative day, or, if such action is during the
 27 interim, on the first day the senate or house shall
 28 convene. Any action by the senate or house to
 29 disapprove or amend the report shall be effective the
 30 day after the action.

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1 BE IT FURTHER RESOLVED, That the compensation of
 2 the employees of the ~~seventy-eighth~~ seventy-ninth
 3 general assembly is set, effective from ~~January 11,~~
 4 ~~1999 January 8, 2001,~~ until ~~January 8, 2001~~ January
 5 13, 2003, in accordance with the following salary
 6 schedule:

| | | | | | |
|----|------------------------|------------------------|------------------------|------------------------|------------------------|
| 7 | #10 | #11 | #12 | #13 | #14 |
| 8 | \$14,851.20 | \$15,600.00 | \$16,390.40 | \$17,180.80 | \$18,096.00 |
| 9 | 7.14 | 7.50 | 7.88 | 8.26 | 8.70 |
| 10 | | | | | |
| 11 | #15 | #16 | #17 | #18 | #19 |
| 12 | \$19,073.60 | \$20,009.60 | \$20,904.00 | \$21,923.20 | \$22,942.40 |
| 13 | 9.17 | 9.62 | 10.05 | 10.54 | 11.03 |
| 14 | | | | | |
| 15 | #20 | #21 | #22 | #23 | #24 |
| 16 | \$24,128.00 | \$25,209.60 | \$26,457.60 | \$27,768.00 | \$29,016.00 |
| 17 | 11.60 | 12.12 | 12.72 | 13.35 | 13.95 |
| 18 | | | | | |
| 19 | #25 | #26 | #27 | #28 | #29 |
| 20 | \$30,472.00 | \$31,886.40 | \$33,425.60 | \$35,068.80 | \$36,732.80 |
| 21 | 14.65 | 15.33 | 16.07 | 16.86 | 17.66 |
| 22 | | | | | |
| 23 | #30 | #31 | #32 | #33 | #34 |
| 24 | \$38,500.80 | \$40,393.60 | \$42,244.80 | \$44,345.60 | \$46,425.60 |
| 25 | 18.51 | 19.42 | 20.31 | 21.32 | 22.32 |
| 26 | | | | | |
| 27 | #35 | #36 | #37 | #38 | #39 |
| 28 | \$48,651.20 | \$50,980.80 | \$53,476.80 | \$55,993.60 | \$58,718.40 |
| 29 | 23.39 | 24.51 | 25.71 | 26.92 | 28.23 |
| 30 | | | | | |

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| | | | | | |
|---|------------------------|------------------------|------------------------|------------------------|------------------------|
| 1 | #40 | #41 | #42 | #43 | #44 |
| 2 | \$61,568.00 | \$64,500.80 | \$67,641.60 | \$70,803.20 | \$74,276.80 |
| 3 | 29.60 | 31.01 | 32.52 | 34.04 | 35.71 |
| 4 | | | | | |
| 5 | #45 | #46 | #47 | #48 | #49 |

| | | | | | |
|----|------------------------|------------------------|------------------------|------------------------|------------------------|
| 6 | \$77,833.60 | \$81,536.00 | \$85,446.40 | \$91,395.20 | \$95,950.40 |
| 7 | <u>37.42</u> | <u>39.20</u> | <u>41.08</u> | <u>43.94</u> | <u>46.13</u> |
| 8 | #9 | | | | |
| 9 | <u>\$14,913.60</u> | | | | |
| 10 | <u>7.17</u> | | | | |
| 11 | #10 | #11 | #12 | #13 | #14 |
| 12 | <u>\$15,745.60</u> | <u>\$16,556.80</u> | <u>\$17,388.80</u> | <u>\$18,241.60</u> | <u>\$19,198.40</u> |
| 13 | <u>7.57</u> | <u>7.96</u> | <u>8.36</u> | <u>8.77</u> | <u>9.23</u> |
| 14 | | | | | |
| 15 | #15 | #16 | #17 | #18 | #19 |
| 16 | <u>\$20,238.40</u> | <u>\$21,236.80</u> | <u>\$22,172.80</u> | <u>\$23,275.20</u> | <u>\$24,336.00</u> |
| 17 | <u>9.73</u> | <u>10.21</u> | <u>10.66</u> | <u>11.19</u> | <u>11.70</u> |
| 18 | | | | | |
| 19 | #20 | #21 | #22 | #23 | #24 |
| 20 | <u>\$25,604.80</u> | <u>\$26,728.00</u> | <u>\$28,059.20</u> | <u>\$29,452.80</u> | <u>\$30,784.00</u> |
| 21 | <u>12.31</u> | <u>12.85</u> | <u>13.49</u> | <u>14.16</u> | <u>14.80</u> |
| 22 | | | | | |
| 23 | #25 | #26 | #27 | #28 | #29 |
| 24 | <u>\$32,323.20</u> | <u>\$33,820.80</u> | <u>\$35,464.00</u> | <u>\$37,211.20</u> | <u>\$38,979.20</u> |
| 25 | <u>15.54</u> | <u>16.26</u> | <u>17.05</u> | <u>17.89</u> | <u>18.74</u> |
| 26 | | | | | |
| 27 | #30 | #31 | #32 | #33 | #34 |
| 28 | <u>\$40,851.20</u> | <u>\$42,848.00</u> | <u>\$44,824.00</u> | <u>\$47,049.60</u> | <u>\$49,254.40</u> |
| 29 | <u>19.64</u> | <u>20.60</u> | <u>21.55</u> | <u>22.62</u> | <u>23.68</u> |
| 30 | | | | | |

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| | | | | | |
|----|---|--------------------|--------------------|--------------------|--------------------|
| 1 | #35 | #36 | #37 | #38 | #39 |
| 2 | <u>\$51,604.80</u> | <u>\$54,100.80</u> | <u>\$56,721.60</u> | <u>\$59,404.80</u> | <u>\$62,296.00</u> |
| 3 | <u>24.81</u> | <u>26.01</u> | <u>27.27</u> | <u>28.56</u> | <u>29.95</u> |
| 4 | | | | | |
| 5 | #40 | #41 | #42 | #43 | #44 |
| 6 | <u>\$65,312.00</u> | <u>\$68,432.00</u> | <u>\$71,780.80</u> | <u>\$75,108.80</u> | <u>\$78,790.40</u> |
| 7 | <u>31.40</u> | <u>32.90</u> | <u>34.51</u> | <u>36.11</u> | <u>37.88</u> |
| 8 | | | | | |
| 9 | #45 | #46 | #47 | #48 | #49 |
| 10 | <u>\$82,576.00</u> | <u>\$86,507.20</u> | <u>\$90,646.40</u> | <u>\$94,993.60</u> | <u>\$99,507.20</u> |
| 11 | <u>39.70</u> | <u>41.59</u> | <u>43.58</u> | <u>45.67</u> | <u>47.84</u> |
| 12 | In this schedule, each numbered block shall be the | | | | |
| 13 | yearly and hourly compensation for the pay grade of | | | | |
| 14 | the number heading the block. Within each grade there | | | | |
| 15 | shall be six steps numbered "1" through "6". In the | | | | |
| 16 | above schedule the steps for all grades are determined | | | | |
| 17 | in the following manner. Each numbered block is | | | | |
| 18 | counted as the "1" step for that grade. The next | | | | |
| 19 | higher block is counted as the "2" step; the next | | | | |
| 20 | higher block is the "3" step; the next higher block is | | | | |
| 21 | the "4" step; the next higher block is the "5" step; | | | | |
| 22 | the next higher block is the "6" step. | | | | |
| 23 | <u>Alternatively, the senate rules and administration</u> | | | | |
| 24 | <u>committee for senate employees, and the house</u> | | | | |

25 administration and rules committee for house employees
 26 may allow their employees' compensation to be flexibly
 27 set anywhere between steps "1" through "6" for an
 28 employee's prescribed pay grade.
 29 All employees shall be available to work daily
 30 until completion of the senate's and house of

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1 representatives' business. The employee's division
 2 supervisor shall schedule all employees' working hours
 3 to, as far as possible, maintain regular working
 4 hours.
 5 All employees, other than those designated "part-
 6 time" shall be compensated for 40 hours of work in a
 7 one-week pay period. Secretaries to senators and
 8 representatives are presumed to have 40 hours of work
 9 each week the legislature is in session and shall be
 10 paid only on that basis. Except for the personnel
 11 designated to the contrary in this resolution,
 12 employees who are required to work in excess of 40
 13 hours in a one-week pay period shall either be
 14 compensated at a rate of pay equal to one and one-half
 15 times the hourly pay provided in this resolution or
 16 allowed compensatory time off at a rate of one and
 17 one-half hours for each hour of overtime.
 18 The following personnel shall not be paid an
 19 overtime premium:
 20 Secretary of the Senate
 21 Chief Clerk of the House
 22 Assistant Secretary of the Senate
 23 Assistant Chief Clerk of the House
 24 Senate Legal Counsel
 25 House Legal Counsel
 26 ~~Finance Officer~~
 27 Senior Finance Officer I
 28 Senior Finance Officer II
 29 Senior Journal Editor
 30 Senior Indexer

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1 All Administrative Assistants
 2 All Research Analysts
 3 All Research Assistants
 4 All Secretaries to Senators and Representatives
 5 All Caucus Staff Directors
 6 All Caucus Secretaries
 7 Administrative, Executive, and Confidential
 8 Secretaries to President, Speaker, Leader or
 9 Secretary of Senate or Chief Clerk of House
 10 This list may be modified pursuant to the annual

11 review authorized in this resolution.

12 BE IT FURTHER RESOLVED, That part-time employees
13 shall be compensated at the scheduled hourly rate for
14 their pay grade and step.

15 BE IT FURTHER RESOLVED, That compensatory time off
16 shall be granted to employees not eligible for the
17 overtime premium in a uniform manner for all
18 legislative employees as determined by the legislative
19 council.

20 BE IT FURTHER RESOLVED, That in the event the
21 salary schedule for employees of the State of Iowa as
22 promulgated by the personnel commission pursuant to
23 section 19A.9, subsection 2, ~~Code 1999~~, is revised
24 upward at any time during the ~~seventy-eighth~~ seventy-
25 ninth general assembly, such revised schedule shall
26 simultaneously be adopted for the compensation of the
27 employees of the ~~seventy-eighth~~ seventy-ninth general
28 assembly assigned a grade by this resolution. The pay
29 ranges of those positions specifically listed on page
30 one of this resolution shall be automatically adjusted

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1 to reflect any cost of living increases granted to
2 those employees not included in the collective
3 bargaining agreements made final under chapter 20 of
4 the Code and increases provided by the legislative
5 council for agency directors.

6 BE IT FURTHER RESOLVED, That adjustments in the
7 positions and compensation listed in this resolution
8 may be made through an annual interim review of all
9 legislative employees for internal equity and to
10 assure compliance with appropriate legal standards for
11 granting of overtime and compensatory time off. Such
12 review shall be conducted by a legislative committee
13 made up of members of the service committee of
14 legislative council and the appropriate salary
15 subcommittees of the senate and house. Only one such
16 review may be done in any fiscal year and adjustments
17 suggested must be approved by the appropriate hiring
18 body.

19 BE IT FURTHER RESOLVED, That the employees of the
20 ~~seventy-eighth~~ seventy-ninth general assembly be
21 placed in the following pay grades:

22 EMPLOYEES OF THE HOUSE

| | |
|---|----------|
| 23 Sr. Assistant Chief Clerk of the House..... | Grade 41 |
| 24 Assistant Chief Clerk of the House III | Grade 38 |
| 25 Assistant Chief Clerk of the House II..... | Grade 35 |
| 26 Assistant Chief Clerk of the House I..... | Grade 32 |
| 27 Legal Counsel II..... | Grade 35 |
| 28 Legal Counsel I | Grade 32 |

29 Legal Counsel..... Grade 30
 30 Sr. Caucus Staff Director Grade 41

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1 Caucus Staff Director..... Grade 38
 2 Administrative Assistant to Leader
 3 or Speaker Grade 27
 4 Administrative Assistant I to Leader
 5 or Speaker Grade 29
 6 Administrative Assistant II to Leader
 7 or Speaker Grade 32
 8 Administrative Assistant III to Leader
 9 or Speaker Grade 35
 10 Sr. Administrative Assistant to
 11 Leader or Speaker Grade 38
 12 Research Assistant..... Grade 24
 13 Legislative Research Analyst..... Grade 27
 14 Legislative Research Analyst I..... Grade 29
 15 Legislative Research Analyst II..... Grade 32
 16 Legislative Research Analyst III Grade 35
 17 Sr. Legislative Research Analyst..... Grade 38
 18 Secretary to Leader or Speaker Grade 19
 19 Caucus Secretary Grade 21
 20 Senior Caucus Secretary Grade 24
 21 Administrative Secretary to Leader,
 22 Speaker, or Chief Clerk..... Grade 21
 23 Executive Secretary to Leader,
 24 Speaker or Chief Clerk..... Grade 24
 25 Confidential Secretary to Leader,
 26 Speaker, or Chief Clerk..... Grade 27
 27 Confidential Secretary II to Leader, Speaker
 28 or Chief Clerk Grade 32
 29 Clerk to Chief Clerk Grade 16
 30 Supervisor of Secretaries Grade 21

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1 Supervisor of Secretaries I..... Grade 24
 2 Supervisor of Secretaries II Grade 27
 3 Senior Editor Grade 30
 4 Editor II..... Grade 25
 5 Editor I..... Grade 22
 6 Assistant Editor Grade 19
 7 Compositor/Desk Top Specialist Grade 17
 8 Sr. Text Processor Grade 25
 9 Text Processor II Grade 22
 10 Text Processor I..... Grade 19
 11 Senior Finance Officer II..... Grade 35
 12 Senior Finance Officer I..... Grade 31
 13 Finance Officer II..... Grade 27
 14 Finance Officer I Grade 24

| | | |
|----|---------------------------------------|-----------------|
| 15 | Assistant Finance Officer..... | Grade 21 |
| 16 | Recording Clerk II..... | Grade 24 |
| 17 | Recording Clerk I..... | Grade 21 |
| 18 | Assistant Legal Counsel..... | Grade 27 |
| 19 | Engrossing & Enrolling Processor..... | Grade 27 |
| 20 | Assistant to the Legal Counsel..... | Grade 19 |
| 21 | <u>Senior Indexer.....</u> | <u>Grade 28</u> |
| 22 | Indexer II..... | Grade 25 |
| 23 | Indexer I..... | Grade 22 |
| 24 | Indexing Assistant..... | Grade 19 |
| 25 | Supply Clerk..... | Grade 16 |
| 26 | Switchboard Operator..... | Grade 14 |
| 27 | Legislative Secretary..... | Grade 15 |
| 28 | Legislative Committee Secretary..... | Grade 17 |
| 29 | Bill Clerk..... | Grade 14 |
| 30 | Assistant Bill Clerk..... | Grade 12 |

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| | | |
|----|--|-----------------------------|
| 1 | Postmaster..... | Grade 12 |
| 2 | <u>Sergeant-at-Arms II.....</u> | <u>Grade 20</u> |
| 3 | Sergeant-at-Arms I..... | Grade 17 |
| 4 | Assistant Sergeant-at-Arms..... | Grade 14 |
| 5 | Chief Doorkeeper..... | Grade 12 |
| 6 | Doorkeepers..... | Grade 11 |
| 7 | Pages..... | <u>Minimum Wage Grade 9</u> |
| 8 | EMPLOYEES OF THE SENATE | |
| 9 | Sr. Assistant Secretary of the Senate..... | Grade 41 |
| 10 | Assistant Secretary of the Senate III..... | Grade 38 |
| 11 | Assistant Secretary of the Senate II..... | Grade 35 |
| 12 | Assistant Secretary of the Senate I..... | Grade 32 |
| 13 | Legal Counsel II..... | Grade 35 |
| 14 | Legal Counsel I..... | Grade 32 |
| 15 | Legal Counsel..... | Grade 30 |
| 16 | Sr. Caucus Staff Director..... | Grade 41 |
| 17 | Caucus Staff Director..... | Grade 38 |
| 18 | Administrative Assistant to Leader | |
| 19 | or President..... | Grade 27 |
| 20 | Administrative Assistant I to Leader | |
| 21 | or President..... | Grade 29 |
| 22 | Administrative Assistant II to Leader | |
| 23 | or President..... | Grade 32 |
| 24 | Administrative Assistant III to Leader | |
| 25 | or President..... | Grade 35 |
| 26 | Sr. Administrative Assistant to | |
| 27 | Leader or President..... | Grade 38 |
| 28 | Research Assistant..... | Grade 24 |
| 29 | Legislative Research Analyst..... | Grade 27 |
| 30 | Legislative Research Analyst I..... | Grade 29 |

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| | | |
|----|---|-----------------|
| 1 | Legislative Research Analyst II..... | Grade 32 |
| 2 | Legislative Research Analyst III..... | Grade 35 |
| 3 | Sr. Legislative Research Analyst..... | Grade 38 |
| 4 | Caucus Secretary..... | Grade 21 |
| 5 | Senior Caucus Secretary..... | Grade 24 |
| 6 | Secretary to Leader or President..... | Grade 19 |
| 7 | Administrative Secretary to Leader, President, 8 or Secretary of the Senate..... | Grade 21 |
| 9 | Executive Secretary to Leader, President, 10 or Secretary of the Senate..... | Grade 24 |
| 11 | Confidential Secretary to Leader, President, 12 or Secretary of the Senate..... | Grade 27 |
| 13 | Confidential Secretary II to Leader, President, 14 or Secretary of the Senate..... | Grade 32 |
| 15 | Supervisor of Secretaries..... | Grade 21 |
| 16 | Supervisor of Secretaries I..... | Grade 24 |
| 17 | Supervisor of Secretaries II..... | Grade 27 |
| 18 | Senior Editor..... | Grade 30 |
| 19 | Editor II..... | Grade 25 |
| 20 | Editor I..... | Grade 22 |
| 21 | Assistant Editor..... | Grade 19 |
| 22 | Composer/Desk Top Specialist..... | Grade 17 |
| 23 | Assistant Legal Counsel..... | Grade 27 |
| 24 | Assistant to the Legal Counsel..... | Grade 19 |
| 25 | Proofreader..... | Grade 16 |
| 26 | <u>Senior Finance Officer II.....</u> | <u>Grade 35</u> |
| 27 | Senior Finance Officer I..... | Grade 31 |
| 28 | Finance Officer II..... | Grade 27 |
| 29 | Finance Officer I..... | Grade 24 |
| 30 | Assistant Finance Officer..... | Grade 21 |

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| | | |
|----|--------------------------------------|-----------------|
| 1 | Recording Clerk II..... | Grade 24 |
| 2 | Recording Clerk I..... | Grade 21 |
| 3 | <u>Senior Indexer.....</u> | <u>Grade 28</u> |
| 4 | Indexer II..... | Grade 25 |
| 5 | Indexer I..... | Grade 22 |
| 6 | Indexing Assistant..... | Grade 19 |
| 7 | Records and Supply Clerk..... | Grade 18 |
| 8 | Switchboard Operator..... | Grade 14 |
| 9 | Legislative Secretary..... | Grade 15 |
| 10 | Legislative Committee Secretary..... | Grade 17 |
| 11 | Bill Clerk..... | Grade 14 |
| 12 | Assistant Bill Clerk..... | Grade 12 |
| 13 | Postmaster..... | Grade 12 |
| 14 | <u>Sergeant-at-Arms II.....</u> | <u>Grade 20</u> |
| 15 | Sergeant-at-Arms I..... | Grade 17 |
| 16 | Assistant Sergeant-at-Arms..... | Grade 14 |
| 17 | Chief Doorkeeper..... | Grade 12 |

18 Doorkeepers..... Grade 11
 19 Pages Minimum Wage Grade 9
 20 JOINT SENATE/HOUSE EMPLOYEES
 21 Facilities Manager I..... Grade 35
 22 Facilities Manager II..... Grade 38
 23 Sr. Facilities Manager..... Grade 41
 24 BE IT FURTHER RESOLVED, That there shall be four
 25 classes of appointments as employees of the general
 26 assembly:
 27 A "permanent full-time" or "permanent part-time"
 28 employee is one who is employed the year around and
 29 eligible to receive state benefits.
 30 An "exempt full-time" employee is one who is

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1 employed for the period of the sessions with
 2 extensions post-session and pre-session as scheduled.
 3 This class is eligible to receive state benefits with
 4 the cost of benefits to the state to be paid by the
 5 employee when not on the payroll.
 6 A "session-only" employee is one who is employed
 7 for only a portion of the year, usually the
 8 legislative session. This class is not eligible for
 9 state benefits, except IPERS, and insurance as
 10 provided in section 2.40.
 11 A "part-time" employee is one who is employed to
 12 work less than 40 hours per week. This class is not
 13 eligible for state benefits, except IPERS if eligible.
 14 BE IT FURTHER RESOLVED, That the exact
 15 classification for individuals in a job series created
 16 by this resolution shall be set or changed for senate
 17 employees by the senate rules and administration
 18 committee and for the house employees by the house
 19 administration and rules committee. The committees
 20 shall base the classification upon the following
 21 factors:
 22 1. The extent of formal education required of the
 23 position; and,
 24 2. The extent of the responsibilities to be
 25 assigned to the position; and,
 26 3. The amount of supervision placed over the
 27 position; and,
 28 4. The number of persons the position is assigned
 29 to supervise and skill and responsibilities of those
 30 positions supervised.

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1 The committees shall report the exact
 2 classifications assigned to each individual on the
 3 next legislative day, or, if such action is during the

4 interim, on the first day the senate or house shall
 5 convene. Any action by the senate or house to
 6 disapprove a report or a portion of a report shall be
 7 effective the day after the action.

8 Recommendations for a pay grade for a new position
 9 shall be developed in accordance with the factor
 10 scores in the comparable worth report. Beginning in
 11 1999, every four years the senate rules and
 12 administration committee, the house administration and
 13 rules committee, and the legislative council shall
 14 review all positions in the legislative branch to
 15 assure conformity to comparable worth.

16 BE IT FURTHER RESOLVED, That a senator or
 17 representative may employ a secretary who in the
 18 judgment of the senator or representative employing
 19 such person, possesses the necessary skills to perform
 20 the duties such senator or representative shall
 21 designate, under the administrative direction, as
 22 appropriate, of the secretary of the senate or the
 23 chief clerk of the house.

24 Each standing committee chairperson, ethics
 25 committee chairperson, and each appropriations
 26 subcommittee chairperson shall designate a secretary
 27 who is competent to perform the following duties:
 28 prepare committee minutes, committee reports, type
 29 committee correspondence, maintain committee records,
 30 and otherwise assist the committee. Such duties shall

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1 be performed in accordance with standards which shall
 2 be provided by the secretary of the senate and chief
 3 clerk of the house. In making the designation,
 4 chairpersons shall consider persons for possible
 5 designation as the secretary to the committee in the
 6 following order:

7 First: The secretary to the chairperson.
 8 Second: The secretary to the committee's vice-
 9 chairperson.

10 Third: The secretary to any other member of the
 11 committee.

12 Fourth: The secretary to any other member in the
 13 same house as the committee.

14 BE IT FURTHER RESOLVED, That a Legal Counsel II
 15 shall be a person who has graduated from an accredited
 16 school of law and is admitted to practice in Iowa as
 17 an Attorney and Counselor at Law and possesses either
 18 a Masters of Law degree or has at least two years of
 19 legal experience after admission to practice.

20 A Legal Counsel I shall be a person who has
 21 graduated from an accredited school of law and is
 22 admitted to practice in Iowa as an Attorney and

23 Counselor at Law.

24 BE IT FURTHER RESOLVED, That employees of the
25 general assembly may be eligible for either:

26 a) increases in salary grade or step based on
27 evaluation of their job performance and
28 recommendations of their administrative officers,
29 subject to approval of the senate committee on rules
30 and administration or the house committee on

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1 administration and rules, as appropriate, provided,
2 however, that for promotions between classes with a
3 three or more pay grade difference, the employee shall
4 be given a two-step increase in pay or the employee's
5 salary shall be adjusted to the entry level in the
6 grade of the new position, whichever is greater; or
7 b) mobility within a pay grade at the discretion
8 of the chief clerk of the house upon recommendation by
9 the employee's division supervisor on the part of the
10 house, and the discretion of the employee's division
11 supervisor on the part of the senate, subject to the
12 approval of the house committee on administration and
13 rules or the senate committee on rules and
14 administration, as appropriate -- either in accord
15 with a flexible pay plan approved by the senate rules
16 and administration committee or the house
17 administration and rules committee. or in accord with
18 the following schedule:

19 (1) Progression from step "1" to "2" for a newly
20 hired employee -- six months of actual employment.

21 (2) Progression from step "1" to "2" following
22 promotion within a job series -- twelve months of
23 actual employment in that position.

24 (3) Progression from step "2" to "3", and step "3"
25 to "4", and step "4" to "5", and step "5" to "6" --
26 twelve months of actual employment.

27 BE IT FURTHER RESOLVED, that in addition to the
28 steps provided in the preceding paragraph, that
29 secretaries to senators and representatives who were
30 employees of the senate or house of representatives

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1 during any general assembly prior to January 9, 1989,
2 and who have received certification for passing a
3 typing and shorthand performance examination shall be
4 eligible for two additional steps.

5 BE IT FURTHER RESOLVED, That in addition to the
6 steps provided in the preceding paragraph, that
7 secretaries to senators and representatives shall be
8 eligible for a maximum of three additional grades

9 beyond grade 15, in any combination, as provided in
10 this paragraph:

11 1. One additional grade for a secretary to a
12 standing committee chair, ethics committee chair or
13 appropriations subcommittee chair who is not the
14 designated committee secretary.

15 2. One additional grade for a secretary to a vice-
16 chairperson or ranking member of a standing committee,
17 ethics committee or appropriations subcommittee.

18 3. One additional grade for a secretary to the
19 chairperson of the chaplain's committee.

20 4. Two additional grades for a secretary to an
21 assistant floor leader or speaker pro tempore or
22 president pro tempore.

23 5. One additional grade for a designated committee
24 secretary who is also the designated committee
25 secretary for an additional standing committee, ethics
26 committee, or appropriations subcommittee.

27 BE IT FURTHER RESOLVED, That in the event the
28 secretary to the chairperson of the chaplain's
29 committee is the secretary to the president, president
30 pro tempore, speaker, speaker pro tempore, or the

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1 majority or minority leader, such secretary shall
2 receive one additional step.

3 BE IT FURTHER RESOLVED, That the entrance salary
4 for employees of the general assembly shall be at step
5 1 in the grade of the position held. Such employee
6 may be hired above the entrance step if possessing
7 outstanding and unusual experience for the position,
8 provided that the entrance is not beyond step 3. Such
9 employee who is hired above the entrance step shall be
10 mobile above that step in the same period of time as
11 other employees in that same step. An officer or
12 employee who is moved to another position may be
13 considered for partial or full credit for their
14 experience in the former position in determining the
15 step in the new grade.

16 The entry level for the position of research
17 analyst shall be Legislative Research Analyst, unless
18 extraordinary conditions justify increasing that entry
19 level; however, that entry level may not be increased
20 beyond Legislative Research Analyst I. A research
21 analyst must have shown knowledge of legislative rules
22 and procedures as well as the Code of Iowa to be
23 considered at any level above a Legislative Research
24 Analyst.

25 BE IT FURTHER RESOLVED, That a pay increase for
26 employees of one step within the pay grade for the
27 position may be made for exceptionally meritorious

28 service in addition to step increases provided for in
29 this resolution, at the discretion of the chief clerk
30 upon recommendation by the employee's division

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1 supervisor on the part of the house, and upon
2 recommendation by the employee's division supervisor
3 on the part of the senate, and the approval of the
4 senate committee on rules and administration or the
5 house committee on administration and rules.

6 Exceptionally meritorious service pay increases shall
7 be governed by the following:

8 a. The employee must have served in the position
9 for at least twelve months;

10 b. Written justification, setting forth in detail
11 the nature of the exceptionally meritorious service
12 rendered, must be submitted to the senate rules and
13 administration committee or house administration and
14 rules committee and approved in advance of granting
15 the pay increase;

16 c. No more than one exceptionally meritorious
17 service pay increase may be granted in any twelve-
18 month period.

19 d. Such meritorious service pay increase shall not
20 be granted beyond the six-step maximum for that
21 position.

22 BE IT FURTHER RESOLVED, That the senate rules and
23 administration committee and the house administration
24 and rules committee shall both hire officers and
25 employees for their respective bodies and fill any
26 vacancies which may occur, to be effective at such
27 time as they shall set. The committee shall report
28 the names of those it has hired for the positions
29 specified in this resolution or the filling of any
30 vacancies on the next legislative day or, if such

Page 20

1 action is during the interim, on the first day the
2 senate or house shall convene. Any action by the
3 senate or house to amend or disapprove a report or a
4 portion of a report shall be effective the day after
5 the action.

6 The chief clerk of the house shall submit to the
7 house committee on administration and rules and the
8 secretary of the senate shall submit to the senate
9 committee on rules and administration the list of
10 names, or amendments thereto, of employee
11 classifications and recommended pay step for each
12 officer and employee. Such list shall include
13 recommendations for the pay step for all employees.

14 Each respective committee shall approve or amend the
 15 list of recommended classifications and pay steps and
 16 publish said list in the journal.
 17 BE IT FURTHER RESOLVED, That permanent employees of
 18 the general assembly shall receive vacation
 19 allowances, sick leave, health and accident insurance,
 20 life insurance, and disability income insurance as are
 21 provided for full-time permanent state employees. The
 22 computations shall be maintained by the finance
 23 officers in each house and coordinated with the
 24 department of revenue and finance.
 25 BE IT FURTHER RESOLVED, That should any employee
 26 have a grievance, the grievance shall be resolved as
 27 provided by procedures determined by the senate rules
 28 and administration committee for senate employees or
 29 the house administration and rules committee for house
 30 employees.

Page 21

1 BE IT FURTHER RESOLVED, That the ~~general assembly~~
 2 legislative council adopt a resolution similar to this
 3 resolution which provides for the compensation and
 4 benefits of all legislative central staff agency
 5 employees for the ~~seventy-eighth~~ seventy-ninth general
 6 assembly. The resolution shall be adopted as soon as
 7 practicable after the convening of the ~~seventy-eighth~~
 8 seventy-ninth general assembly, and published in the
 9 journals of the senate and house.
 10 BE IT FURTHER RESOLVED, That the compensation of
 11 chaplains officiating at the opening of the daily
 12 sessions of the house of representatives and the
 13 senate of the ~~seventy-eighth~~ seventy-ninth general
 14 assembly be fixed at ten dollars for each house of the
 15 general assembly, and that mileage for chaplains be
 16 fixed at the rate of ~~twenty-four~~ twenty-nine cents per
 17 mile to and from the State Capitol.

SENATE CONCURRENT RESOLUTION 6: filed January 30,
 2001; adopted by the Senate on February 6, 2001; adopted by the
 House on February 7, 2001.

1 SENATE CONCURRENT RESOLUTION 6
 2 By: Committee on Rules and Administration
 3 A Senate concurrent resolution relating to joint rules of
 4 the Senate and House of Representatives for the
 5 Seventy-ninth General Assembly.
 6 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 7 REPRESENTATIVES CONCURRING, That the joint rules of
 8 the Senate and House of Representatives for the
 9 ~~Seventy-eighth~~ Seventy-ninth General Assembly shall

10 be:

11 JOINT RULES OF THE
12 SENATE AND HOUSE

13 Rule 1

14 Suspension of Joint Rules

15 The joint rules of the general assembly may be
16 suspended by concurrent resolution, duly adopted by a
17 constitutional majority of the senate and the house.

18 Rule 2

19 Designation of Sessions

20 Each regular session of a general assembly shall be
21 designated by the year in which such regular session
22 commences.

23 Rule 3

24 Sessions of a General Assembly

25 The election of officers, organization, hiring and
26 compensation of employees, and standing committees in
27 each house of the general assembly and action taken by
28 each house shall carry over from the first to the
29 second regular session and to any extraordinary
30 session of the same general assembly. The status of

Page 2

1 each bill and resolution shall be the same at the
2 beginning of each second session as it was immediately
3 before adjournment of the previous regular or
4 extraordinary session; however the rules of either
5 house may provide for re-referral of some or all bills
6 and resolutions to standing committees upon
7 adjournment of each session or at the beginning of a
8 subsequent regular or extraordinary session, except
9 those which have been adopted by both houses in
10 different forms.

11 Upon final adoption of a concurrent resolution at
12 any extraordinary session affecting that session, or
13 at a regular session affecting any extraordinary
14 session which may be held before the next regular
15 session, the creation of any calendar by either house
16 shall be suspended and the business of the session
17 shall consist solely of those bills or subject matters
18 stated in the resolution adopted. Bills named in the
19 resolution, or bills containing the subject matter
20 provided for in the resolution, may, at any time, be
21 called up for debate in either house by the majority
22 leader of that house.

23 Rule 3A'

24 International Relations Protocol

25 The senate and the house of representatives shall
26 comply with the international relations protocol
27 policy adopted by the international relations
28 committee of the legislative council.

29

Rule 4

30

Presentation of Messages

Page 3

1 All messages between the two houses shall be sent
2 by the secretary of the senate or the chief clerk of
3 the house of representatives, shall be communicated to
4 the presiding officer.

Rule 5

Printing and Form of Bills
and Other Documents

5
6
7
8 Bills and joint resolutions shall be introduced,
9 numbered, prepared, and printed as provided by law, or
10 in the absence of such law, in a manner determined by
11 the secretary of the senate and the chief clerk of the
12 house of representatives. Proposed bills and
13 resolutions which are not introduced but are referred
14 to committee shall be tracked in the legislative
15 computer system as are introduced bills and
16 resolutions. The referral of proposed bills and
17 resolutions to committee shall be entered in the
18 journal.

19 All bills and joint resolutions introduced shall be
20 in a form and number approved by the secretary of the
21 senate and chief clerk of the house.

22 The legal counsel's office of each house shall
23 approve all bills before introduction.

Rule 6

Companion Bills

24
25
26 Identical bills introduced in each house shall be
27 called companion bills. Each house shall designate
28 the sponsor in the usual way followed in parentheses
29 by the sponsor of the companion bill in the other
30 house. The house where the bill is first introduced

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1 shall print the complete text.

Rule 7

Reprinting of Bills

2
3
4 Whenever any bill has been substantially amended by
5 either house, the secretary of the senate or the chief
6 clerk of the house shall order the bill reprinted on
7 paper of a different color. All adopted amendments
8 shall be distinguishable.

9 The secretary of the senate or the chief clerk of
10 the house may order the printing of a reasonable
11 number of additional copies of any bill, resolution,
12 amendment, or journal.

Rule 8

Daily Clip Sheet

14

15 The secretary of the senate and the chief clerk of
16 the house shall prepare a daily clip sheet covering
17 all amendments filed.

18 Rule 9

19 Reintroduction of Bills and Other Measures

20 A bill or resolution which has passed one house and
21 is rejected in the other shall not be introduced again
22 during that general assembly.

23 Rule 10

24 Certification of Bills and Other Enrollments

25 When any bill or resolution which has passed one
26 house is rejected or adopted in the other, notice of
27 such action and the date thereof shall be given to the
28 house of origin in writing signed by the secretary of
29 the senate or the chief clerk of the house.

30 Rule 11

Page 5

1 Code Editor's Correction Bills

2 A bill recommended by the Code editor which is
3 passed out of committee to the floor for debate by a
4 committee of the house or senate within the first four
5 weeks of convening of a legislative session and which
6 contains Code corrections of a nonsubstantive nature
7 shall not be amended on the floor of either house
8 except pursuant to corrective or nonsubstantive
9 amendments filed by the judiciary committee of the
10 senate or the house. Such committee amendments,
11 whether filed at the time of initial committee passage
12 of the bill to the floor for debate or after
13 rereferral to the committee, shall not be incorporated
14 into the bill in the originating house but shall be
15 filed separately. Amendments filed from the floor to
16 strike sections of the bill or the committee
17 amendments shall be in order. Following amendment and
18 passage by the second house, only amendments filed
19 from the floor which strike sections of the amendment
20 of the second house shall be in order.

21 A bill recommended by the Code editor which is
22 passed out of committee to the floor for debate by a
23 committee of the house or senate within the first four
24 weeks of convening of a legislative session and which
25 contains Code corrections beyond those of a
26 nonsubstantive nature shall not be amended on the
27 floor of either house except pursuant to amendments
28 filed by the judiciary committee of the senate or the
29 house. Such committee amendments, whether filed at
30 the time of initial committee passage of the bill to

Page 6

1 the floor for debate or after rereferral to the
2 committee, shall not be incorporated into the bill in
3 the originating house but shall be filed separately.
4 Such a bill shall be limited to corrections which:
5 Adjust language to reflect current practices, insert
6 earlier omissions, delete redundancies and
7 inaccuracies, delete temporary language, resolve
8 inconsistencies and conflicts, update ongoing
9 provisions, and remove ambiguities. Amendments filed
10 from the floor to strike sections of the bill or the
11 committee amendments shall be in order. Following
12 amendment and passage by the second house, only
13 amendments filed from the floor which strike sections
14 of the amendment of the second house shall be in
15 order.

16 Rule 12

17 Amendments by Other House

18 1. When a bill which originated in one house is
19 amended in the other house, the house originating the
20 bill may amend the amendment, concur in full in the
21 amendment, or refuse to concur in full in the
22 amendment. Precedence of motions shall be in that
23 order. The amendment of the other house shall not be
24 ruled out of order based on a question of germaneness.
25 a. If the house originating the bill concurs in
26 the amendment, the bill shall then be immediately
27 placed upon its final passage.
28 b. If the house originating the bill refuses to
29 concur in the amendment, the bill shall be returned to
30 the amending house which shall either:

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1 (1) Recede, after which the bill shall be read for
2 the last time and immediately placed upon its final
3 passage; or
4 (2) Insist, which will send the bill to a
5 conference committee.
6 c. If the house originating the bill amends the
7 amendment, that house shall concur in the amendment as
8 amended and the bill shall be immediately placed on
9 final passage, and shall be returned to the other
10 house. The other house cannot further amend the bill.
11 (1) If the amending house which gave second
12 consideration to the bill concurs in the amendment to
13 the amendment, the bill shall then be immediately
14 placed upon its final passage.
15 (2) If the amending house refuses to concur in the
16 amendment to the amendment, the bill shall be returned
17 to the house originating the bill which shall either:

18 (a) Recede, after which the bill shall be read for
 19 the last time as amended and immediately placed upon
 20 its final passage; or

21 (b) Insist, which will send the bill to a
 22 conference committee.

23 2. A motion to recede has precedence over a motion
 24 to insist. Failure to recede means to insist; and
 25 failure to insist means to recede.

26 3. A motion to lay on the table or to indefinitely
 27 postpone shall be out of order with respect to motions
 28 to recede from or insist upon and to amendments to
 29 bills which have passed both houses.

30 4. A motion to concur, refuse to concur, recede,

Page 8

1 insist, or adopt a conference committee report is in
 2 order even though the subject matter has previously
 3 been acted upon.

4 Rule 13

5 Conference Committee

6 1. Within one legislative day after either house
 7 insists upon an amendment to a bill, the presiding
 8 officer of the house, after consultation with the
 9 majority leader, shall appoint three majority party
 10 members and, after consultation with the minority
 11 leader, shall appoint two minority party members to a
 12 conference committee. The majority leader of the
 13 senate, after consultation with the president, shall
 14 appoint three majority party members and, after
 15 consultation with and approval by the minority leader,
 16 shall appoint two minority party members to a
 17 conference committee. The papers shall remain with
 18 the house that originated the bill.

19 2. The conference committee shall meet before the
 20 end of the next legislative day after their
 21 appointment, shall select a chair and shall discuss
 22 the controversy.

23 3. The authority of the first conference committee
 24 shall cover only issues related to provisions of the
 25 bill and amendments to the bill which were adopted by
 26 either the senate or the house of representatives and
 27 on which the senate and house of representatives
 28 differed. If a conference committee report is not
 29 acted upon because such action would violate this
 30 subsection of this rule, the inaction on the report

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1 shall constitute refusal to adopt the conference
 2 committee report and shall have the same effect as if
 3 the conference committee had disagreed.

- 4 4. An agreement on recommendations must be
 5 approved by at least three members from each house.
 6 The committee shall submit two originals of the report
 7 signed by at least three members of each house with
 8 one signed original and three copies to be submitted
 9 to each house. The report shall first be acted upon
 10 in the house originating the bill. Such action,
 11 including all papers, shall be immediately referred by
 12 the secretary of the senate or the chief clerk of the
 13 house of representatives to the other house.
- 14 5. The report of agreement is debatable, but
 15 cannot be amended. If the report contains recommended
 16 amendments to the bill, adoption of the report shall
 17 automatically adopt all amendments contained therein.
 18 After the report is adopted, there shall be no more
 19 debate, and the bill shall immediately be placed upon
 20 its final passage.
- 21 6. Refusal of either house to adopt the conference
 22 committee report has the same effect as if the
 23 committee had disagreed.
- 24 7. If the conference committee fails to reach
 25 agreement, a report of such failure signed by at least
 26 three members of each house shall be given promptly to
 27 each house. The bill shall be returned to the house
 28 that originated the bill, the members of the committee
 29 shall be immediately discharged, and a new conference
 30 committee appointed in the same manner as the first

Page 10

- 1 conference committee.
- 2 8. The authority of a second or subsequent
 3 conference committee shall cover free conference
 4 during which the committee has authority to propose
 5 amendments to any portion of a bill provided the
 6 amendment is within the subject matter content of the
 7 bill as passed by the house of origin or as amended by
 8 the second house.

Rule 14

- 10 Enrollment and Authentication of Bills
- 11 A bill or resolution which has passed both houses
 12 shall be enrolled in the house of origin under the
 13 direction of either the secretary or the chief clerk
 14 and its house of origin shall be certified by the
 15 endorsement of the secretary of the senate or the
 16 chief clerk of the house.
- 17 After enrollment, each bill shall be signed by the
 18 president of the senate and by the speaker of the
 19 house.

Rule 15

- 21 Concerning other Enrollments
- 22 All resolutions and other matters which are to be

23 presented to the governor for approval shall be
 24 enrolled, signed, and presented in the same manner as
 25 bills.
 26 All resolutions and other matters which are not to
 27 be presented to the governor or the secretary of state
 28 shall be enrolled, signed, and retained permanently by
 29 the secretary of the senate or chief clerk of the
 30 house.

Page 11

1 Rule 16

2 Transmission of Bills to the Governor

3 After a bill has been signed in each house, it
 4 shall be presented by the house of origin to the
 5 governor by either the secretary of the senate or the
 6 chief clerk of the house. The secretary or the chief
 7 clerk shall report the date of the presentation, which
 8 shall be entered upon the journal of the house of
 9 origin.

10 Rule 17

11 Fiscal Notes

12 A fiscal note shall be attached to any bill or
 13 joint resolution which reasonably could have an annual
 14 effect of at least one hundred thousand dollars or a
 15 combined total effect within five years after
 16 enactment of five hundred thousand dollars or more on
 17 the aggregate revenues, expenditures, or fiscal
 18 liability of the state or its subdivisions. This rule
 19 does not apply to appropriation and ways and means
 20 measures where the total effect is stated in dollar
 21 amounts.

22 Each fiscal note shall state in dollars the
 23 estimated effect of the bill on the revenues,
 24 expenditures, and fiscal liability of the state or its
 25 subdivisions during the first five years after
 26 enactment. The information shall specifically note
 27 the fiscal impact for the first two years following
 28 enactment and the anticipated impact for the
 29 succeeding three years. The fiscal note shall specify
 30 the source of the information. Sources of funds for

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1 expenditures under the bill shall be stated, including
 2 federal funds. If the fiscal director cannot make an
 3 accurate estimate, the director shall state the best
 4 available estimate or shall state that no dollar
 5 estimate can be made and state concisely the reason.
 6 The preliminary determination of whether the bill
 7 appears to require a fiscal note shall be made by the
 8 legislative service bureau which shall send a copy of

9 the request to the legislative fiscal bureau unless
10 the requestor specifies the request is to be
11 confidential. Upon completion of the bill draft, the
12 legislative service bureau shall immediately send a
13 copy to the legislative fiscal director for review.

14 When a committee reports a bill to the floor, the
15 committee shall state in the report whether a fiscal
16 note is or is not required.

17 The legislative fiscal director shall review all
18 bills placed on the senate or house calendars to
19 determine whether the bills are subject to this rule.

20 Additionally, a legislator may request the
21 preparation of a fiscal note by the legislative fiscal
22 bureau for any bill or joint resolution introduced
23 which reasonably could be subject to this rule.

24 The legislative fiscal director shall cause to be
25 prepared and shall approve a fiscal note within a
26 reasonable time after receiving a request or
27 determining that a bill is subject to this rule. All
28 fiscal notes approved by the legislative fiscal bureau
29 director shall be transmitted immediately to the
30 secretary of the senate or the chief clerk of the

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1 house, after notifying the sponsor of the bill that a
2 fiscal note has been prepared, for publication in the
3 daily clip sheet. The secretary of the senate or
4 chief clerk of the house shall attach the fiscal note
5 to the bill as soon as it is available.

6 The legislative fiscal director may request the
7 cooperation of any state department or agency in
8 preparing a fiscal note.

9 A revised fiscal note may be requested by a
10 legislator if the fiscal effect of the bill has been
11 changed by adoption of an amendment. However, a
12 request for a revised fiscal note shall not delay
13 action on a bill unless so ordered by the presiding
14 officer of the house in which the bill is under
15 consideration.

16 If a date for adjournment has been set, then a
17 constitutional majority of the house in which the bill
18 is under consideration may waive the fiscal note
19 requirement during the three days prior to the date
20 set for adjournment.

21 Rule 18

22 Legislative Interns

23 Legislators may arrange student internships during
24 the legislative session with Iowa college, university,
25 or law school students, for which the students may
26 receive college credit at the discretion of their
27 schools. Each legislator is allowed only one intern

28 at a time per legislative session, and all interns
 29 must be registered with the offices of the secretary
 30 of the senate and the chief clerk of the house.

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1 The purpose of the legislative intern program shall
 2 be: to provide useful staff services to legislators
 3 not otherwise provided by the general assembly; to
 4 give interested college, graduate, and law school
 5 students practical experience in the legislative
 6 process as well as providing a meaningful educational
 7 experience; and to enrich the curriculum of
 8 participating colleges and universities.

9 The secretary of the senate and the chief clerk of
 10 the house or their designees shall have the following
 11 responsibilities as regards the legislative intern
 12 program:

13 1. Identify a supervising faculty member at each
 14 participating institution who shall be responsible for
 15 authorizing students to participate in the intern
 16 program.

17 2. Provide legislators with a list of
 18 participating institutions and the names of
 19 supervising professors to contact if interested in
 20 arranging for an intern.

21 3. Provide interns with name badges which will
 22 allow them access to the floor of either house when
 23 required to be present by the legislators for whom
 24 they work.

25 4. Provide orientation materials to interns prior
 26 to the convening of each session.

27 Rule 19

28 Administrative Rules Review Committee Bills 29 and Rule Referrals

30 A bill which relates to departmental rules and

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1 which is approved by the administrative rules review
 2 committee by a majority of the committee's members of
 3 each house is eligible for introduction in either
 4 house at any time and must be referred to a standing
 5 committee, which must take action on the bill within
 6 three weeks of referral, except bills referred to
 7 appropriations and ways and means committees.

8 If, on or after July 1, 1999, the administrative
 9 rules review committee delays the effective date of a
 10 rule until the adjournment of the next regular session
 11 of the general assembly and the speaker of the house
 12 or the president of the senate refers the rule to a
 13 standing committee, the standing committee shall

14 review the rule within twenty-one days of the referral
 15 and shall take formal committee action by sponsoring a
 16 joint resolution to disapprove the rule, by proposing
 17 legislation relating to the rule, or by refusing to
 18 propose a joint resolution or legislation concerning
 19 the rule. The standing committee shall inform the
 20 administrative rules review committee of the committee
 21 action taken concerning the rule.

22 Rule 20

23 Time of Committee Passage and Consideration of Bills

24 1. This rule does not apply to concurrent or
 25 simple resolutions, joint resolutions nullifying
 26 administrative rules, senate confirmations, bills
 27 embodying redistricting plans prepared by the
 28 legislative service bureau pursuant to chapter 42, or
 29 bills passed by both houses in different forms.
 30 Subsection 2 of this rule does not apply to

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1 appropriations bills, ways and means bills, legalizing
 2 acts, administrative rules review committee bills,
 3 bills sponsored by standing committees in response to
 4 a referral from the president of the senate or the
 5 speaker of the house of representatives relating to an
 6 administrative rule whose effective date has been
 7 delayed until the adjournment of the next regular
 8 session of the general assembly by the administrative
 9 rules review committee, bills cosponsored by majority
 10 and minority floor leaders of one house, bills in
 11 conference committee, and companion bills sponsored by
 12 the majority floor leaders of both houses after
 13 consultation with the respective minority floor
 14 leaders. For the purposes of this rule, a joint
 15 resolution is considered as a bill. To be considered
 16 an appropriations or ways and means bill for the
 17 purposes of this rule, the appropriations committee or
 18 the ways and means committee must either be the
 19 sponsor of the bill or the committee of first referral
 20 in the originating house.

21 2. To be placed on the calendar in the house of
 22 origin, a bill must be first reported out of ~~the a~~
 23 standing committee of first referral by Friday of the
 24 9th 10th week of the first session and the 7th 8th
 25 week of the second session. To be placed on the
 26 calendar in the other house, a bill must be first
 27 reported out of ~~the a~~ standing committee of first
 28 referral by Friday of the ~~12th~~ 13th week of the first
 29 session and the ~~10th~~ 11th week of the second session.
 30 3. During the ~~10th~~ 11th week of the first session

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1 and the ~~8th~~ 9th week of the second session, each house
 2 shall consider only bills originating in that house
 3 and unfinished business. During the ~~13th~~ 14th week of
 4 the first session and the ~~11th~~ 12th week of the second
 5 session, each house shall consider only bills
 6 originating in the other house and unfinished
 7 business. Beginning with the ~~14th~~ 15th week of the
 8 first session and the ~~12th~~ 13th week of the second
 9 session, each house shall consider only bills passed
 10 by both houses, bills exempt from subsection 2, and
 11 unfinished business.

12 4. A motion to reconsider filed and not disposed
 13 of on an action taken on a bill or resolution which is
 14 subject to a deadline under this rule may be called up
 15 at any time before or after the day of the deadline by
 16 the person filing the motion or after the deadline by
 17 the majority floor leader, notwithstanding any other
 18 rule to the contrary.

19 Rule 21

20 Resolutions

21 1. A "concurrent resolution" is a resolution to be
 22 adopted by both houses of the general assembly which
 23 expresses the sentiment of the general assembly or
 24 deals with temporary legislative matters. It may
 25 authorize the expenditure, for any legislative
 26 purpose, of funds appropriated to the general
 27 assembly. A concurrent resolution is not limited to,
 28 but may provide for a joint convention of the general
 29 assembly, adjournment or recess of the general
 30 assembly, or requests to a state agency or to the

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1 general assembly or a committee. A concurrent
 2 resolution requires the affirmative vote of a majority
 3 of the senators or representatives present and voting
 4 unless otherwise specified by statute. A concurrent
 5 resolution does not require the governor's approval
 6 unless otherwise specified by statute. A concurrent
 7 resolution shall be filed with the secretary of the
 8 senate or the chief clerk of the house. A concurrent
 9 resolution shall be printed in the bound journal after
 10 its adoption.

11 2. A "joint resolution" is a resolution which
 12 requires for approval the affirmative vote of a
 13 constitutional majority of each house of the general
 14 assembly. A joint resolution which appropriates funds
 15 or enacts temporary laws must contain the clause "Be
 16 It Enacted by the General Assembly of the State of
 17 Iowa:", is equivalent to a bill, and must be

18 transmitted to the governor for his approval. A joint
 19 resolution which proposes amendments to the
 20 Constitution of the State of Iowa, ratifies amendments
 21 to the Constitution of the United States, proposes a
 22 request to Congress or an agency of the government of
 23 the United States of America, proposes to Congress an
 24 amendment to the Constitution of the United States of
 25 America, nullifies an administrative rule, or creates
 26 a special commission or committee must contain the
 27 clause "Be It Resolved by the General Assembly of the
 28 State of Iowa:" and shall not be transmitted to the
 29 governor. A joint resolution shall not amend a
 30 statute in the Code of Iowa.

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1 Rule 22

2 Nullification Resolutions

3 A "nullification resolution" is a joint resolution
 4 which nullifies all of an administrative rule, or a
 5 severable item of an administrative rule adopted
 6 pursuant to chapter 17A of the Code. A nullification
 7 resolution shall not amend an administrative rule by
 8 adding language or by inserting new language in lieu
 9 of existing language.
 10 A nullification resolution is debatable, but cannot
 11 be amended on the floor of the house or senate. The
 12 effective date of a nullification resolution shall be
 13 stated in the resolution. Any motions filed to
 14 reconsider adoption of a nullification resolution must
 15 be disposed of within one legislative day of the
 16 filing.

17 Rule 23

18 Consideration of Vetoes

19 1. The senate and house calendar shall include a
 20 list known as the "Veto Calendar." The veto calendar
 21 shall consist of:
 22 a. Bills returned to that house by the governor in
 23 accordance with Article III, section 16 of the
 24 Constitution of the State of Iowa.
 25 b. Appropriations items returned to that house by
 26 the governor in accordance with Article III, section
 27 16 of the Constitution of the State of Iowa.
 28 c. Bills and appropriations items received from
 29 the other house after that house has voted to override
 30 a veto of them by the governor.

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1 2. Vetoes bills and appropriations items shall
 2 automatically be placed on the veto calendar upon
 3 receipt. Vetoes bills and appropriations items shall

- 4 not be referred to committee.
- 5 3. Upon first publication in the veto calendar,
6 the senate majority leader or the house majority
7 leader may call up a vetoed bill or appropriations
8 item at any time.
- 9 4. The affirmative vote of two-thirds of the
10 members of the body by record roll call is required on
11 a motion to override an executive veto or item veto.
- 12 5. A motion to override an executive veto or item
13 veto is debatable. A vetoed bill or appropriation
14 item cannot be amended in this case.
- 15 6. The vote by which a motion to override an
16 executive veto or item veto passes or fails to pass
17 either house is not subject to reconsideration under
18 senate rule 24 or house rule 73.
- 19 7. The secretary of the senate or the chief clerk
20 of the house shall immediately notify the other house
21 of the adoption or rejection of a motion to override
22 an executive veto or item veto.
- 23 8. All bills and appropriations items on the veto
24 calendar shall be disposed of before adjournment sine
25 die, unless the house having a bill or appropriation
26 item before it declines to do so by unanimous consent.
- 27 9. Bills and appropriations items on the veto
28 calendar are exempt from deadlines imposed by joint
29 rule 20.
- 30 Rule 24'

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- 1 Special Rules Regarding Redistricting for 2001
- 2 1. If, pursuant to chapter 42, either the senate
3 or the house of representatives rejects a
4 redistricting plan submitted by the legislative
5 service bureau, the house rejecting the plan shall
6 convey the reasons for the rejection of the plan to
7 the legislative service bureau by resolution.
- 8 2. If, pursuant to chapter 42, the legislative
9 service bureau submits a third redistricting plan as
10 provided by law, the senate and the house of
11 representatives, when considering a bill embodying
12 plan III, shall be allowed to accept for filing as
13 amendments only such amendments which constitute the
14 total text of a congressional plan without striking a
15 legislative redistricting plan, the total text of a
16 legislative redistricting plan without striking a
17 congressional plan, or the combined total text of a
18 congressional plan and a legislative redistricting
19 plan, and nonsubstantive, technical corrections to the
20 text of any such bills or amendments.

SENATE CONCURRENT RESOLUTION 23: filed April 4, 2001; adopted by the Senate on April 11, 2001; adopted by the House on April 12, 2001.

1 SENATE CONCURRENT RESOLUTION 23
 2 By: Johnson, Lundby, Rehberg, Hammond, Freeman,
 3 Soukup, Harper, Greiner, Boettger, Tinsman, and Kramer
 4 (COMPANION TO LSB 3577HH BY TYMESON)
 5 A Senate concurrent resolution encouraging state and local
 6 governments, business interests, health care
 7 professionals, and individuals with an interest in
 8 good health to help educate the public regarding
 9 osteoporosis prevention, detection, and treatment,
 10 and designating April 12, 2001, as Osteoporosis
 11 Awareness Day.
 12 WHEREAS, osteoporosis is a condition of reduced
 13 bone mass that primarily affects women, resulting in
 14 crippling bone fractures; and
 15 WHEREAS, osteoporosis is a progressive disease that
 16 generally is revealed with bone fractures occurring in
 17 the hips, spine, and wrists; and
 18 WHEREAS, the prevalence of osteoporosis in Iowa
 19 continues to grow, with an estimated one out of every
 20 three women and one out of every eight men in Iowa
 21 affected, and by 2015, the Iowa Department of Public
 22 Health estimates the annual cost to Iowans for
 23 treatment, and long-term care, and other needs could
 24 reach \$229 million; and
 25 WHEREAS, osteoporosis can be prevented or slowed
 26 with education, regular exercise beginning in
 27 childhood, and proper nutrition, especially
 28 consumption of calcium; and
 29 WHEREAS, low-bone density and osteoporosis can be
 30 detected through bone density testing and treated with

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1 certain medications; and
 2 WHEREAS, bone density testing is noninvasive, and
 3 can be conducted simply and painlessly; and
 4 WHEREAS, the Iowa Osteoporosis Coalition, Inc., the
 5 Iowa Pharmacy Association, and Hy-Vee Food Stores are
 6 recognized as contributors to making bone density
 7 testing more available, in part by providing bone
 8 density testing at the Capitol in conjunction with
 9 Osteoporosis Awareness Day on April 12, 2001; and
 10 WHEREAS, educational efforts to raise awareness
 11 regarding osteoporosis should be targeted both to
 12 youth, who are increasingly substituting consumption
 13 of soft drinks in place of milk, and to adults; NOW
 14 THEREFORE,

15 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 16 REPRESENTATIVES CONCURRING, That the Iowa General
 17 Assembly designates April 12, 2001, as Osteoporosis
 18 Awareness Day.

19 BE IT FURTHER RESOLVED, That Iowa health care
 20 professionals, county health departments, public and
 21 private schools, hospitals, area agencies on aging,
 22 employer-operated wellness programs, health care
 23 insurers, health care benefit management
 24 organizations, women's groups, nonprofit
 25 organizations, professional associations, religious
 26 and other community-based organizations, and others
 27 who can provide educational information to youth and
 28 adults are encouraged to provide general educational
 29 information to the public concerning osteoporosis, as
 30 well as the methods for preventing osteoporosis, the

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1 importance of bone density testing and other means of
 2 detecting low-bone density osteoporosis, and
 3 approaches for treating osteoporosis.

4 BE IT FURTHER RESOLVED, That the Iowa Osteoporosis
 5 Coalition, Inc., the Iowa Pharmacy Association, and
 6 Hy-Vee Food Stores are thanked for providing bone
 7 density testing at the Capitol in conjunction with
 8 Osteoporosis Awareness Day.

9 BE IT FURTHER RESOLVED, That upon passage of this
 10 Resolution, an official copy shall be sent by the
 11 Secretary of the Senate to the Iowa Department of
 12 Public Health for dissemination as part of its efforts
 13 to educate the public concerning osteoporosis.

SENATE CONCURRENT RESOLUTION 24: filed from the
 floor; adopted by the Senate on April 16, 2001; amended and adopted
 by the House on April 18, 2001; concurred and adopted by the Senate
 on April 19, 2001.

1 SENATE CONCURRENT RESOLUTION 24
 2 By: Iverson, Kramer, Gronstal, and Jensen
 3 (COMPANION TO LSB 1871HH BY SIEGRIST)
 4 A Senate concurrent resolution marking the completion of the
 5 exterior restoration of the Iowa State Capitol and
 6 honoring the contractors, subcontractors, artisans,
 7 skilled workers, and state employees who contributed
 8 to the effort to complete the restoration.
 9 WHEREAS, the Iowa State Capitol has long been a
 10 source of pride for the citizens of Iowa since its
 11 dedication in 1884; and
 12 WHEREAS, the beautifully ornate Iowa State Capitol
 13 is a shining landmark for all of Iowa and is listed in

14 the National Register of Historic Places; and
15 WHEREAS, when the exterior of this magnificent
16 building began to crumble, citizens of the state
17 demanded that the Capitol be restored to its original
18 beauty and grace; and
19 WHEREAS, pursuant to an appropriation made by the
20 Iowa General Assembly in 1983, the Department of
21 General Services commenced the exterior restoration of
22 the Iowa State Capitol; and
23 WHEREAS, the exterior restoration of the Iowa State
24 Capitol included replacement of the eroding sandstone,
25 repair of the small copper-covered domes at each
26 corner of the building, repair and replacement of
27 wooden window sashes, and regilding of the magnificent
28 dome with gold leaf; and
29 WHEREAS, the following contractors and
30 subcontractors, and persons employed thereby,

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1 dedicated much time and effort toward restoring the
2 exterior of the Capitol: Baker Electric Inc.; Bybee
3 Stone; Color Inc.; Conrad Schmidt Studios Inc.;
4 EverGreene Painting Studios Inc.; Forman Ford Glass
5 Co.; Forrest & Associates Inc.; Gardner Sandblasting &
6 Painting Inc.; Iowa Scaffold Co. Inc.; Johnson Machine
7 Works Inc.; Ken Kenoyer Caulking Co.; Neumann Brothers
8 Inc.; Proctor Mechanical Corp.; Seedorff Masonry Inc.;
9 Sheet Metal Workers; Taylor Ball; Two Rivers Glass and
10 Door Inc.; Weatherguard Service Inc.; Wood Roofing
11 Co.; and Woodcraft Architectural Millwork; and
12 WHEREAS, several hundred artisans and skilled
13 workers considered their roles in the Capitol
14 restoration as the crowning achievement of their
15 careers and devoted many years of their lives to
16 returning the magnificent State Capitol to its
17 original glory; and
18 WHEREAS, the safety of the artisans and workers was
19 always important to the State of Iowa and to the
20 contractors and subcontractors and the importance of
21 using safe procedures meant that during the period
22 between 1983 and 2001, no serious injuries were
23 reported; and
24 WHEREAS, many state employees in the legislative
25 and executive branches proudly devoted significant
26 time and effort to completing the exterior restoration
27 of the building; and
28 WHEREAS, the exterior restoration of the Iowa State
29 Capitol will be completed in 2001; NOW THEREFORE,
30 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

Page 3

1 REPRESENTATIVES CONCURRING, That the Iowa General
2 Assembly proudly marks the celebrated completion of
3 the exterior restoration of the Iowa State Capitol in
4 2001 and honors all persons who contributed their time
5 and effort to the successful restoration of the
6 building's exterior; and
7 BE IT FURTHER RESOLVED, That copies of this
8 Resolution be made available to the artisans and
9 skilled workers who labored to restore the exterior of
10 the Iowa State Capitol.

SENATE CONCURRENT RESOLUTION 26: filed April 24,
2001; adopted by the Senate on April 25, 2001; adopted by the House
on May 8, 2001.

1 SENATE CONCURRENT RESOLUTION 26
2 By: Committee on Rules and Administration
3 (SUCCESSOR TO LSB 3676XC)
4 A Senate concurrent resolution requesting that the Attorney
5 General of the State of Iowa vigorously enforce Iowa
6 corporate farming law which prohibits processors from
7 owning, controlling, or operating a feedlot in Iowa
8 in which hogs or cattle are fed for slaughter.
9 WHEREAS, under Iowa Code section 9H.2 of Iowa's
10 corporate farming law, it is unlawful for any
11 processor of beef or pork to own, control, or operate
12 a feedlot in Iowa in which hogs or cattle are fed for
13 slaughter; and
14 WHEREAS, processors are attempting to circumvent
15 the legal prohibitions provided in Iowa Code section
16 9H.2 by using various direct and indirect schemes to
17 control feedlots, including by providing financing to
18 or executing production contracts with persons who own
19 or operate feedlots in Iowa; and
20 WHEREAS, Smithfield Foods, Inc. has financed the
21 acquisition by Stoecker Farms, Inc. of the Iowa
22 operations of Murphy Family Farms; and
23 WHEREAS, it is the sense of the Iowa General
24 Assembly that the use by processors of various direct
25 and indirect schemes to control feedlots in Iowa in
26 which hogs or cattle are fed for slaughter constitutes
27 the impermissible control of a feedlot in violation of
28 Iowa Code section 9H.2; and
29 WHEREAS, vertical integration of the livestock
30 industry threatens the viability of Iowa farmers and

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1 injures Iowa consumers; and
2 WHEREAS, the Attorney General of the State of Iowa
3 is responsible for the enforcement of Iowa's corporate
4 farming law, including Iowa Code section 9H.2, by
5 instituting suits on behalf of the state to prevent
6 and restrain violations of that section and to seek
7 civil penalties as provided in Iowa Code section 9H.3;
8 NOW THEREFORE,
9 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
10 REPRESENTATIVES CONCURRING, That the Iowa General
11 Assembly urges the Attorney General of the State of
12 Iowa to enforce the provisions of Code section 9H.2
13 against processors who use any direct or indirect
14 scheme in order to own, operate, or control a feedlot
15 in Iowa in which hogs or cattle are fed for slaughter,
16 including the vigorous enforcement of provisions
17 prohibiting processors from providing financing to
18 persons who own or operate such feedlots or
19 controlling such feedlots by use of production
20 contracts.
21 BE IT FURTHER RESOLVED, That, upon passage, a copy
22 of this Resolution be sent by the Secretary of the
23 Senate to the Attorney General of the State of Iowa.

**SENATE RESOLUTIONS AND
CONCURRENT RESOLUTION**

**Adopted and not Previously
Printed During the**

Seventy-Ninth General Assembly

2001 Extraordinary Session

RESOLUTIONS ADOPTED

Senate resolutions and concurrent resolution adopted and not previously printed during the Seventy-ninth General Assembly, 2001 Extraordinary Session.

SENATE RESOLUTION 52: filed from the floor; adopted by the Senate on June 19, 2001.

1 SENATE RESOLUTION 52
2 By: Committee on Rules and Administration
3 A Senate resolution urging the Iowa congressional delegation
4 to support and work to implement the renewal of the
5 trade promotion authority of the President of the
6 United States.
7 WHEREAS, since 1974, Presidents of the United
8 States used trade promotion authority, formerly known
9 as fast track authority, to negotiate trade agreements
10 that reduced barriers to American exports in foreign
11 markets; and
12 WHEREAS, the President of the United States has
13 been without trade promotion authority since 1994; and
14 WHEREAS, it is increasingly difficult for the
15 United States to actively participate in the
16 international trade arena; and
17 WHEREAS, of the current 130 multilateral trade
18 agreements in the world, most of which were signed
19 since 1990, the United States is party to only two,
20 the European Union is party to 27, and Mexico is party
21 to 28; and
22 WHEREAS, under trade promotion authority, trade
23 agreements are submitted to Congress for approval or
24 disapproval under rules barring committee or floor
25 amendments; and
26 WHEREAS, trade promotion authority does not give
27 the President of the United States a blank check to
28 negotiate trade agreements, nor does it undermine the
29 constitutional prerogatives of Congress; and
30 WHEREAS, if the President of the United States

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1 cannot wield trade promotion authority, no country
2 will initiate serious trade negotiations with the
3 United States; and
4 WHEREAS, trade promotion authority guarantees that
5 trade accords negotiated in good faith with the
6 President of the United States will not be changed
7 later by Congress; and
8 WHEREAS, the free trade agreements achieved under
9 trade promotion authority have provided tangible

10 benefits for the American economy; and
 11 WHEREAS, trade is vitally important to Iowa's
 12 agricultural economy and Iowa family farmers as Iowa
 13 sold \$3.2 billion of agricultural products to export
 14 markets in 1999, about 30 percent of the total value
 15 of Iowa's agricultural production; NOW THEREFORE,
 16 BE IT RESOLVED BY THE SENATE, That the Iowa
 17 congressional delegation is urged to support and work
 18 to implement renewal of the trade promotion authority
 19 of the President of the United States; and
 20 BE IT FURTHER RESOLVED, That official copies of
 21 this Resolution be sent to the members of the Iowa
 22 congressional delegation.

SENATE RESOLUTION 53: filed from the floor, 2001; adopted
 by the Senate on April 19, 2001.

1 SENATE RESOLUTION 53
 2 By: Iverson and Gronstal
 3 A Senate resolution honoring Nobel Peace Prize Laureate
 4 Dr. Norman E. Borlaug, and recognizing his
 5 contributions to alleviating world hunger and
 6 malnutrition, including the founding of the World
 7 Food Prize.
 8 WHEREAS, October 2001 marks the fifteenth
 9 anniversary of the founding of Iowa's World Food
 10 Prize; and
 11 WHEREAS, the year 2001 is the one hundredth
 12 anniversary of awarding the Nobel Peace Prize; and
 13 WHEREAS, in 1970 Dr. Norman E. Borlaug received the
 14 Nobel Peace Prize as father of the "Green Revolution"
 15 which has resulted in saving millions of human lives
 16 in the world by averting famine and alleviating hunger
 17 and malnutrition; and
 18 WHEREAS, Nobel Peace Prize Laureate Dr. Norman E.
 19 Borlaug envisioned the creation of the World Food
 20 Prize, which would be the equivalent of the Nobel
 21 Peace Prize for the advancement of human development
 22 by improving the quality, quantity, and availability
 23 of food in the world; and
 24 WHEREAS, the World Food Prize Foundation has been
 25 endowed by Des Moines philanthropist Mr. John Ruan,
 26 which has enabled the annual \$250,000 award to be
 27 presented to laureates from around the world,
 28 including the People's Republic of China, Mexico,
 29 Bangladesh, India, Switzerland, the United Kingdom,
 30 and the United States; and

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1 WHEREAS, the General Assembly and the State of Iowa
 2 have for 10 years demonstrated a stalwart commitment

3 to the World Food Prize; and
 4 WHEREAS, on October 18 and 19 of 2001, the World
 5 Food Prize Foundation will conduct an International
 6 Symposium in Des Moines, in honor of Dr. Borlaug; NOW
 7 THEREFORE,
 8 BE IT RESOLVED BY THE SENATE, That Iowans now and
 9 in the future recognize Dr. Borlaug, a revered citizen
 10 of this state and this nation, whose lasting
 11 contributions to improving the world's food supply and
 12 establishing the World Food Prize have benefited human
 13 development and inspired persons to continue in his
 14 great work; and
 15 BE IT FURTHER RESOLVED, That the State of Iowa, on
 16 behalf of its citizens, expresses its great admiration
 17 for Dr. Borlaug and conveys its sincere appreciation
 18 for his lifetime dedication to uplifting the poor and
 19 feeding the hungry; and
 20 BE IT FURTHER RESOLVED, That communities of Iowa
 21 take actions necessary to recognize Dr. Borlaug and
 22 commemorate his achievements during the fifteenth
 23 anniversary year of the World Food Prize; and
 24 BE IT FURTHER RESOLVED, That educational
 25 institutions in this state take actions necessary to
 26 ensure that Dr. Borlaug's achievements and his
 27 contributions to humanity are known to all students of
 28 the state; and
 29 BE IT FURTHER RESOLVED, That the General Assembly
 30 endorse a proposal that October 16 of each year, World

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1 Food Day, be known in this state as Dr. Norman E.
 2 Borlaug Day, to ensure that present and future
 3 generations of Iowans will have occasion to honor Dr.
 4 Borlaug and recall his heroic contribution to
 5 humanity.

SENATE CONCURRENT RESOLUTION 32: filed from the floor; adopted by the Senate on June 19, 2001; adopted by the House on June 19, 2001.

1 SENATE CONCURRENT RESOLUTION 32
 2 By: Committee on Rules and Administration
 3 A Senate concurrent resolution to provide for
 4 adjournment sine die.
 5 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 6 That when adjournment is had on Tuesday, June 19,
 7 2001, it be the final adjournment of the 2001
 8 Extraordinary Session of the Seventy-ninth General
 9 Assembly.

MEMORIALS

IN MEMORIAM

Senators

| | |
|-------------------------------------|--|
| Ted James Anderson..... | August 21, 1943 – November 22, 2000 |
| Vincent S. Burke..... | May 17, 1920 – February 2, 2001 |
| Robert J. Burns | August 22, 1922 – January 24, 2001 |
| Charles F. Griffin..... | September 23, 1910 – November 18, 2000 |
| Hilarius “Larry” Louis Heying | August 19, 1914 – January 25, 2001 |

TED JAMES ANDERSON

Ted Anderson was born on August 21, 1943, in Waterloo, Iowa, to Russell and Kay Anderson. He passed away on November 22, 2000, in Des Moines, Iowa, at the age of 57. Those left to cherish his memory are his wife, Bonnie; six sons, Tom of Goddard, Kansas, Jim of Bellevue, Nebraska, Travis of Charleston, South Carolina, Chris of Humbel, Texas, and Tim and Nick, both of Waterloo; a daughter, Pamela Smith of Summerville, South Carolina; his parents, Russell and Kay Anderson of Independence; a brother Scott of Brandon; a sister Judi Christensen of Joshua, Texas; and eight grandchildren.

Mr. Anderson lived in Waterloo most of his life and recently resided in Clive, Iowa. He worked at John Deere Waterloo Tractor Works for 20 years. During that period, he served as secretary of the United Auto Workers Local 838 and was a vice president of the Iowa UAW CAP Council. Mr. Anderson was a veteran of the Air Force serving from 1961 to 1964. He was an active Black Hawk County Democrat, and in 1980 at the age of 37, he was elected to the Iowa Senate. He was chosen to serve as the ranking Democratic member of the Labor and Industrial Relations Committee, a rare assignment for a first-term legislator. He served in the Senate four years, from 1981 to 1984 during the 69th and 70th General Assemblies.

After serving in the Senate, he became a very effective lobbyist for 16 years. Some of the organizations he lobbied for are Animal Rescue League of Iowa Inc.; Prevent Child Abuse Iowa; American Federation of State, County and Municipal Employees (AFSME); Central Iowa Builders and Construction Trade Council; and the Iowa Library Association. Senator Anderson was dedicated to the cause of labor and worked to make the job site safer and to ensure that workers receive their fair wages. He was an avid pilot and flew many candidates and dignitaries around the state. Senator Anderson was a tireless campaigner and was known as a mentor and friend to the newly elected members of the legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Ted James Anderson, 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.

MICHAEL GRONSTAL
PATRICIA HARPER
JOHN REDFERN
Committee

VINCENT S. BURKE

Vincent S. Burke was born on May 17, 1920, in Laverne, Minnesota, and was the son of James M. and Marion F. Sanders Burke. He passed away on February 2, 2001, at the age of 80 years. Those left to cherish his memory include his wife, Mary, and three children: Michael Burke of Cypress, California; Joanne Stager of Norco, California; and Alice Burke of San Juan Capistrano, California.

When he was a young boy, his family moved to Sioux City where he attended public school and graduated from East High School. He earned a bachelor of science degree in business administration and sociology from Morningside College. He received a master's degree in communications from the University of South Dakota in 1972.

He was a Woodbury County Democrat and was elected to the Iowa Senate in 1964. He served one year, 1965, in the 61st General Assembly. He contributed to his community by working for the state office of vocational rehabilitation. He held membership in the National Rehabilitation, the American Inter-Professional, and the Iowa Welfare Association. He was well known as an effective vocational rehab counselor, and many people he worked with maintained contact with him throughout the remainder of his life.

Senator Burke was an avid pilot. At the age of 15, he was involved in barnstorming, stunt flying, and wing walking, and he was one of the first skydivers. He was instrumental in creating the early aviation museum at the Sioux City airport. During World War II, he served in air intelligence.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Senator Vincent S. Burke, 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.

STEVEN D. HANSEN
STEVE KING
JOHN REDWINE
Committee

ROBERT J. BURNS

Robert J. "Bob" Burns was born on August 22, 1922, in Iowa City to John and Regina Cash Burns. He married Ada M. Wilson on June 15, 1944, in Muskogee, Oklahoma. On January 24, 2001, he passed away in Cedar Rapids, Iowa, at the age of 78 years. Those left to cherish his memory are three sons, Michael of North Liberty, Stephen of Iowa City, and Tony of Marion; four daughters, Linda Langenberg of Marion, Sheila Kavanaugh of Eliot, Maine, Margery Burns of Iowa City, and Maureen Laxpati of Chicago; one sister, Alice Kral of Phoenix, Arizona; and twelve grandchildren and four great-grandchildren.

In 1940, he graduated from Cosgrove High School and attended the University of Iowa before enlisting in the Army. He served in World War II as a sergeant in the 42nd Rainbow Division. He attended the University of Kansas while he was in the military.

In 1964, he was elected to the Iowa Senate from Johnson County. He served from 1965 until 1968, through the 61st and 62nd General Assemblies. Senator Burns served nine years on the Johnson County Board of Supervisors where he worked to expand human services that are offered to children, juveniles, and persons with mental health and developmental disabilities. He worked to expand a county transportation system for older citizens. He promoted cooperation between the state, county, cities and towns and helped develop a land use plan within the county to emphasize the wishes of the public for orderly development and beauty. Another of his interests was the preservation of the courthouse and the first county asylum.

Senator Burns and his family were long-time Cosgrove residents where they operated a Cosgrove store until 1966 when they moved to Iowa City. Senator Burns owned and operated County and Municipal Consultants and was a labor negotiator. In 1975, Senator Burns was selected to the President's Advisory Committee on Intergovernmental Relations.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Robert J. Burns, 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.

JOE BOLKCOM
ROBERT E. DVORSKY
THOMAS L. FIEGEN
Committee

CHARLES F. GRIFFIN

Charles F. Griffin was born on September 23, 1910, in Mapleton, Iowa, to Charles Griffin and Ida Eselia Schurnk Griffin. He passed away on November 18, 2000, at his home at the age of 90 years. Those left to cherish his memory are his wife Alice; a daughter Patricia Ress of Omaha; three grandchildren; and five great-grandchildren.

Mr. Griffin graduated from the University of Iowa in June 1934. While in college he supported himself by playing in a dance band at the Hawks' Nest in Iowa City where he met his wife Alice. He was a pharmacist in Illinois, Cedar Rapids, and Marshalltown. Governor William Beardsley appointed him to the Iowa Board of Pharmacy Examiners.

In 1962, he was elected to the Iowa Senate from Monona and Harrison counties and served from 1963 through 1966 in the 60th and 61st General Assemblies. While in the Senate, he won recognition from the Iowa Sheriff's Association for his work promoting legislation designed to guarantee workers more efficiency in the work place and safety on the job. Senator Griffin was concerned about the well-being of fire fighters and helped advance legislation on their behalf.

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

NANCY BOETTGER
STEVE KING
JOHN REDWINE
Committee

HILARIUS "LARRY" LOUIS HEYING

Hilarius Heying was born in Winneshiek County on August 19, 1914, to John and Elizabeth Bodensteiner Heying. He passed away on January 25, 2001, at the age of 86 years. Those left to remember him are his wife, Josephine; his children, Terrance Jon Heying of Willmar, Minnesota, Sondra Kay Whaley of Burr Ridge, Illinois, Charles Hilarius Heying of Portland, Oregon, and Therese Jo Slack of West Union, Iowa; and nine grandchildren and four great-grandchildren.

Mr. Heying graduated from Columbia Academy in Dubuque, Iowa, and on January 6, 1937, he married Josephine Langreck of St. Lucas, Iowa. "Larry" and Jo Heying started farming and became affiliated with Hy-Line Poultry Farms of Des Moines, later purchasing the Hy-Line franchise. The business grew into a pullet-growing, egg-laying and shell egg operation, and eventually grain farming and hogs were added to the operation.

Mr. Heying was a Fayette County Democrat and was elected to the Iowa Senate in 1964. He served from 1965 to 1968 in the 61st and 62nd General Assemblies. In 1972, he was elected to serve from 1973 to 1976 in the 65th and 66th General Assemblies. Senator Heying was a leader in the development of the Volga Lake project in northeast Iowa and was instrumental in starting the vocational technical schools. Senator Heying was a founding member and vice president of Iowans for Tax Relief, and he and was a charter member of the West Union Ambassadors. He received the Lifetime Service Award from the Iowa Poultry Association, and many service awards from Hy-Line International. In 1993, he received the Distinguished Service to Agriculture Award from the Iowa Farm Bureau. Senator Heying was a member of Holy Name Catholic Church, serving as trustee for 25 years. He belonged to Rotary International, and the Knights of Columbus St. Thomas Moore Council. He was a 4th Degree Knight.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Hilarius Heying, 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.

KITTY REHBERG
BETTY SOUKUP
MARK ZIEMAN
Committee

State of Iowa

**JOURNAL
OF THE SENATE**

**SEVENTY-NINTH
GENERAL ASSEMBLY**

**2001 SECOND
EXTRAORDINARY SESSION**

November 8, 2001

**MARY E. KRAMER, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate**

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY
SECOND EXTRAORDINARY SESSION

State Capitol, Room 116
Des Moines, Iowa, Thursday, November 8, 2001

Pursuant to the proclamation of the Governor, the Honorable Thomas J. Vilsack, convening the Seventy-ninth General Assembly in Extraordinary Session, the Senate was called to order at 9:18 a.m. by the Honorable Mary E. Kramer, President of the Senate.

Prayer was offered by the Honorable John P. “Jack” Kibbie, member of the Senate from Palo Alto County, Emmetsburg, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

November 1, 2001

The Honorable Mary Kramer
President of the Senate
State Capitol
LOCAL

The Honorable Brent Siegrist
Speaker of the House
State Capitol
LOCAL

I hereby submit the Proclamation setting the Second Extraordinary Session of the Iowa Legislature to convene at 9:00 a.m., November 8, 2001.

Sincerely,
THOMAS J. VILSACK
Governor

STATE OF IOWA
Executive Department

In The Name And By The Authority Of The State Of Iowa

PROCLAMATION

Whereas, the 2001 Regular Session of the Seventy-ninth General Assembly adjourned pursuant to House Concurrent Resolution 39; and

Whereas, the nation's economy has experienced a severe downturn that has been exacerbated by the tragic events of September 11th; and

Whereas, on October 11th, the state's revenue estimating conference reduced its projection of state revenue for fiscal year 2002 by \$157.5 million; and

Whereas, by executive order, I have directed a uniform modification of allotment requests, pursuant to Iowa Code Section 8.31, to achieve an annual 4.3 percent budget reduction for fiscal year 2002; and

Whereas, the General Assembly should adopt prudent and necessary legislation to restore funds to targeted areas of the state budget, following the across-the-board budget reductions implemented by Executive Order Number Twenty-Four.

Now, Therefore, I, Thomas J. Vilsack, Governor of the State of Iowa, in accordance with Article IV, Section XI, of the Constitution of the State of Iowa, do hereby proclaim that the Seventy-ninth General Assembly shall convene in extraordinary session in Des Moines, Iowa, at 9:00 a.m. on the eighth day of November, 2001, and to that end I do call up and direct the members of the House of Representatives to convene in the House Chamber at the State Capitol and members of the Senate to convene in Room 116 at the State Capitol at 9:00 a.m. on the eighth day of November, 2001, for the purpose which the assembly is convened, namely the matter of considering prudent and necessary legislation to restore funds to targeted areas of the state budget, following the annual 4.3 percent budget reduction for fiscal year 2002, and matters properly related thereto.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 1st day of November in the year of our Lord two thousand one.

THOMAS J. VILSACK, Governor

(SEAL)

Attest:

CHESTER J. CULVER
Secretary of State

ORGANIZATION OF THE SENATE

Senator Iverson moved that the determination of mileage of senators and all other organizational or administrative matters not specifically provided for in Joint Rule 3 be the same for this Second Extraordinary Session as for the 2001 Regular Session of the Seventy-ninth General Assembly.

The motion prevailed by a voice vote.

SECRETARY TO NOTIFY THE GOVERNOR AND THE HOUSE

Senator Iverson moved that the Secretary of the Senate be directed to send a written message to the Governor and the House of Representatives informing them that the Senate was organized and ready to transact business and receive any messages that they may transmit.

The motion prevailed by a voice vote.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, pursuant to the November 1, 2001, proclamation of the Governor, duly organized for the Second Extraordinary Session of the Seventy-ninth General Assembly and is ready to receive communications from the Senate.

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 11:52 a.m., Senator Boettger presiding.

RECESS

On motion of Senator Holveck, the Senate recessed at 11:53 a.m. until the completion of meetings of the committees on State Government and Appropriations.

AFTERNOON SESSION

The Senate reconvened at 3:26 p.m., President Kramer presiding.

INTRODUCTION OF BILLS

Senate File 547, by Shearer, a bill for an act relating to the abatement of state sales and use taxes and local sales and service taxes of purchasers of certain access to on-line computer services and providing refunds, and including effective and applicability date provisions.

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

Senate File 548, by Shearer, a bill for an act relating to the abatement of interest on state sales and use taxes and local sales and service taxes of purchasers of certain access to on-line computer services and providing refunds, and including effective and applicability date provisions.

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

Senate File 549, by committee on Appropriations, a bill for an act relating to homeland security by authorizing the governor and other state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date.

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

Senate File 550, by committee on State Government, a bill for an act relating to the state general fund expenditure limitation and budgeting practices and including effective date and applicability provisions.

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

The Senate stood at ease at 3:28 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:32 p.m., President Pro Tempore McKean presiding.

INTRODUCTION OF BILLS

Senate File 551, by committee on Appropriations, a bill for an act relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per supervisor and to evaluate the state's job classification system, and providing effective dates.

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

Senate File 552, by committee on Appropriations, a bill for an act relating to the reorganization of the department of human services and providing an effective date.

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

Senate File 553, by committee on Appropriations, a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001, and including effective date and applicability provisions.

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

Senate File 554, by committee on Appropriations, a bill for an act relating to the establishment of a health services trust fund, providing an effective date, and providing for retroactive applicability.

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

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on November 8, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

House File 759, a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001, and including effective date and applicability provisions.

Read first time and **attached to companion Senate File 553**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fink, for the remainder of the day, on request of Senator Gronstal.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on November 8, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

House File 760, a bill for an act relating to the state general fund expenditure limitation and budgeting practices and including effective date and applicability provisions.

Read first time and **attached to companion Senate File 550**.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 551 (LSB 5038sv), a bill for an act relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per supervisor and to evaluate the state's job classification system, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Black.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 551.

Senate File 551

On motion of Senator Kramer, **Senate File 551**, a bill for an act relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per supervisor and to evaluate the state's job classification system, and providing effective dates, was taken up for consideration.

Senator Kramer offered amendment S-3724, filed by her from the floor to page 4 of the bill, and moved its adoption.

Amendment S-3724 was adopted by a voice vote.

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. 551), the vote was:

Ayes, 48:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Black |
| Boettger | Bolkcom | Connolly | Dearden |
| Deluhery | Drake | Dvorsky | Fiegen |
| Flynn | Fraise | Freeman | Gaskill |
| Greiner | Gronstal | Hammond | Hansen |
| Harper | Holveck | Horn | Houser |
| Iverson | Jensen | Johnson | Kibbie |
| King | Kramer | Lamberti | Lundby |
| Maddox | McKean | McKibben | McKinley |

| | | | |
|---------|----------|----------|---------|
| Miller | Redfern | Redwine | Rehberg |
| Rittmer | Schuerer | Sexton | Shearer |
| Soukup | 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.

COMMITTEE REPORT

STATE GOVERNMENT

Final Bill Action: SENATE FILE 550 (LSB 5110xc), a bill for an act relating to the state general fund expenditure limitation and budgeting practices and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Houser, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Drake, until he returns, on request of Senator Iverson.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 550.

Senate File 550

On motion of Senator Lamberti, **Senate File 550**, a bill for an act relating to the state general fund expenditure limitation and

budgeting practices and including effective date and applicability provisions, was taken up for consideration.

Senator Lamberti asked and received unanimous consent that **House File 760** be **substituted** for **Senate File 550**.

House File 760

On motion of Senator Lamberti, **House File 760**, a bill for an act relating to the state general fund expenditure limitation and budgeting practices and including effective date and applicability provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 760), the vote was:

Ayes, 48:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Black |
| Boettger | Bolkcom | Connolly | Dearden |
| Deluhery | Dvorsky | Fiegen | Flynn |
| Fraise | Freeman | Gaskill | Greiner |
| Gronstal | Hammond | Hansen | Harper |
| Holveck | Horn | Houser | Iverson |
| Jensen | Johnson | Kibbie | King |
| Kramer | Lamberti | Lundby | Maddox |
| McCoy | McKean | McKibben | McKinley |
| Miller | Redfern | Redwine | Rehberg |
| Rittmer | Schuerer | Sexton | Shearer |
| Soukup | Tinsman | Veenstra | Zieman |

Nays, none.

Absent or not voting, 2:

| | |
|-------|------|
| Drake | Fink |
|-------|------|

WITHDRAWN

Senator Lamberti asked and received unanimous consent that **Senate File 550** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 551** and **House File 760** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on November 8, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

House File 763, a bill for an act relating to the establishment of a health services trust fund, providing an effective date, and providing for retroactive applicability.

Read first time and **attached to similar Senate File 554**.

House File 764, a bill for an act relating to the reorganization of the department of human services and providing an effective date.

Read first time and **attached to similar Senate File 552**.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 554 (LSB 5187sv), a bill for an act relating to the establishment of a health services trust fund, providing an effective date, and providing for retroactive applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 554.

Senate File 554

On motion of Senator Kramer, **Senate File 554**, a bill for an act relating to the establishment of a health services trust fund, providing an effective date, and providing for retroactive applicability, was taken up for consideration.

Senator Kramer offered amendment S-3726, filed by her from the floor to pages 1-3 and to the title page of the bill, and moved its adoption.

Amendment S-3726 was adopted by a voice vote.

Senator Kramer asked and received unanimous consent that **House File 763** be **substituted** for **Senate File 554**.

House File 763

On motion of Senator Kramer, **House File 763**, a bill for an act relating to the establishment of a hospital trust fund, providing an effective date, and providing for retroactive applicability, was taken up for consideration.

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?" (H.F. 763), the vote was:

Ayes, 49:

| | | | |
|----------|----------|----------|---------|
| Angelo | Bartz | Behn | Black |
| Boettger | Bolkcom | Connolly | Dearden |
| Deluhery | Drake | Dvorsky | Fiegen |
| Flynn | Fraise | Freeman | Gaskill |
| Greiner | Gronstal | Hammond | Hansen |
| Harper | Holveck | Horn | Houser |

| | | | |
|----------|---------|----------|----------|
| Iverson | Jensen | Johnson | Kibbie |
| King | Kramer | Lamberti | Lundby |
| Maddox | McCoy | McKean | McKibben |
| McKinley | Miller | Redfern | Redwine |
| Rehberg | Rittmer | Schuerer | Sexton |
| Shearer | Soukup | 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.

WITHDRAWN

Senator Kramer asked and received unanimous consent that **Senate File 554** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 763** be **immediately messaged** to the House.

President Kramer took the chair at 6:05 p.m.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 552 (LSB 5176sv), a bill for an act relating to the reorganization of the department of human services and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 19: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Deluhery, Gaskill, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 6: Bolkcom, Connolly Dvorsky, Fiegen, Hammond, and Soukup. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 552.

Senate File 552

On motion of Senator Veenstra, **Senate File 552**, a bill for an act relating to the reorganization of the department of human services and providing an effective date, was taken up for consideration.

Senator Veenstra offered amendment S-3729, filed by him from the floor to page 6 of the bill, and moved its adoption.

Amendment S-3729 was adopted by a voice vote.

Senator Veenstra asked and received unanimous consent that **House File 764** be **substituted** for **Senate File 552**.

House File 764

On motion of Senator Veenstra, **House File 764**, a bill for an act relating to the reorganization of the department of human services 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?" (H.F. 764), the vote was:

Ayes, 39:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Black |
| Boettger | Deluhery | Drake | Flynn |
| Fraise | Freeman | Gaskill | Greiner |
| Gronstal | Hansen | Harper | Horn |
| Houser | Iverson | Jensen | Johnson |
| Kibbie | King | Kramer | Lamberti |
| Lundby | Maddox | McKean | McKibben |
| McKinley | Miller | Redfern | Redwine |
| Rehberg | Rittmer | Schuerer | Sexton |
| Tinsman | Veenstra | Zieman | |

Nays, 10:

Bolkcom
Fiegen
Shearer

Connolly
Hammond
Soukup

Dearden
Holveck

Dvorsky
McCoy

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.

WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate File 552** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 764** be **immediately messaged** to the House.

The Senate stood at ease at 6:28 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 6:39 p.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 November 8, 2001, **passed** the following bill in which the concurrence of the House was asked:

Senate File 551, a bill for an act relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per

supervisor and to evaluate the state's job classification system, and providing effective dates.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 553 (LSB 5152sv), a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001, and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 553.

Senate File 553

On motion of Senator Lamberti, **Senate File 553**, a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001, and including effective date and applicability provisions, was taken up for consideration.

Senator Lamberti asked and received unanimous consent that **House File 759** be substituted for **Senate File 553**.

House File 759

On motion of Senator Lamberti, **House File 759**, a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001,

and including effective date and applicability provisions, was taken up for consideration.

Senator Flynn offered amendment S-3727, filed by Senator Flynn, et al., 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-3727 be adopted?” (H.F. 759), the vote was:

Ayes, 19:

| | | | |
|----------|----------|----------|---------|
| Black | Bolkcom | Connolly | Dearden |
| Deluhery | Dvorsky | Fiegen | Flynn |
| Fraise | Gronstal | Hammond | Hansen |
| Harper | Holveck | Horn | Kibbie |
| McCoy | Shearer | Soukup | |

Nays, 30:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Boettger |
| Drake | Freeman | Gaskill | Greiner |
| Houser | Iverson | Jensen | Johnson |
| King | Kramer | Lamberti | Lundby |
| Maddox | McKean | McKibben | McKinley |
| Miller | Redfern | Redwine | Rehberg |
| Rittmer | Schuerer | Sexton | Tinsman |
| Veenstra | Zieman | | |

Absent or not voting, 1:

Fink

Amendment S-3727 lost.

Senator Dvorsky offered amendment S-3720, filed by Senator Dvorsky, et al., 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-3720 be adopted?” (H.F. 759), the vote was:

Ayes, 19:

| | | | |
|----------|----------|----------|---------|
| Black | Bolkcom | Connolly | Dearden |
| Deluhery | Dvorsky | Fiegen | Flynn |
| Fraise | Gronstal | Hammond | Hansen |
| Harper | Holveck | Horn | Kibbie |
| McCoy | Shearer | Soukup | |

Nays, 30:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Boettger |
| Drake | Freeman | Gaskill | Greiner |
| Houser | Iverson | Jensen | Johnson |
| King | Kramer | Lamberti | Lundby |
| Maddox | McKean | McKibben | McKinley |
| Miller | Redfern | Redwine | Rehberg |
| Rittmer | Schuerer | Sexton | Tinsman |
| Veenstra | Zieman | | |

Absent or not voting, 1:

Fink

Amendment S-3720 lost.

Senator Connolly offered amendment S-3722, 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-3722 be adopted?" (H.F. 759), the vote was:

Ayes, 19:

| | | | |
|----------|----------|----------|---------|
| Black | Bolkcom | Connolly | Dearden |
| Deluhery | Dvorsky | Fiegen | Flynn |
| Fraise | Gronstal | Hammond | Hansen |
| Harper | Holveck | Horn | Kibbie |
| McCoy | Shearer | Soukup | |

Nays, 30:

| | | | |
|--------|---------|----------|----------|
| Angelo | Bartz | Behn | Boettger |
| Drake | Freeman | Gaskill | Greiner |
| Houser | Iverson | Jensen | Johnson |
| King | Kramer | Lamberti | Lundby |
| Maddox | McKean | McKibben | McKinley |
| Miller | Redfern | Redwine | Rehberg |

| | | | |
|----------|----------|--------|---------|
| Rittmer | Schuerer | Sexton | Tinsman |
| Veenstra | Zieman | | |

Absent or not voting, 1:

Fink

Amendment S-3722 lost.

Senator Kibbie offered amendment S-3723, filed by Senator Kibbie, et al., 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-3723 be adopted?" (H.F. 759), the vote was:

Ayes, 19:

| | | | |
|----------|----------|----------|---------|
| Black | Bolkcom | Connolly | Dearden |
| Deluhery | Dvorsky | Fiegen | Flynn |
| Fraise | Gronstal | Hammond | Hansen |
| Harper | Holveck | Horn | Kibbie |
| McCoy | Shearer | Soukup | |

Nays, 30:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Boettger |
| Drake | Freeman | Gaskill | Greiner |
| Houser | Iverson | Jensen | Johnson |
| King | Kramer | Lamberti | Lundby |
| Maddox | McKean | McKibben | McKinley |
| Miller | Redfern | Redwine | Rehberg |
| Rittmer | Schuerer | Sexton | Tinsman |
| Veenstra | Zieman | | |

Absent or not voting, 1:

Fink

Amendment S-3723 lost.

Senator Hammond offered amendment S-3725, filed by Senator Hammond, et al., from the floor to pages 9 and 10 of the bill.

Senator Hammond called for the following division of amendment S-3725:

Division S-3725A: Lines 3-21; and
 Division S-3725B: Lines 22-33.

Senator Hammond moved the adoption of division S-3725A.

A record roll call was requested.

On the question "Shall division S-3725A be adopted?" (H.F. 759), the vote was:

Ayes, 19:

| | | | |
|----------|----------|----------|---------|
| Black | Bolkcom | Connolly | Dearden |
| Deluhery | Dvorsky | Fiegen | Flynn |
| Fraise | Gronstal | Hammond | Hansen |
| Harper | Holveck | Horn | Kibbie |
| McCoy | Shearer | Soukup | |

Nays, 30:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Boettger |
| Drake | Freeman | Gaskill | Greiner |
| Houser | Iverson | Jensen | Johnson |
| King | Kramer | Lamberti | Lundby |
| Maddox | McKean | McKibben | McKinley |
| Miller | Redfern | Redwine | Rehberg |
| Rittmer | Schuerer | Sexton | Tinsman |
| Veenstra | Zieman | | |

Absent or not voting, 1:

Fink

Division S-3725A lost.

Senator Hammond asked and received unanimous consent that action on division S-3725B be deferred.

Senator Hansen offered amendment S-3719, filed by Senator Hansen, et al., from the floor to page 10 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3719 be adopted?” (H.F. 759), the vote was:

Ayes, 21:

| | | | |
|----------|---------|----------|---------|
| Black | Bolkcom | Connolly | Dearden |
| Deluhery | Dvorsky | Fiegen | Flynn |
| Fraise | Freeman | Gronstal | Hammond |
| Hansen | Harper | Holveck | Horn |
| Kibbie | McCoy | Miller | Shearer |
| Soukup | | | |

Nays, 28:

| | | | |
|---------|----------|----------|----------|
| Angelo | Bartz | Behn | Boettger |
| Drake | Gaskill | Greiner | Houser |
| Iverson | Jensen | Johnson | King |
| Kramer | Lamberti | Lundby | Maddox |
| McKean | McKibben | McKinley | Redfern |
| Redwine | Rehberg | Rittmer | Schuerer |
| Sexton | Tinsman | Veenstra | Zieman |

Absent or not voting, 1:

Fink

Amendment S-3719 lost.

The Senate resumed consideration of division S-3725B, previously deferred.

Senator Hammond asked and received unanimous consent to withdraw division S-3725B.

Senator King offered amendment S-3730, filed by him from the floor to page 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3730 be adopted?” (H.F. 759), the vote was:

Ayes, 5:

| | | | |
|---------|------|--------|---------|
| Freeman | King | Miller | Rehberg |
| Zieman | | | |

Nays, 44:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Black |
| Boettger | Bolkcom | Connolly | Dearden |
| Deluhery | Drake | Dvorsky | Fiegen |
| Flynn | Fraise | Gaskill | Greiner |
| Gronstal | Hammond | Hansen | Harper |
| Holveck | Horn | Houser | Iverson |
| Jensen | Johnson | Kibbie | Kramer |
| Lamberti | Lundby | Maddox | McCoy |
| McKean | McKibben | McKinley | Redfern |
| Redwine | Rittmer | Schuerer | Sexton |
| Shearer | Soukup | Tinsman | Veenstra |

Absent or not voting, 1:

Fink

Amendment S-3730 lost.

Senator King offered amendment S-3731, filed by him from the floor to page 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3731 be adopted?" (H.F. 759), the vote was:

Ayes, 4:

| | | | |
|------|--------|---------|--------|
| King | Miller | Rehberg | Zieman |
|------|--------|---------|--------|

Nays, 45:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Black |
| Boettger | Bolkcom | Connolly | Dearden |
| Deluhery | Drake | Dvorsky | Fiegen |
| Flynn | Fraise | Freeman | Gaskill |
| Greiner | Gronstal | Hammond | Hansen |
| Harper | Holveck | Horn | Houser |
| Iverson | Jensen | Johnson | Kibbie |
| Kramer | Lamberti | Lundby | Maddox |
| McCoy | McKean | McKibben | McKinley |
| Redfern | Redwine | Rittmer | Schuerer |
| Sexton | Shearer | Soukup | Tinsman |
| Veenstra | | | |

Absent or not voting, 1:

Fink

Amendment S-3731 lost.

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. 759), the vote was:

Ayes, 48:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Black |
| Boettger | Bolkcom | Connolly | Dearden |
| Deluhery | Drake | Dvorsky | Fiegen |
| Flynn | Fraise | Freeman | Gaskill |
| Greiner | Gronstal | Hansen | Harper |
| Holveck | Horn | Houser | Iverson |
| Jensen | Johnson | Kibbie | King |
| Kramer | Lamberti | Lundby | Maddox |
| McCoy | McKean | McKibben | McKinley |
| Miller | Redfern | Redwine | Rehberg |
| Rittmer | Schuerer | Sexton | Shearer |
| Soukup | Tinsman | Veenstra | Zieman |

Nays, 1:

Hammond

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.

WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate File 553** be **withdrawn** from further consideration of the Senate.

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 November 8, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

House File 762, a bill for an act relating to homeland security by authorizing the governor and other state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date.

Read first time and **attached to similar Senate File 549**.

ALSO: That the House has on November 8, 2001, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 42, a concurrent resolution to provide for adjournment sine die.

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

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: *SENATE FILE 549 (LSB 5174sv), a bill for an act relating to homeland security by authorizing the governor and other state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann. 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 549, and they were attached to the committee report.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

CONSIDERATION OF BILL (Appropriations Calendar)

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

Senate File 549

On motion of Senator Angelo, **Senate File 549**, a bill for an act relating to homeland security by authorizing the governor and other state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date, was taken up for consideration.

Senator Angelo offered amendment S-3721, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3721 was adopted by a voice vote.

Senator Bartz offered amendment S-3718, filed by him from the floor to page 10 of the bill, and moved its adoption.

Amendment S-3718 was adopted by a voice vote.

Senator Angelo offered amendment S-3728, filed by him from the floor to page 10 of the bill, and moved its adoption.

Amendment S-3728 was adopted by a voice vote.

Senator Angelo asked and received unanimous consent that **House File 762** be **substituted** for **Senate File 549**.

House File 762

On motion of Senator Angelo, **House File 762**, a bill for an act relating to homeland security by authorizing the governor and other

state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive 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?" (H.F. 762), the vote was:

Ayes, 48:

| | | | |
|----------|----------|----------|----------|
| Angelo | Bartz | Behn | Black |
| Boettger | Bolkcom | Connolly | Dearden |
| Deluhery | Drake | Dvorsky | Fiegen |
| Flynn | Fraise | Freeman | Gaskill |
| Greiner | Gronstal | Hammond | Hansen |
| Harper | Holveck | Horn | Houser |
| Iverson | Jensen | Johnson | Kibbie |
| King | Kramer | Lamberti | Lundby |
| Maddox | McCoy | McKean | McKibben |
| McKinley | Miller | Redfern | Redwine |
| Rehberg | Rittmer | Schuerer | Sexton |
| Shearer | 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.

WITHDRAWN

Senator Angelo asked and received unanimous consent that **Senate File 549** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 759** and **762** 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 42.

Senator Gronstal moved to waive the Rules and Administration committee meeting with respect to House Concurrent Resolution 42.

The motion prevailed by a voice vote.

House Concurrent Resolution 42

On motion of Senator Iverson **House Concurrent Resolution 42**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 42, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 42** be **immediately messaged** to the House.

SECRETARY TO NOTIFY THE
GOVERNOR AND THE HOUSE

Senator Iverson moved that the Secretary of the Senate be directed to send a written message to the Governor and to the House to inform them that the Senate was prepared to adjourn sine die pursuant to House Concurrent Resolution 42.

The motion prevailed by a voice vote.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House is prepared to adjourn the 2001 Second Extraordinary Session of the Seventy-ninth General Assembly pursuant to House Concurrent Resolution 42, duly adopted.

MOTION TO ADJOURN ADOPTED

Senator Iverson moved that the 2001 Second Extraordinary Session of the Seventy-ninth General Assembly adjourn sine die in accordance with House Concurrent Resolution 42, duly adopted.

The motion prevailed by a voice vote.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 42, duly adopted, the day of November 8, 2001, having arrived, President Kramer declared the 2001 Second Extraordinary Session of the Seventy-ninth General Assembly adjourned sine die.

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 2001 interim:

July 10, 2001

DEPARTMENT OF TRANSPORTATION

2001 Airport Sufficiency Summary Report, pursuant to Iowa Code section 328.12.

July 12, 2001

DEPARTMENT OF JUSTICE

Report from the Consumer Advocate relating to price regulation for telecommunications services, pursuant to Iowa Code Chapter 475A.

July 23, 2001

DEPARTMENT OF HUMAN SERVICES

Iowa Federation of Families for Children's Mental Health report on family recommendations as developed at the Iowa Family Choices Conferences.

August 15, 2001

ALCOHOLIC BEVERAGES DIVISION

66th Annual Report for July 1, 1999 – June 30, 2000.

August 21, 2001

DEPARTMENT OF NATURAL RESOURCES

Energy Fund Disbursement Council Report to the Governor and General Assembly.

August 24, 2001

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

Report on Escalation Program, pursuant to Iowa Code section 411.6.

August 29, 2001

DEPARTMENT OF NATURAL RESOURCES

Iowa's 2000 Public Drinking Water Program Annual Compliance Report.

September 17, 2001

BOARD OF REGENTS

Annual report on College Bound and IMAGES programs, pursuant to Iowa Code sections 262.92 and 269.93.

DEPARTMENT OF TRANSPORTATION

Fiscal Year 2001 report of highway construction program, pursuant to Iowa Code section 307.12(14).

September 28, 2001

DEPARTMENT OF PERSONNEL

An Annual Review of Affirmative Action in the Executive Branch of State Government, pursuant to Iowa Code section 19B.5.

October 9, 2001

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Seventh Annual Report of the Office of Renewable Fuels and Co-Products — summary of activities July 1, 2000, to June 30, 2001.

DEPARTMENT OF TRANSPORTATION

2001 Iowa Primary Road Sufficiency Log, pursuant to Iowa Code section 307A.2(12).

October 18, 2001

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Iowa Watershed Task Force Report 2001, pursuant to Iowa Code section 161C.7.

October 22, 2001

DEPARTMENT OF NATURAL RESOURCES

Energy Fund Disbursement Council Annual Report updated pages reflecting the actual end of Fiscal Year 2001 expenditures and receipts (replacement pages).

DEPARTMENT OF PUBLIC SAFETY

2000 Incident-Based Iowa Uniform Crime Report — notification that the report in electronic form is available online.

October 31, 2001

DEPARTMENT OF TRANSPORTATION

Report of the Secondary Road Research Fund and Report of the Street Research Fund for the FY ending June 30, 2001, pursuant to Iowa Code sections 310.36 and 312.3A — notification that the reports in electronic form are available online.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: November 8, 2001, 1:39 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

Members Absent: None.

Committee Business: Passed LSBs 5038xc, 5152xc, 5174xc, 5176xc, and 5187xc.

Adjourned: 3:15 p.m.

STATE GOVERNMENT

Convened: November 8, 2001, 12:08 p.m.

Members Present: King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Houser, Jensen, Maddox, McKean, Rittmer, and Sexton.

Members Absent: None.

Committee Business: Passed LSB 5110xc.

Adjourned: 12:30 p.m.

SUBCOMMITTEE ASSIGNMENTS

LSB 5038xc

APPROPRIATIONS: Kramer, Chair; Connolly and Lamberti

LSB 5110xc

STATE GOVERNMENT: Lamberti, Chair; Kibbie and King

LSB 5152xc

APPROPRIATIONS: Lamberti, Chair; Flynn and Kramer

LSB 5174xc

APPROPRIATIONS: Angelo, Chair; Dvorsky and Jensen

LSB 5176xc

APPROPRIATIONS: Veenstra, Chair; Hammond and Lamberti

LSB 5187xc

APPROPRIATIONS: Kramer, Chair; Hammond and Veenstra

COMPANION BILLS RECEIVED

On November 8, 2001, House File 759 was received and attached to companion Senate File 553 on the Senate calendar.

ALSO:

On November 8, 2001, House File 760 was received and attached to companion Senate File 550 on the Senate calendar.

SIMILAR BILLS RECEIVED

On November 8, 2001, House File 762 was received and attached to similar Senate File 549 on the Senate calendar.

ALSO:

On November 8, 2001, House File 763 was received and attached to similar Senate File 554 on the Senate calendar.

ALSO:

On November 8, 2001, House File 764 was received and attached to similar Senate File 552 on the Senate calendar.

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 8th day of November, 2001:

Senate File 551.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

| | | |
|--------|----------|---------------------|
| S-3718 | S.F. 549 | Merlin E. Bartz |
| S-3719 | H.F. 759 | Steven D. Hansen |
| | | Matt McCoy |
| | | Jack Holveck |
| | | John P. Kibbie |
| | | Michael E. Gronstal |
| | | Robert E. Dvorsky |
| | | Johnie Hammond |
| | | Patricia Harper |
| | | Joe Bolkcom |
| | | Mike Connolly |
| | | Tom Flynn |
| | | Thomas Fiegen |
| | | Betty A. Soukup |
| | | Mark Shearer |
| | | Dennis H. Black |
| | | Wally E. Horn |
| S-3720 | H.F. 759 | Robert E. Dvorsky |
| | | Joe Bolkcom |
| | | Patricia Harper |
| | | Johnie Hammond |
| S-3721 | S.F. 549 | Jeff Angelo |
| S-3722 | H.F. 759 | Mike Connolly |
| S-3723 | H.F. 759 | John P. Kibbie |
| | | Wally E. Horn |
| | | Steven D. Hansen |
| | | Jack Holveck |

| | | | |
|--------|------|-----|---------------------|
| | | | Eugene S. Fraise |
| | | | Betty A. Soukup |
| | | | Joe Bolkcom |
| | | | Patricia Harper |
| | | | Thomas Fiegen |
| | | | Mark Shearer |
| | | | Tom Flynn |
| | | | Dennis H. Black |
| S-3724 | S.F. | 551 | Mary E. Kramer |
| S-3725 | H.F. | 759 | Johnie Hammond |
| | | | Thomas L. Fiegen |
| | | | Patricia Harper |
| | | | Betty A. Soukup |
| S-3726 | S.F. | 554 | Mary E. Kramer |
| S-3727 | H.F. | 759 | Tom Flynn |
| | | | Michael E. Gronstal |
| | | | John P. Kibbie |
| | | | Dennis H. Black |
| | | | Jack Holveck |
| | | | Patricia Harper |
| | | | Joe Bolkcom |
| | | | Eugene S. Fraise |
| S-3728 | S.F. | 549 | Jeff Angelo |
| S-3729 | S.F. | 552 | Ken Veenstra |
| S-3730 | H.F. | 759 | Steve King |
| S-3731 | H.F. | 759 | Steve King |

SENATE BILL APPROVED
SUBSEQUENT TO ADJOURNMENT

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2001 Second Extraordinary Session:

S.F. 551 – Relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per supervisor and to evaluate the state’s job classification system, and providing effective dates. Approved November 19.

AMENDMENTS FILED

During the

Seventy-Ninth General Assembly

2001 Second Extraordinary Session

S-3718

1 Amend Senate File 549 as follows:

2 1. Page 10, by inserting after line 23, the

3 following:

4 "Sec. 100. DEFINITION -- MILITARY SERVICE. For
5 the purposes of sections 100 through 106, "military
6 service" means full-time active state service, as
7 defined in section 29A.1, or full-time state active
8 duty, as defined in section 29A.1, for a period of at
9 least ninety consecutive days.

10 Sec. 101. EVICTION OR DISTRESS DURING MILITARY
11 SERVICE -- STAY -- PENALTY FOR NONCOMPLIANCE --
12 ALLOTMENT OF PAY FOR PAYMENT.

13 1. No eviction or distress shall be made during
14 the period of military service in respect of any
15 premises for which the agreed rent does not exceed one
16 thousand two hundred dollars per month, occupied
17 chiefly for dwelling purposes by the spouse, child, or
18 other dependent of a person in military service,
19 except upon leave of court granted upon application or
20 granted in an action or proceeding affecting the right
21 of possession.

22 2. On any such application as provided in
23 subsection 1, or in any such action as provided in
24 subsection 1, the court may, in its discretion, on its
25 own motion, and shall, on application, unless in the
26 opinion of the court the ability of the tenant to pay
27 the agreed rent is not materially affected by reason
28 of such military service, stay the proceedings for not
29 longer than three months. Where such stay is granted
30 or other order is made by the court, the owner of the
31 premises shall be entitled, upon application, to
32 relief in respect of such premises similar to that
33 granted persons in military service in sections 102
34 and 103 of this Act to such extent and for such period
35 as may appear to the court to be just.

36 Sec. 102. INSTALLMENT CONTRACTS FOR PURCHASE OF
37 PROPERTY.

38 1. No person who has received, or whose assignor
39 has received, under a contract for the purchase of
40 real or personal property, or of lease or bailment
41 with a view to purchase of such property, a deposit or
42 installment of the purchase price, or a deposit or
43 installment under the contract, lease, or bailment,
44 from a person or from the assignor of a person who,
45 after the date of payment of such deposit or
46 installment, has entered military service, shall
47 exercise any right or option under such contract to
48 rescind or terminate the contract or resume possession
49 of the property for nonpayment of any installment due
50 or for any other breach of its terms occurring prior

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1 to or during the period of such military service,
2 except by action in a court of competent jurisdiction.

3 2. Upon the hearing of such action as provided in
4 subsection 1, the court may order the repayment of
5 prior installments or deposits or any part, as a
6 condition of terminating the contract and resuming
7 possession of the property, or may, in its discretion,
8 on its own motion, and shall, on application to it by
9 such person in military service or some person on the
10 person's behalf, order a stay of proceedings as the
11 court deems just, unless in the opinion of the court,
12 the ability of the defendant to comply with the terms
13 of the contract is not materially affected by reason
14 of such service; or it may make such other disposition
15 of the case as may be equitable to conserve the
16 interests of all parties.

17 Sec. 103. MORTGAGES, TRUST DEEDS, OR OTHER
18 SECURITY.

19 1. The provisions of this section shall apply only
20 to obligations secured by mortgage, trust deed, or
21 other security in the nature of a mortgage upon real
22 or personal property owned by a person in military
23 service at the commencement of the period of the
24 military service and still so owned by the person
25 which obligations originated prior to the person's
26 period of military service.

27 2. In any proceeding commenced in any court during
28 the period of military service to enforce such
29 obligation as provided in subsection 1 arising out of
30 nonpayment of any sum due or out of any other breach
31 of the terms of the mortgage, trust deed, or other
32 security occurring prior to or during the period of
33 such service the court may, after hearing, in its
34 discretion, on its own motion, and shall, on
35 application to it by such person in military service
36 or some person on the defendant's behalf, unless in
37 the opinion of the court the ability of the defendant
38 to comply with the terms of the obligation is not
39 materially affected by reason of the defendant's
40 military service, do any of the following:

41 a. Stay the proceedings for such period as the
42 court deems just.

43 b. Make such other disposition of the case as may
44 be equitable to conserve the interests of all parties.

45 3. No sale, foreclosure, or seizure of property
46 for nonpayment of any sum due under any such
47 obligation as provided in subsection 1, or for any
48 other breach of the terms thereof, whether under a
49 power of sale, under a judgment entered upon warrant
50 of attorney to confess judgment contained therein, or

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1 otherwise, shall be valid if made during the period of
2 military service or within three months thereafter,
3 except pursuant to an agreement between the parties,
4 unless upon an order previously granted by the court
5 and a return thereto made and approved by the court.

6 Sec. 104. TERMINATION OF LEASES BY LESSEES.

7 1. The provisions of this section shall apply to
8 any lease covering premises occupied for dwelling,
9 professional, business, agricultural, or similar
10 purposes in any case in which such lease was executed
11 by or on the behalf of a person who, after the
12 execution of such lease, entered military service.

13 2. Any such lease as provided in subsection 1 may
14 be terminated by notice in writing delivered to the
15 lessor or to the lessor's agent by the lessee at any
16 time following the date of the beginning of the period
17 of military service. Delivery of such notice may be
18 accomplished by placing it in an envelope properly
19 stamped and duly addressed to the lessor or to the
20 lessor's agent and depositing the notice in the United
21 States mail. Termination of any such lease providing
22 for monthly payment of rent shall not be effective
23 until thirty days after the first date on which the
24 next rental payment is due and payable subsequent to
25 the date when such notice is delivered or mailed. In
26 the case of all other leases, termination shall be
27 effected on the last day of the month following the
28 month in which such notice is delivered or mailed and
29 in such case any unpaid rental for a period preceding
30 termination shall be proratably computed and any
31 rental paid in advance for a period succeeding
32 termination shall be refunded by the lessor. Upon
33 application by the lessor to the appropriate court
34 prior to the termination period provided for in the
35 notice, any relief granted in this subsection shall be
36 subject to such modifications or restrictions as in
37 the opinion of the court justice and equity may in the
38 circumstances require.

39 Sec. 105. MAXIMUM RATE OF INTEREST. No obligation
40 or liability bearing interest at a rate in excess of
41 six percent per year incurred by a person in military
42 service before that person's entry into that service
43 shall, during any part of the period of military
44 service, bear interest at a rate in excess of six
45 percent per year unless, in the opinion of the court,
46 upon application thereto by the obligee, the ability
47 of such person in military service to pay interest
48 upon such obligation or liability at a rate in excess
49 of six percent per year is not materially affected by
50 reason of such service, in which case the court may

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1 make such order as in its opinion may be just. As
2 used in this section the term "interest" includes
3 service charges, renewal charges, fees, or any other
4 charges, except bona fide insurance, in respect of
5 such obligation or liability.
6 Sec. 106. PROVISIONS APPLY NOTWITHSTANDING
7 CONTRARY CODE PROVISIONS. Sections 100 through 105 of
8 this Act apply notwithstanding any contrary provision
9 of state law, which may include but is not limited to
10 Titles XIII, XIV, and XV.
11 Sec. 107. Sections 100 through 106 of this Act are
12 repealed on January 31, 2002."
13 2. Page 10, line 27, by inserting after the word
14 "date" the following: ", except that sections 100
15 through 106 of this Act shall not be applied
16 retroactively".
17 3. By renumbering as necessary.

MERLIN E. BARTZ

S-3719

1 Amend House File 759, as passed by the House, as
2 follows:
3 1. Page 10, line 13, by striking the figure
4 "108,688,725" and inserting the following:
5 "109,888,725".
6 2. Page 10, by inserting after line 26 the
7 following:
8 "Sec. ____ COURT APPOINTED SPECIAL ADVOCATE
9 PROGRAM. The judicial branch shall not eliminate the
10 court appointed special advocate program and shall
11 maintain the funding level for the program originally
12 authorized as of July 1, 2001."
13 3. By renumbering as necessary.

STEVEN D. HANSEN
MATT McCOY
JACK HOLVECK
JOHN P. KIBBIE
MICHAEL E. GRONSTAL
ROBERT E. DVORSKY
JOHNIE HAMMOND
PATRICIA HARPER
JOE BOLKCOM
MIKE CONNOLLY
TOM FLYNN
THOMAS FIEGEN
BETTY A. SOUKUP

MARK SHEARER
DENNIS H. BLACK
WALLY E. HORN

S-3720

1 Amend House File 759, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 31, the
4 following:
5 "Sec. _____. 2001 Iowa Acts, chapter 181, section 4,
6 is amended to read as follows:
7 SEC. 4. WORK-STUDY APPROPRIATION NULLIFICATION FOR
8 FY 2001-2002. Notwithstanding section 261.85, for the
9 fiscal year beginning July 1, 2001, and ending June
10 30, 2002, the amount appropriated for the work-study
11 program under section 261.85 shall be ~~zero~~
12 \$1,000,000."
13 2. By renumbering as necessary.

ROBERT E. DVORSKY
JOE BOLKCOM
PATRICIA HARPER
JOHNIE HAMMOND

S-3721

1 Amend Senate File 549 as follows:
2 1. Page 1, line 23, by inserting after the word
3 "infrastructure" the following: "and assets".

JEFF ANGELO

S-3722

1 Amend House File 759, as passed by the House, as
2 follows:
3 1. Page 3, by inserting after line 8, the
4 following:
5 "Sec. _____. IOWA EMPOWERMENT FUND. After applying
6 the reduction made pursuant to executive order number
7 24 to the appropriation made for the Iowa empowerment
8 fund, there is appropriated from the general fund of
9 the state to the department of education for the
10 fiscal year beginning July 1, 2001, and ending June
11 30, 2002, the following amount, or so much thereof as
12 is necessary, to supplement the following
13 appropriation:
14 To supplement the appropriation made in 2001 Iowa
15 Acts, chapter 181, section 6, subsection 10, for
16 deposit in the school ready children grants account of

17 the Iowa empowerment fund created in section 28.9:
 18\$ 630,552"
 19 2. By renumbering as necessary.

MIKE CONNOLLY

S-3723

- 1 Amend House File 759, as passed by the House, as
- 2 follows:
- 3 1. Page 3, line 23, by striking the figure
- 4 "1,000,000" and inserting the following: "3,000,000".

JOHN P. KIBBIE
 WALLY E. HORN
 STEVEN D. HANSEN
 JACK HOLVECK
 EUGENE S. FRAISE
 BETTY A. SOUKUP
 JOE BOLKCOM
 PATRICIA HARPER
 THOMAS FIEGEN
 MARK SHEARER
 TOM FLYNN
 DENNIS H. BLACK

S-3724

- 1 Amend Senate File 551 as follows:
- 2 1. Page 4, by striking lines 8 through 10 and
- 3 inserting the following: "regents if the board elects
- 4 to participate in the program, and an employee of the
- 5 department of".

MARY E. KRAMER

S-3725

- 1 Amend House File 759, as passed by the House, as
- 2 follows:
- 3 1. Page 9, by inserting after line 15 the
- 4 following:
- 5 "Sec. ___. DEPARTMENT OF HUMAN SERVICES. There is
- 6 appropriated from the Iowa economic emergency fund to
- 7 the department of human services for the fiscal year
- 8 beginning July 1, 2001, and ending June 30, 2002, the
- 9 following amounts, or so much thereof as is necessary,
- 10 to be used for the purposes designated:
- 11 1. For the medically needy program in the medical
- 12 assistance program which shall be continued throughout
- 13 the fiscal year beginning July 1, 2001:

| | | | |
|----|--|----|------------|
| 14 | ..... | \$ | 12,500,000 |
| 15 | 2. For the family investment program: | | |
| 16 | ..... | \$ | 1,500,000 |
| 17 | 3. For child and family services: | | |
| 18 | ..... | \$ | 4,500,000 |
| 19 | 4. For additional program support as determined by | | |
| 20 | the director of human services: | | |
| 21 | ..... | \$ | 300,000" |
| 22 | 2. Page 10, by inserting after line 26 the | | |
| 23 | following: | | |
| 24 | "Sec. ____. | | |
| 25 | COURT APPOINTED SPECIAL ADVOCATE | | |
| 26 | PROGRAM. There is appropriated from the Iowa economic | | |
| 27 | emergency fund to the judicial branch for the fiscal | | |
| 28 | year beginning July 1, 2001, and ending June 30, 2002, | | |
| 29 | the following amounts, or so much thereof as is | | |
| 30 | necessary, to be used for the purpose designated: | | |
| 31 | For the court appointed special advocate program | | |
| 32 | which shall be continued throughout the fiscal year | | |
| 33 | beginning July 1, 2001: | | |
| 34 | ..... | \$ | 1,200,000" |
| | 3. By renumbering as necessary. | | |

JOHNIE HAMMOND
 THOMAS FIEGEN
 PATRICIA HARPER
 BETTY A. SOUKUP

S-3726

- 1 Amend Senate File 554, as follows:
- 2 1. Page 1, line 5, by striking the words "Health
- 3 Services" and inserting the following: "Hospital".
- 4 2. Page 1, line 12, by striking the words "health
- 5 services" and inserting the following: "hospital".
- 6 3. Page 1, line 19, by striking the words "health
- 7 services" and inserting the following: "hospital".
- 8 4. Page 1, line 21, by striking the words "HEALTH
- 9 SERVICES" and inserting the following: "HOSPITAL".
- 10 5. Page 1, by striking lines 27 through 30.
- 11 6. Page 1, by inserting after line 31, the
- 12 following:
- 13 "____. "Hospital Trust Fund" means the fund created
- 14 in this chapter to secure funds based on hospital
- 15 inpatient and outpatient prospective payment
- 16 methodologies under the medical assistance program."
- 17 7. Page 1, by striking lines 32 through 35.
- 18 8. Page 2, line 4, by striking the words "HEALTH
- 19 SERVICES" and inserting the following: "HOSPITAL".
- 20 9. Page 2, line 6, by striking the words "health
- 21 services" and inserting the following: "hospital".
- 22 10. Page 2, line 8, by striking the words
- 23 "intergovernmental transfer".

- 24 11. Page 2, by striking lines 12 through 17.
- 25 12. Page 2, by striking lines 21 through 24, and
- 26 inserting the following:
- 27 "4. The trust fund shall be separate from the
- 28 general fund of the".
- 29 13. Page 3, by striking lines 1 and 2, and
- 30 inserting the following: "for participation by public
- 31 hospitals."
- 32 14. Page 3, by striking lines 5 through 16.
- 33 15. Page 3, line 35, by striking the word
- 34 "federal".
- 35 16. Title page, line 1, by striking the words
- 36 "health services" and inserting the following:
- 37 "hospital".
- 38 17. By renumbering as necessary.

MARY E. KRAMER

S-3727

- 1 Amend House File 759, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 15 the
- 4 following:
- 5 "___ For personal property tax replacement
- 6 payments in section 405A.8:
- 7\$ 2,420,365
- 8 ___ For the homestead tax credit in section
- 9 425.1:
- 10\$ 4,854,700
- 11 ___ For the extraordinary property tax credit and
- 12 reimbursement in section 425.39:
- 13\$ 688,000
- 14 ___ For the agricultural land tax credit in
- 15 section 426.1, including \$430,000 for deposit in the
- 16 family farm tax credit fund in section 425A.1:
- 17\$ 1,681,300
- 18 ___ For the military service tax credit in
- 19 section 426A.1A:
- 20\$ 116,100"
- 21 2. By renumbering as necessary.

TOM FLYNN
 MICHAEL E. GRONSTAL
 JOHN P. KIBBIE
 DENNIS H. BLACK
 JACK HOLVECK
 PATRICIA HARPER
 JOE BOLKCOM
 EUGENE S. FRAISE

S-3728

- 1 Amend Senate File 549 as follows:
 2 1. Page 10, by inserting after line 23, the
 3 following:
 4 "Sec. 100. TASK FORCE ON HOMELAND SECURITY AND
 5 DEFENSE.
 6 1. A task force is created to consider and report
 7 on the state's preparedness to respond to emergencies
 8 that threaten the state's security. The task force
 9 shall study issues relating to the detection,
 10 prevention, preemption, and deterrence of, and
 11 protection against, attacks targeted at state
 12 territory, population, and infrastructure. The task
 13 force shall solicit information from local and state
 14 government officials, from the Iowa national guard,
 15 and from any other person or entity deemed appropriate
 16 relating to the state's preparedness to respond to
 17 emergencies that threaten the state's security.
 18 2. The members of the task force shall be
 19 appointed as follows:
 20 a. One member appointed by the governor.
 21 b. One member appointed by the majority leader of
 22 the senate.
 23 c. One member appointed by the speaker of the
 24 house of representatives.
 25 d. One member appointed by the minority leader of
 26 the senate.
 27 e. One member appointed by the minority leader of
 28 the house of representatives.
 29 3. The task force shall report to the general
 30 assembly and the governor by January 15, 2002."
 31 2. By renumbering as necessary.

JEFF ANGELO

S-3729

- 1 Amend Senate File 552 as follows:
 2 1. Page 6, by striking lines 4 through 8.
 3 2. By renumbering as necessary.

KEN VEENSTRA

S-3730

- 1 Amend House File 759, as passed by the House, as
 2 follows:
 3 1. Page 11, by inserting after line 22 the
 4 following:
 5 "DIVISION ____
 6 FUND TRANSFERS

7 Sec. ____ VISION IOWA FUND -- TRANSFER TO REBUILD
 8 IOWA INFRASTRUCTURE FUND. Notwithstanding sections
 9 12.71 through 12.77, sections 15F.101 through 15F.106,
 10 sections 15F.301 through 15F.304, or any other
 11 provision of law to the contrary, moneys in the vision
 12 Iowa fund that are unencumbered, unobligated, or not
 13 otherwise committed for a project approved for funding
 14 by the vision Iowa board on the effective date of this
 15 Act, shall be transferred to the rebuild Iowa
 16 infrastructure fund. Moneys transferred to the
 17 rebuild Iowa infrastructure fund pursuant to this
 18 section shall be used for infrastructure projects
 19 related to recreation, education, entertainment, and
 20 cultural activities.

21 Sec. ____ REBUILD IOWA INFRASTRUCTURE FUND --
 22 APPROPRIATION TO ECONOMIC EMERGENCY FUND.
 23 Notwithstanding section 8.57, subsection 5, paragraph
 24 "e", a sum equal to the amount transferred to the
 25 rebuild Iowa infrastructure fund, pursuant to the
 26 section of this division of this Act transferring
 27 vision Iowa fund moneys to the rebuild Iowa
 28 infrastructure fund, is appropriated to the economic
 29 emergency fund from the rebuild Iowa infrastructure
 30 fund for the fiscal year beginning July 1, 2001, and
 31 ending June 30, 2002.

32 Sec. ____ UNENCUMBERED OR UNOBLIGATED MONEYS IN
 33 REBUILD IOWA INFRASTRUCTURE FUND -- APPROPRIATION TO
 34 ECONOMIC EMERGENCY FUND. Notwithstanding section
 35 8.57, subsection 5, or any other provision of law to
 36 the contrary, moneys in the rebuild Iowa
 37 infrastructure fund that are unencumbered or
 38 unobligated at the end of the fiscal year beginning
 39 July 1, 2001, and ending June 30, 2002, not to exceed
 40 four million dollars, are appropriated to the economic
 41 emergency fund."

42 2. By renumbering as necessary.

STEVE KING

S-3731

1 Amend House File 759, as passed by the House, as
 2 follows:

3 1. Page 11, by inserting after line 22 the
 4 following:

5 "DIVISION ____
 6 STATE AID TO SCHOOLS
 7 FUND TRANSFERS

8 Sec. 100. SCHOOL AID. After applying the
 9 reduction made pursuant to executive order number 24
 10 to the appropriation for the following designated
 11 purpose, there is appropriated from the general fund

12 of the state for the fiscal year beginning July 1,
13 2001, and ending June 30, 2002, the sum of the amounts
14 transferred to the general fund of the state pursuant
15 to sections 101 and 103 of this division of this Act,
16 or so much thereof as is necessary, to supplement the
17 appropriation for foundation aid and supplementary aid
18 in section 257.16.

19 Sec. 101. REBUILD IOWA INFRASTRUCTURE FUND --
20 TRANSFER TO GENERAL FUND. Notwithstanding section
21 8.57, subsection 5, paragraph "e", a sum equal to the
22 amount transferred to the rebuild Iowa infrastructure
23 fund pursuant to section 102 of this division of this
24 Act shall be transferred to the general fund of the
25 state from the rebuild Iowa infrastructure fund for
26 the fiscal year beginning July 1, 2001, and ending
27 June 30, 2002.

28 Sec. 102. VISION IOWA FUND -- TRANSFER TO REBUILD
29 IOWA INFRASTRUCTURE FUND. Notwithstanding sections
30 12.71 through 12.77, sections 15F.101 through 15F.106,
31 sections 15F.301 through 15F.304, or any other
32 provision of law to the contrary, moneys in the vision
33 Iowa fund that are unencumbered, unobligated, or not
34 otherwise committed for a project approved for funding
35 by the vision Iowa board on the effective date of this
36 Act, shall be transferred to the rebuild Iowa
37 infrastructure fund. Moneys transferred to the
38 rebuild Iowa infrastructure fund pursuant to this
39 section shall be used for infrastructure projects
40 related to recreation, education, entertainment, and
41 cultural activities.

42 Sec. 103. UNENCUMBERED OR UNOBLIGATED MONEYS IN
43 REBUILD IOWA INFRASTRUCTURE FUND -- TRANSFER TO
44 GENERAL FUND. Notwithstanding section 8.57,
45 subsection 5, or any other provision of law to the
46 contrary, moneys in the rebuild Iowa infrastructure
47 fund that are unencumbered or unobligated at the end
48 of the fiscal year beginning July 1, 2001, and ending
49 June 30, 2002, not to exceed four million dollars,
50 shall be transferred to the general fund of the

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1 state."

2 2. By renumbering as necessary.

STEVE KING

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 - Wellman, John — 721, 772, 792, 803, 1099
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 - Kraus, Steven — 419, 430, 465, 803, 844
 - Rebarcak, Rod — 721, 774, 796, 910, 1037
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 - Griffieon, LaVon — 419, 430, 464, 781, 1057
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 - Tietz, Donald — 722, 773, 794, 879, 1037
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 - Kautzky, Walter L. — 419, 429, 464, 508, 923
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Hansen, Becky — 722, 771, 791, 891, 1038

Kollasch, Diane — 722, 771, 791, 891, 1038

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Forney, James E. — 722, 771, 791, 891, 1038

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Moore, Richard G. — 722, 773, 794, 908, 1076

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Murray, Monica — 722, 773, 794, 909, 1038

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Jessen, Anita Walker — 419, 429, 463, 781, 1074

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Tuttle, Marvin — 722, 772, 792, 993, 1038

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North, George — 722, 774, 796, 946, 1038

Reay, Richard — 722, 774, 796, 910, 1038

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Anderson, Jean — 722, 774, 796, 910, 1038

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Book, Douglas — 419, 429, 464, 577, 844

Dettmann, Pamela — 419, 429, 464, 621, 722, 773, 794, 844, 909, 1038

Thomas, Diane — 419, 429, 464, 660, 845

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Balakrishnan, Usha — 722, 774, 795, 892, 947, 1077

Duggan, Terrance — 722, 774, 795, 1033, 1074

Nichols, Dimaggio — 722, 774, 795, 993, 1038

Sickler, Jack — 722, 774, 795, 957, 1038

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Hathaway, Peter — 723, 771, 792, 1086, 1099

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Paulsen, Thomas — 723, 771, 792, 920, 1038

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 - Holly, Forrest, Jr. — 419, 430, 465, 803, 845
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 - Cook, Lisa Davis — 419, 430, 464, 781, 1079
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- Glenn, Sandra — 420, 430, 465, 803, 845
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- Lapointe, Timothy — 420, 430, 465, 804, 845
- Smith, Sharman — 420, 430, 465, 804, 845
- Vasquez, Rose — 420, 430, 465, 804, 845

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- Varn, Richard J. — 420, 430, 465, 802, 1553

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- Combs, Daniel A. — 420, 430, 465, 802, 1054
- Dell, Sandra L. — 420, 430, 465, 802, 1053
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- Rozinek, Russell F. — 420, 430, 465, 802, 1052
- Sperry, Sharon K. — 420, 430, 465, 802, 1053

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- Carter, Marsha — 420, 431, 466, 804, 845
- Flagel, Gail — 420, 431, 466, 804, 845
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- Strentz, Herbert — 420, 431, 466, 804, 845
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 - Vonk, Jeffrey R. — 421, 430, 464, 559, 802, 1355
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 - Walderbach, Kurt — 725, 775, 797, 910, 1040
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 - Cunningham, James — 725, 772, 793, 962, 1041
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 - Mahaffey, Michael — 726, 775, 798, 920, 1041
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- Veenstra, Kenneth — Senator, Third District

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- Hansen, Steve — Senator, First District
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- McCoy, Matt — Senator, Thirty-fourth District
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Amendments filed — 150, 244, 245, 313, 332, 456, 527, 645, 740, 834, 1006, 1035, 1255, 1256, 1292, 1294, 1295, 1299, 1300, 1313–1315, 1330, 1331, 1333, 1371, 1379, 1385, 1418, 1419, 1443, 1472, 1473, 1500, 1542–1545, 1550, 1565, 1566, 1596

Amendments offered — 313, 527, 855, 871, 1371, 1379, 1456, 1457, 1545, 1577

Amendments withdrawn — 1583

Bills introduced — 118, 132, 280–283, 293, 317, 318, 326, 339, 340, 347, 358, 359, 369, 371, 381, 382, 389, 414, 424, 469, 516, 543, 544, 611, 627, 628, 652, 665

Certificates of recognition — 373, 776

Petitions presented — 694

Resolutions introduced — 225, 980, 1230, 1348

Senate committee appointments — 25

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FLYNN, TOM — Senator, Seventeenth District

Amendments filed — 150, 161, 245, 312, 455, 456, 533, 535, 536, 568, 645, 1006, 1035, 1066, 1073, 1168, 1213, 1215, 1216, 1256, 1292–1295, 1300, 1315, 1333, 1386, 1418, 1443, 1500, 1518, 1542, 1545, 1548, 1555, 1557, 1566, 1579, 1641, 2573, 2575, 2576

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- Amendments offered — 150, 312, 533, 535, 536, 1131, 1213, 1215, 1216, 1300, 1315, 1389, 1545, 1548, 1555, 2573
- Amendments withdrawn — 1213, 1215, 1405, 1556
- Bills introduced — 51, 280–283, 317, 318, 326, 339, 340, 347, 358, 359, 369, 370, 381, 389, 414, 425, 469, 516, 580, 651, 665
- Certificates of recognition — 378, 621, 1086
- Explanations of votes — 621, 832, 882, 908
- Presiding at sessions of the Senate — 990
- Resolutions introduced — 225, 352, 980, 1230
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FRAISE, EUGENE — Senator, Fiftieth District

- Amendments filed — 150, 244, 245, 312, 456, 568, 645, 740, 883, 1035, 1139, 1195, 1239, 1255, 1256, 1295, 1314, 1418, 1443, 1472, 1500, 1541–1546, 1550, 1566, 1596, 1641, 2573, 2575
- Amendments offered — 840, 1252, 1272
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- Certificates of recognition — 126
- Resolutions introduced — 225, 980, 1226
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- Statutory appointments — 362, 363, 365

FREEMAN, MARY LOU — Senator, Fifth District

- Amendments filed — 835, 839, 884, 950, 1006, 1035, 1195, 1443, 1566
- Bills introduced — 53, 80, 87, 88, 113, 145, 208, 217, 283, 369, 370, 452, 488
- Presentations — 267
- Resolutions introduced — 18, 225, 500, 888, 980, 1230
- Senate committee appointments — 25
- Statutory appointments — 363

GASKILL, E. THURMAN — Senator, Eighth District

- Amendments filed — 839, 1035, 1333, 1341, 1419, 1566
- Amendments offered — 680, 1341
- Bills introduced — 53, 80
- Certificates of recognition — 928
- Resolutions introduced — 225, 279, 500, 663, 888, 980, 1230
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- Condition of the State and Budget Message — 55
- Item veto messages — 262, 640, 1614–1619
- Veto messages — 931, 1516, 1560, 1619, 1620

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- Amendments filed — 183, 376, 740, 818, 819, 827, 835, 949, 1006, 1035, 1169, 1282, 1283, 1330, 1464, 1472, 1504
- Amendments offered — 445, 818, 819, 827, 850, 1184, 1283, 1345, 1464, 1585
- Amendments withdrawn — 818, 819, 849, 1012, 1282
- Bills introduced — 53, 80, 88, 283
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- Presentations — 970
- Resolutions introduced — 224, 500, 625, 663, 980, 1230
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GRONSTAL, MICHAEL E. — Senator, Forty-second District, Minority Leader

- Address to the Senate — 4
- Amendments filed — 150, 161, 221, 222, 244, 301, 312, 332, 456, 528, 532, 536, 551, 568, 571, 573, 645, 732, 739, 779, 853, 872, 939, 971, 1021, 1035, 1084, 1139, 1211, 1255, 1256, 1295, 1313–1317, 1330, 1331, 1385, 1417–1419, 1443, 1472, 1500, 1541–1543, 1545, 1546, 1550, 1565, 1566, 1596, 1641, 2573, 2576
- Amendments offered — 161, 244, 248, 301, 312, 528, 532, 536, 553, 568, 571, 573, 732, 764, 829, 853, 939, 1021, 1211, 1311, 1500, 1580, 1637
- Amendments withdrawn — 242, 764, 872
- Bills introduced — 116, 146, 280–283, 317, 318, 326, 339, 340, 347, 359, 369–371, 381, 414, 469, 516, 628, 652, 665, 916, 1406, 1459
- Resolutions introduced — 225, 272, 279, 280, 578, 650, 980, 1119, 1230, 1628
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HAMMOND, JOHNNIE — Senator, Thirty-first District, Assistant Minority Leader

- Amendments filed — 150, 161, 221, 222, 244, 245, 285, 305, 306, 310, 319, 332, 342, 343, 455, 456, 523, 524, 570, 572, 645, 691, 868, 902, 1035, 1073, 1084, 1116, 1147, 1195, 1228, 1255, 1256, 1275, 1293–1295, 1299, 1313, 1316, 1330, 1351, 1356, 1365, 1371, 1386, 1417–1419, 1443, 1473, 1488, 1498, 1500, 1520, 1541–1546, 1549, 1550, 1556, 1565, 1596, 1641, 2573, 2575, 2576
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- Senate committee appointments — 26, 173, 1624
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HANSEN, STEVE — Senator, First District, Assistant Minority Leader

- Amendments filed — 150, 171, 221, 222, 335, 456, 457, 475, 503, 551, 568–570, 572, 645, 739, 740, 779, 839, 872, 938, 944, 1006, 1031, 1035, 1189, 1212, 1255–1257, 1292–1294, 1298, 1300, 1331, 1332, 1351, 1386, 1419, 1500, 1541, 1542, 1545–1550, 1565, 1596, 2575, 2576
- Amendments offered — 244, 248, 335, 568–572, 869, 871, 872, 939, 1031, 1212, 1274, 1300, 1351, 1393, 1547–1549, 2576
- Amendments withdrawn — 243, 249, 569–572, 869, 871, 1212, 1351, 1548, 1549
- Bills introduced — 164, 231, 232, 253, 281, 283, 317, 318, 339, 348, 359, 369, 370, 381, 382, 389, 415, 424, 470, 471, 516, 517, 543, 544, 628, 665, 783, 1227
- Certificates of recognition — 992
- Resolutions introduced — 225, 280, 980, 1230, 1288, 1347
- Senate committee appointments — 26, 1624
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HARPER, PATRICIA M. — Senator, Thirteenth District

- Amendments filed — 150, 161, 221, 222, 244, 245, 302, 304, 314, 319, 332, 456, 521, 645, 656, 949, 1035, 1084, 1092, 1147, 1255, 1256, 1292–1295, 1313–1316, 1330, 1365, 1385, 1418, 1419, 1443, 1473, 1498, 1500, 1541–1546, 1550, 1556, 1565, 1596, 1641, 2573, 2575, 2576
- Amendments offered — 302, 304, 314, 521, 970, 1084, 1122, 1147, 1297, 1412, 1455, 1460, 1491, 1498, 1544, 1641
- Amendments withdrawn — 1413

HARPER, PATRICIA M. — continued

- Bills introduced — 145, 189, 262, 280–283, 317, 318, 326, 339, 340, 347, 358, 359, 369–371, 381, 382, 389, 414, 424, 451, 469, 488, 500, 516, 517, 543, 580, 651, 665
- Petitions presented — 694
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HOLVECK, JACK — Senator, Thirty-sixth District

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- Amendments offered — 160, 309, 535, 868, 1124, 1202, 1265, 1272, 1279, 1310, 1320, 1391, 1488, 1502, 1550
- Amendments withdrawn — 1319, 1502
- Bills introduced — 19, 189, 262, 280–283, 317, 318, 326, 339, 340, 347, 359, 369–371, 381, 382, 414, 424, 469, 487, 516, 543, 545, 599, 600, 625, 651, 665, 1602
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- Explanations of votes — 321, 416
- Resolutions introduced — 650, 695, 980, 1230, 1348, 1448
- Senate committee appointments — 26
- Statutory appointments — 362, 364

HORN, WALLY E. — Senator, Twenty-seventh District

- Amendments filed — 455, 645, 839, 1006, 1035, 1149, 1169, 1255, 1256, 1295, 1298, 1310, 1313, 1314, 1317, 1419, 1443, 1500, 1519, 1541–1546, 1550, 1566, 1596, 2575, 2576
- Amendments offered — 1404, 1556
- Amendments withdrawn — 1404
- Bills introduced — 280–283, 317, 318, 326, 339, 340, 347, 358, 359, 369–371, 381, 389, 414, 424, 469, 516, 543, 580, 651, 665
- Petitions presented — 207, 694

HORN, WALLY E. — continued

- Resolutions introduced — 225, 272, 543, 650, 695, 956, 980, 1230, 1304, 1348, 1448
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- Senate File 242, S-3379 — 1170; Senate concurred — 1197
- Senate File 336, S-3436 — 1246; Senate concurred — 1268
- Senate File 342, S-3381 — 1170
- Senate File 346, S-3376 — 1164; Senate refused to concur — 1188
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- Senate File 355, S-3347 — 1098; Senate concurred — 1144
- Senate File 410, S-3335 — 1067; Senate concurred — 1325
- Senate File 433, S-3336 — 1067; Senate concurred — 1128
- Senate File 452, S-3350 — 1098; Senate concurred — 1171
- Senate File 458, S-3377 — 1164; Senate amended and concurred — 1377
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- House File 324, S-3334 — 1067; Senate concurred — 1068
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- House File 590, S-3456 — 1271; Senate concurred — 1399
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- House File 719, S-3623 — 1474; Senate concurred — 1523
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HOUSER, HUBERT — Senator, Forty-third District

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- Appointees, investigation of — 429, 463, 464, 621, 772, 792, 793, 803, 909, 946, 962, 993
- Appointments to — 21
- Bills introduced by — 199, 230, 339, 347, 380, 381, 404, 516, 588, 599, 624-626, 663, 664, 699
- Bills referred to — 19, 66, 83, 87, 113, 119, 164, 173, 218, 231, 273, 325, 329, 340, 348, 381, 390, 434, 450, 451, 471, 477, 479, 507, 517, 540, 544, 554, 589, 612, 628, 786, 806, 820, 849, 878, 894, 973, 989, 1606, 1607
- Committee meeting reports — 65, 104, 127, 144, 189, 215, 279, 324, 368, 394, 478, 557, 609, 622, 649, 800, 887, 954, 995
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- Study bills — 120, 121, 190, 209, 274, 372, 489, 547, 602
- Subcommittee assignments — 88, 114, 123, 124, 169, 192, 210, 219, 255, 274, 275, 349, 359, 360, 373, 405, 415, 490, 491, 508, 548, 549, 589, 590, 603, 632, 668, 834, 881, 889, 930, 981

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IVERSON, STEWART E., JR. — Senator, Ninth District, Majority Leader

Address to the Senate — 3

Amendments filed — 221, 853, 971, 1021, 1317, 1419, 1636

Amendments offered — 1317, 1636

Bills introduced — 53, 80, 88, 283, 916, 1383, 1406, 1459

Presentations — 18, 986

Presiding at sessions of the Senate — 1163

Resolutions introduced — 18, 224, 272, 279, 280, 500, 512, 578, 650, 888, 980, 1119, 1230, 1348, 1448, 1628

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JENSEN, JOHN W. — Senator, Eleventh District

Amendments filed — 391, 442, 447, 606, 709, 779, 786, 1006, 1084, 1092, 1139, 1419, 1518, 1565, 1587

Amendments offered — 564, 786, 1320, 1578, 1587

Amendments withdrawn — 1578

Bills introduced — 53, 67, 80, 88, 132, 283, 347, 665

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Resolutions introduced — 225, 279, 543, 888, 980, 1119, 1230, 1383, 1448

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JOHNSON, JOANN — Senator, Thirty-ninth District

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Amendments offered — 494, 810, 841, 849, 1172, 1549, 1638

Amendments withdrawn — 810, 841, 1172, 1637

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KIBBIE, JOHN P. — Senator, Fourth District, Assistant Minority Leader

Amendments filed — 150, 221, 222, 244, 245, 312, 332, 442, 447, 456, 523, 584, 606, 645, 709, 779, 834, 835, 839, 883, 897, 935, 939, 1006, 1035, 1092, 1229, 1255, 1256, 1293–1295, 1298, 1300, 1310, 1314, 1324, 1332, 1365, 1418, 1443, 1459, 1500, 1519, 1541–1546, 1550, 1565, 1566, 1579, 1632, 1641, 2573, 2575, 2576

Amendments offered — 312, 523, 717, 935, 961, 1298, 1309, 1310, 1324, 1632, 1641, 2575

Amendments withdrawn — 1148, 1341, 1634

Bills introduced — 67, 87, 113, 119, 134, 155, 178, 189, 231, 252, 280–283, 317, 318, 326, 339, 340, 347, 348, 358, 359, 369–371, 381, 382, 389, 414, 424, 452, 469, 516, 580, 589, 625, 651, 665, 667

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Presentations — 658

Resolutions introduced — 225, 395, 696, 880, 888, 980, 1230, 1347, 1448

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KING, STEVE — Senator, Sixth District

Amendments filed — 584, 708, 740, 759, 824, 839, 853, 939, 950, 1006, 1073, 1157, 1168, 1255, 1332, 1386, 1411, 1464, 1635, 2577, 2578

Amendments offered — 562, 759, 824, 853, 939, 1131, 1157, 1278, 1411, 1635, 2577, 2578

Amendments withdrawn — 1009, 1131

Bills introduced — 53, 67, 88, 113, 119, 132, 173, 178, 283, 381, 451

Certificates of recognition — 694, 1253

Conference committee appointments & reports — 1267, 1381, 1382

Explanations of votes — 1176

Presentations — 913

Resolutions introduced — 18, 225, 487, 500, 625, 880, 888, 980, 1071, 1347

Senate committee appointments — 27

Statutory appointments — 362, 363, 365, 366

KRAMER, MARY E. — Senator, Thirty-seventh District, President of the Senate

Address to the Senate — 1

Amendments filed — 708, 1006, 1351, 1419, 1443, 1460, 1531, 2564, 2568

Amendments offered — 711, 1351, 1454, 1460, 2564, 2568

Amendments withdrawn — 1455, 1460

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- Senate committee appointments — 16, 27
- Statutory appointments — 362, 365

LAMBERTI, JEFF — Senator, Thirty-third District

- Amendments filed — 157, 456, 521, 642, 839, 884, 1006, 1157, 1168, 1180, 1195, 1233, 1333, 1386, 1409, 1419, 1472, 1518, 1531, 1540, 1547, 1548, 1550, 1556, 1557, 1561, 1565, 1579, 1580, 1630
- Amendments offered — 521, 822, 896, 1180, 1233, 1244, 1409, 1540, 1547, 1550, 1554, 1557, 1577–1581, 1630
- Amendments withdrawn — 1537, 1556, 1580
- Bills introduced — 53, 66, 80, 87, 88, 105, 145, 190, 283, 424, 425, 434
- Certificates of recognition — 486
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LUNDBY, MARY A. — Senator, Twenty-sixth District

Amendments filed — 935, 1035, 1084, 1092, 1256, 1272, 1332, 1351, 1364, 1386, 1411, 1472, 1531, 1566

Amendments offered — 935, 1218, 1341, 1351, 1411, 1412, 1531, 1583

Bills introduced — 53, 80, 88, 105, 119, 132, 164, 189, 293, 371, 381, 382, 470, 480, 543, 589, 601, 627, 628

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Amendments offered — 762, 840, 1148, 1153, 1479

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Amendments offered — 759, 865, 1319, 1403

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- Resolutions introduced — 131, 280, 500, 888, 980, 1230
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- Resolutions introduced — 18, 225, 500, 888, 916, 980, 1205, 1230, 1448
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