

State of Iowa

**JOURNAL
OF THE SENATE**

**SEVENTY-NINTH
GENERAL ASSEMBLY**

**2002 REGULAR AND
EXTRAORDINARY SESSIONS**

Volume I

**MARY E. KRAMER, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate**

Published by the
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Des Moines

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SEVENTY-NINTH GENERAL ASSEMBLY
2002 Regular Session

OFFICERS OF THE SENATE

MARY E. KRAMER, <i>President</i>	West Des Moines
ANDREW J. McKEAN, <i>President Pro Tempore</i>	Anamosa
STEWART IVERSON, JR., <i>Majority Leader</i>	Dows
MERLIN E. BARTZ, <i>Assistant Majority Leader</i>	Grafton
NANCY J. BOETTGER, <i>Assistant Majority Leader</i>	Harlan
GENE MADDOX, <i>Assistant Majority Leader</i>	Urbandale
JOHN REDWINE, <i>Assistant Majority Leader</i>	Sioux City
KEN VEENSTRA, <i>Assistant Majority Leader</i>	Orange City
MICHAEL E. GRONSTAL, <i>Minority Leader</i>	Council Bluffs
JOHNIE HAMMOND, <i>Assistant Minority Leader</i>	Ames
STEVEN D. HANSEN, <i>Assistant Minority Leader</i>	Sioux City
JOHN P. "JACK" KIBBIE, <i>Assistant Minority Leader</i>	Emmetsburg
MATT McCOY, <i>Assistant Minority Leader</i>	Des Moines
BETTY A. SOUKUP, <i>Assistant Minority Leader</i>	New Hampton
MICHAEL E. MARSHALL, <i>Secretary of the Senate</i>	West Des Moines
TOM ASHWORTH, <i>Majority Caucus Research Analyst</i>	West Des Moines
ERIC BAKKER, <i>Administrative Assistant to Minority Leader</i>	Des Moines
BECKY BEACH, <i>Administrative Assistant to President of the Senate</i>	Des Moines
STACY BEATTIE, <i>Administrative Secretary to Secretary of the Senate</i>	Runnells
K'ANN BRANDT, <i>Senior Journal Editor</i>	Ankeny
LORI BRISTOL, <i>Confidential Secretary to Secretary of the Senate</i>	Cumming
JOSH BRONSINK, <i>Majority Caucus Research Analyst</i>	Des Moines
LOIS BROWNELL, <i>Finance Officer</i>	Des Moines

JERRY CARLSON, <i>Doorkeeper</i>	Des Moines
SVEND A. CHRISTENSEN, <i>Postmaster</i>	Des Moines
CYNTHIA A. CLINGAN, <i>Senior Assistant Secretary of the Senate</i>	West Des Moines
STEPHEN CONWAY, <i>Minority Caucus Senior Research Analyst</i>	West Des Moines
TOM COPE, <i>Administrative Assistant to Majority Leader</i>	Des Moines
ANISSA COWLEY, <i>Majority Caucus Secretary/Research Assistant</i>	Des Moines
KATHLEEN CUROE, <i>Indexer/Records and Supply</i>	Des Moines
ANGELA DORSEY, <i>Majority Caucus Research Analyst</i>	Winterset
PAMELA DUGDALE, <i>Majority Caucus Senior Research Analyst</i>	West Des Moines
JENNIFER DUMAS, <i>Administrative Assistant to Majority Leader</i>	West Des Moines
KARI DUMMERMUTH, <i>Majority Caucus Secretary</i>	Ames
JAMES FITZGERALD, <i>Minority Caucus Research Analyst</i>	Des Moines
JIM FRIEDRICH, <i>Majority Caucus Research Analyst</i>	Ankeny
BRIDGET GODES, <i>Minority Caucus Research Analyst</i>	Des Moines
JANET HAWKINS, <i>Journal Editor</i>	Bondurant
DAREN JAQUES, <i>Majority Caucus Research Analyst</i>	Des Moines
CAROLANN JENSEN, <i>Majority Caucus Senior Research Analyst</i>	Osceola
STACEY JOHNSON, <i>Majority Caucus Research Analyst</i>	West Des Moines
DEBBIE KATTENHORN, <i>Confidential Secretary to Minority Leader</i>	Norwalk
THERESA L. KEHOE, <i>Minority Caucus Senior Research Analyst</i>	Des Moines
BRENNA KOTLOSKI, <i>Minority Caucus Secretary</i>	Ames
WILLIAM L. KRIEG, <i>Sergeant-at-Arms</i>	Des Moines
ROBERT LANGBEHN, <i>Doorkeeper</i>	Des Moines
JO ANN LARSON, <i>Switchboard Operator</i>	Indianola
LINDA LAURENZO, <i>Senior Finance Officer</i>	Clive
FRANK LOEFFEL, <i>Doorkeeper</i>	Des Moines

KAYE LOZIER, <i>Administrative Assistant to President of the Senate</i>	Des Moines
RUSTY MARTIN, <i>Minority Caucus Research Analyst</i>	Perry
JAY MOSHER, <i>Bill Clerk</i>	Milo
KATHY OLAH, <i>Senior Indexer</i>	Des Moines
RON PARKER, <i>Minority Caucus Staff Director</i>	Newton
DICK ROSONKE, <i>Doorkeeper</i>	West Des Moines
TOM SHELDAHL, <i>Assistant Sergeant-at-Arms</i>	West Des Moines
JULIE T. SIMON, <i>Minority Caucus Research Analyst</i>	Des Moines
KERMIT A. TANNATT, <i>Doorkeeper</i>	Des Moines
MEGAN THOMPSON, <i>Assistant Journal Editor</i>	Ankeny
PAUL UNDERHILL, <i>Doorkeeper</i>	Ankeny
PAT WARD, <i>Majority Caucus Staff Director</i>	Clive
ANN WARREN, <i>Majority Caucus Communications Director</i>	West Des Moines
BOB WHITE, <i>Doorkeeper</i>	West Des Moines
TRICIA WILLEMSEN, <i>Assistant to Legal Counsel</i>	Johnston
KERRY WRIGHT, <i>Minority Caucus Research Analyst</i>	West Des Moines

ELECTED STATE OFFICIALS

Official Address: Des Moines, Iowa

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

JUSTICES OF THE IOWA SUPREME COURT

LOUIS A. LAVORATO, <i>Chief Justice</i>	Des Moines
MARK S. CADY, <i>Justice</i>	Fort Dodge
JAMES H. CARTER, <i>Justice</i>	Cedar Rapids
J. L. LARSON, <i>Justice</i>	Harlan
LINDA NEUMAN, <i>Justice</i>	Le Claire
BRUCE M. SNELL, JR., <i>Justice</i>	Ida Grove
MICHAEL J. STREIT, <i>Justice</i>	Chariton
MARSHA K. TERNUS, <i>Justice</i>	Des Moines

JUDGES OF THE IOWA COURT OF APPEALS

ROSEMARY SHAW SACKETT, <i>Chief Judge</i>	Okoboji
LARRY J. EISENHAUER, <i>Judge</i>	Ankeny
DARYL L. HECHT, <i>Judge</i>	Sioux City
TERRY L. HUITINK, <i>Judge</i>	Ireton
ROBERT E. MAHAN, <i>Judge</i>	Ames
JOHN C. MILLER, <i>Judge</i>	Burlington
ANURADHA VAITHESWARAN, <i>Judge</i>	Des Moines
GAYLE NELSON VOGEL, <i>Judge</i>	Knoxville
VAN D. ZIMMER, <i>Judge</i>	Vinton

MEMBERS OF THE SENATE
SEVENTY-NINTH GENERAL ASSEMBLY
2002 REGULAR SESSION

(Xs refer to extraordinary sessions.)

JEFF ANGELO

Address.....Creston
Age.....37
Occupation Restaurateur
Senatorial District44–Adams, Decatur, Page, Ringgold, Taylor, Union
Former Legislative Service..... 77, 78, 79(1st), 79X, 79XX

MERLIN E. BARTZ

Address.....Grafton
Age.....40
Occupation Farmer/Laborer
Senatorial District 10–Cerro Gordo, Mitchell, Worth
Former Legislative Service..... 74, 74X, 74XX, 75, 76, 77, 78, 79(1st), 79X, 79XX
(Resigned effective February 11, 2002.)

JERRY BEHN

Address.....Boone
Age.....47
Occupation Farmer/Agribusiness
Senatorial District 40–Boone, Carroll, Greene
Former Legislative Service..... 77, 78, 79(1st), 79X, 79XX

DENNIS H. BLACK

Address.....Grinnell
Age.....62
Occupation Conservationist
Senatorial District29–Jasper, Mahaska, Marshall, Poweshiek
Former Legislative Service..... 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX,
75, 76, 77, 78, 79(1st), 79X, 79XX

NANCY J. BOETTGER

Address.....Harlan
Age.....58
Occupation Farmer/Former Educator
Senatorial District 41–Audubon, Harrison, Pottawattamie, Shelby
Former Legislative Service.....76, 77, 78, 79(1st), 79X, 79XX

JOE BOLKCOM

Address.....Iowa City
Age.....45
Senatorial District 23–Johnson
Former Legislative Service..... 78, 79(1st), 79X, 79XX

MICHAEL W. CONNOLLY

Address.....Dubuque
 Age.....56
 OccupationSchool Administrator
 Senatorial District18—Dubuque
 Former Legislative Service.....68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73,
 74, 74X, 74XX, 75, 76, 77, 78, 79(1st), 79X, 79XX

DICK L. DEARDEN

Address.....Des Moines
 Age.....63
 OccupationRetired
 Senatorial District35—Polk
 Former Legislative Service.....76, 77, 78, 79(1st), 79X, 79XX

PATRICK J. DELUHERY

Address.....Davenport
 Age.....59
 OccupationCollege Teacher
 Senatorial District22—Scott
 Former Legislative Service.....68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73,
 74, 74X, 74XX, 75, 76, 77, 78, 79(1st), 79X, 79XX

RICHARD DRAKE

Address.....Muscatine
 Age.....74
 OccupationGeneral Farming
 Senatorial District24—Johnson, Louisa, Muscatine, Scott
 Former Legislative Service.....63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX,
 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX,
 75, 76, 77, 78, 79(1st), 79X, 79XX

ROBERT E. DVORSKY

Address.....Coralville
 Age.....53
 OccupationJob Developer, Community-Based Corrections
 Senatorial District25—Johnson, Linn
 Former Legislative Service.....72, 72X, 72XX, 73, 74, 74X, 74XX,
 75, 76, 77, 78, 79(1st), 79X, 79XX

THOMAS L. FIEGEN

Address.....Clarence
 Age.....43
 OccupationBankruptcy Lawyer
 Senatorial District20—Cedar, Clinton, Jones, Scott
 Former Legislative Service.....79(1st), 79X, 79XX

WILLIAM “BILL” FINK

Address..... Carlisle
 Age..... 46
 Occupation Teacher
 Senatorial District 45—Marion, Warren
 Former Legislative Service..... 75, 76, 77, 78, 79(1st), 79X, 79XX

TOM FLYNN

Address..... Epworth
 Age..... 46
 Occupation Business Owner
 Senatorial District 17—Delaware, Dubuque, Jackson
 Former Legislative Service..... 76, 77, 78, 79(1st), 79X, 79XX

GENE FRAISE

Address..... Fort Madison
 Age..... 69
 Occupation Farming
 Senatorial District 50—Des Moines, Lee
 Former Legislative Service..... 71(2nd), 72, 72X, 72XX, 73, 74, 74X, 74XX,
 75, 76, 77, 78, 79(1st), 79X, 79XX

(Elected in special election held on January 7, 1986.)

MARY LOU FREEMAN

Address..... Alta
 Age..... 60
 Senatorial District 5—Buena Vista, Cherokee, Clay, O'Brien, Plymouth, Pocahontas
 Former Legislative Service..... 75(2nd), 76, 77, 78, 79(1st), 79X, 79XX

(Elected in special election held on February 22, 1994.)

E. THURMAN GASKILL

Address..... Corwith
 Age..... 66
 Occupation Farmer
 Senatorial District 8—Hancock, Humboldt, Kossuth, Winnebago, Wright
 Former Legislative Service..... 77(2nd), 78, 79(1st), 79X, 79XX

(Elected in special election held on February 3, 1998.)

SANDRA H. GREINER

Address..... Keota
 Age..... 56
 Occupation Farmer
 Senatorial District 48—Keokuk, Mahaska, Marion, Wapello, Washington
 Former Legislative Service..... 75, 76, 77, 78, 79(1st), 79X, 79XX

MICHAEL E. GRONSTAL

Address..... Council Bluffs
 Age.....51
 Senatorial District 42—Pottawattamie
 Former Legislative Service..... 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX,
 75, 76, 77, 78, 79(1st), 79X, 79XX

JOHNIE HAMMOND

Address..... Ames
 Age.....69
 Occupation Legislator
 Senatorial District 31—Story
 Former Legislative Service..... 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX
 75, 76, 77, 78, 79(1st), 79X, 79XX

STEVEN D. HANSEN

Address..... Sioux City
 Age.....46
 Occupation Adjunct Instructor
 Senatorial District 1—Woodbury
 Former Legislative Service..... 72, 72X, 72XX, 73, 74, 74X, 74XX,
 75, 76, 77, 78, 79(1st), 79X, 79XX

PATRICIA HARPER

Address..... Waterloo
 Age.....69
 Occupation Retired Educator
 Senatorial District 13—Black Hawk
 Former Legislative Service..... 72, 72X, 72XX, 73, 75, 76, 77, 78, 79(1st), 79X, 79XX

JACK HOLVECK

Address..... Des Moines
 Age.....58
 Occupation Attorney
 Senatorial District 36—Polk
 Former Legislative Service..... 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73,
 74, 74X, 74XX, 75, 76, 77, 78, 79(1st), 79X, 79XX

WALLY E. HORN

Address..... Cedar Rapids
 Age.....68
 Occupation Legislator
 Senatorial District 27—Linn
 Former Legislative Service..... 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70,
 71, 72, 72X, 72XX, 73, 74, 74X, 74XX,
 75, 76, 77, 78, 79(1st), 79X, 79XX

HUBERT M. HOUSER

Address..... Carson
 Age..... 59
 Occupation Farmer
 Senatorial District 43—Cass, Fremont, Mills, Montgomery, Pottawattamie
 Former Legislative Service..... 75, 76, 77, 78, 79(1st), 79X, 79XX

STEWART IVERSON, JR.

Address..... Dows
 Age..... 51
 Occupation Farmer
 Senatorial District 9—Franklin, Hamilton, Hardin, Wright
 Former Legislative Service..... 73(2nd), 74, 74X, 74XX, 75, 76,
 77, 78, 79(1st), 79X, 79XX

(Elected in special election held on November 7, 1989.)

JOHN W. JENSEN

Address..... Plainfield
 Age..... 75
 Occupation Farmer
 Senatorial District 11—Black Hawk, Bremer, Butler, Grundy
 Former Legislative Service..... 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73,
 74, 74X, 74XX, 75, 76, 77, 78, 79(1st), 79X, 79XX

JOANN JOHNSON

Address..... Adel
 Age..... 52
 Senatorial District 39—Adair, Dallas, Guthrie, Madison
 Former Legislative Service..... 76, 77, 78, 79(1st), 79X, 79XX
 (Resigned effective January 22, 2002.)

JOHN P. “JACK” KIBBIE

Address..... Emmetsburg
 Age..... 72
 Occupation Farmer
 Senatorial District 4—Clay, Dickinson, Emmet, Kossuth, Palo Alto
 Former Legislative Service..... 59, 60, 60X, 61, 62, 73, 74, 74X, 74XX,
 75, 76, 77, 78, 79(1st), 79X, 79XX

STEVE KING

Address..... Kiron
 Age..... 52
 Occupation Construction Contractor
 Senatorial District 6—Crawford, Ida, Monona, Sac, Woodbury
 Former Legislative Service..... 77, 78, 79(1st), 79X, 79XX

MARY E. KRAMER

Address..... West Des Moines
 Age.....66
 Senatorial District 37—Polk
 Former Legislative Service 74, 74X, 74XX, 75, 76, 77, 78, 79(1st), 79X, 79XX

JEFF LAMBERTI

Address..... Ankeny
 Age.....39
 Occupation Attorney
 Senatorial District 33—Polk
 Former Legislative Service76, 77, 78, 79(1st), 79X, 79XX

DAVID G. LORD

Address..... Perry
 Age.....68
 OccupationRetired Businessman
 Senatorial District 39—Adair, Dallas, Guthrie, Madison
 Former Legislative Service 76, 77, 78
 (Elected in special election held on February 19, 2002.)

MARY A. LUNDBY

Address..... Marion
 Age.....53
 Occupation Legislator
 Senatorial District 26—Linn
 Former Legislative Service72, 72X, 72XX, 73, 74, 74X, 74XX,
 75, 76, 77, 78, 79(1st), 79X, 79XX

GENE MADDOX

Address..... Clive
 Age.....63
 Occupation Lawyer
 Senatorial District 38—Dallas, Polk
 Former Legislative Service75, 76, 77, 78, 79(1st), 79X, 79XX

MATT McCOY

Address..... Des Moines
 Age.....35
 Occupation Vice President—Industry Relations, Ruan Transportation
 Senatorial District 34—Polk
 Former Legislative Service75, 76, 77, 78, 79(1st), 79X, 79XX

ANDREW J. McKEAN

Address..... Anamosa
 Age..... 52
 Occupation Lawyer/Innkeeper
 Senatorial District ~~28—Jones~~, Linn
 Former Legislative Service 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73,
 74, 74X, 74XX, 75, 76, 77, 78, 79(1st), 79X, 79XX

LARRY McKIBBEN

Address..... Marshalltown
 Age..... 55
 Occupation Lawyer
 Senatorial District 32—~~Marshall~~, Story
 Former Legislative Service 77, 78, 79(1st), 79X, 79XX

PAUL McKINLEY

Address..... Chariton
 Age..... 54
 Occupation Businessman
 Senatorial District 46—Appanoose, Clarke, Davis, Lucas,
 Monroe, Van Buren, Wayne
 Former Legislative Service 79(1st), 79X, 79XX

DAVID MILLER

Address..... Fairfield
 Age..... 55
 Occupation Attorney
 Senatorial District 47—Jefferson, Van Buren, Wapello
 Former Legislative Service 78, 79(1st), 79X, 79XX

AMANDA RAGAN

Address..... Mason City
 Age..... 47
 Occupation Director of Community Kitchen/Meals on Wheels
 Senatorial District 10—Cerro Gordo, Mitchell, Worth
 Former Legislative Service None
 (Elected in special election held on March 12, 2002.)

DONALD B. REDFERN

Address..... Cedar Falls
 Age..... 56
 Occupation Attorney
 Senatorial District 12—Black Hawk
 Former Legislative Service 75(2nd), 76, 77, 78, 79(1st), 79X, 79XX
 (Elected in special election held on August 31, 1993.)

JOHN REDWINE

Address..... Sioux City
 Age..... 51
 Occupation Hospital Administrator/Family Practitioner
 Senatorial District 2—Plymouth, Woodbury
 Former Legislative Service..... 77, 78, 79(1st), 79X, 79XX

KITTY REHBERG

Address.....Rowley
 Age..... 63
 Occupation Farmer
 Senatorial District 14—Black Hawk, Buchanan, Delaware, Fayette
 Former Legislative Service..... 77, 78, 79(1st), 79X, 79XX

SHELDON RITTMER

Address.....DeWitt
 Age..... 73
 Occupation Farmer
 Senatorial District 19—Clinton, Scott
 Former Legislative Service..... 74, 74X, 74XX, 75, 76, 77, 78, 79(1st), 79X, 79XX

NEAL SCHUERER

Address.....Amana
 Age..... 47
 Occupation Restaurateur
 Senatorial District 30—Benton, Black Hawk, Iowa, Tama
 Former Legislative Service..... 77, 78, 79(1st), 79X, 79XX

MIKE SEXTON

Address.....Rockwell City
 Age..... 40
 OccupationFarmer/Environmental Compliance Officer
 Senatorial District 7—Boone, Calhoun, Hamilton, Webster
 Former Legislative Service..... 78, 79(1st), 79X, 79XX

MARK SHEARER

Address.....Washington
 Age..... 49
 Occupation Communications Consultant
 Senatorial District 49—Des Moines, Henry, Lee, Washington
 Former Legislative Service..... 73, 74, 74X, 74XX, 78, 79(1st), 79X, 79XX

BETTY SOUKUP

Address..... New Hampton
 Age.....54
 Occupation Legislator/Realtor/Communications Specialist
 Senatorial District 15—~~Chickasaw~~, Floyd, Howard, Mitchell, Winneshiek
 Former Legislative Service..... 78, 79(1st), 79X, 79XX

MAGGIE TINSMAN

Address..... Davenport
 Age.....65
 Occupation Social Worker/Legislator
 Senatorial District 21—~~Scott~~
 Former Legislative Service..... 73, 74, 74X, 74XX, 75, 76, 77, 78, 79(1st), 79X, 79XX

KEN VEENSTRA

Address..... Orange City
 Age.....62
 Occupation Insurance Agent
 Senatorial District 3—Lyon, O'Brien, Osceola, Sioux
 Former Legislative Service..... 76, 77, 78, 79(1st), 79X, 79XX

MARK ZIEMAN

Address..... Postville
 Age.....56
 Occupation Farmer/Owner, Cherry Valley Enterprises, Inc.
 Senatorial District 16—Allamakee, Clayton, Fayette, Winneshiek
 Former Legislative Service..... 79(1st), 79X, 79XX

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 14, 2002

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the 2002 Regular Session of the Seventy-ninth General Assembly convened at 10:05 a.m. The Senate was called to order by President Mary E. Kramer.

SPECIAL PRESENTATION

Representatives of the Iowa National Guard, led by Sergeant Major Wolfgram, posted the colors. Tina Haase, Choral Director for the First Federated Church of Des Moines, performed "The Star Spangled Banner." Ms. Haase was the guest of President Kramer.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

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

OPENING REMARKS BY THE PRESIDENT OF THE SENATE

President Kramer addressed the Senate with the following remarks:

Welcome again to this historic chamber—one of the most beautiful rooms in this historic house of the people. It provides us a beautiful place to work, full of tradition and history of those who have gone before us.

Welcome also to family and friends who are here today. It means so much to all of us to be reminded of our most precious values and our most precious relationships at the beginning of our time together.

Martin Luther King said, "The measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy."

As we all know, challenge and controversy await us. It is up to us how we will be measured.

Today we are blessed with the presence of children, of those who have experienced great loss as a result of the attacks of September 11, and of those who serve and protect our country all of us. I would like to recognize Jean Cleere, from Newton, and her mother, who are present in the gallery.

Students from the Capitol View Elementary School fourth and fifth grade chorus performed patriotic music.

The following Capitol View Elementary School students recited their essays entitled "What Freedom Means to Me": Melinda Ivie, Luke Manley, Pa Vang, and Socorro Avila.

The presence of our children here today serves as a very poignant reminder of the importance of what we do here for the future.

So thank you to Sandy O'Brien, Principal of the Capitol View Elementary School here in Des Moines. Thank you to teachers Christy Turlinger, Kara Brand, and the members of the fourth and fifth grade chorus, who touched us with their music, and to all the students of Capitol View who touch us with their inspirational thoughts.

Thank you Colonel King and Sergeant Major Wolfgram along with the Iowa National Guard members who so proudly presented our flags this morning.

In all, thirty Iowa families were directly affected by the events of September 11 through loss of family members. Our thoughts and prayers and love are with them today and into the future.

Since September 11, five Iowa National Guard units have been mobilized. They are: Iowa Army National Guard, Company D of Boone; Iowa Air National Guard 133rd Air Control Squadron of Fort Dodge, the 132nd Security Force Squadron of Des Moines, and the 185th Security Force Squadron of Sioux City; and United State Army Reserve 4249th Port Security Company of Fort Dodge.

Many other reservists have been called to active duty to protect us and our nation—indeed our world. Iowa Air and Army National Guard members are on duty at eight Iowa airports. Other guardsmen are performing security missions at National Guard facilities statewide, and guardsmen are providing security at the state hygienic laboratory.

We recognize these public servants and their families today, as they protect our best interests—freedom and liberty—here in Iowa, across the country, and around the world. We thank also the employers and the communities and families who are experiencing the effects of the citizen-soldiers call to duty.

In the words of John Curran, "The condition of which God has given liberty to man is eternal vigilance." We thank you for your vigilance on our behalf.

Theodore Roosevelt said, "Far and away the best prize that life offers is the chance to work hard at work worth doing."

Friends and colleagues, what we do here is work worth doing.

And this year there is lots of that worthwhile work.

The prophecy for the session is "Ain't It Awful?" Everyone has had a voice in defining the problems for us. They are many and difficult. As leaders in the state, it is now up to us to seek and to find solutions. We have heard all the reasons why we can't find those solutions. Let's not allow that to become a self-fulfilling prophecy. As the Greek philosopher Syrus said, "Anyone can steer the ship in calm water."

And as my Irish grandmother knew so well, when there seem to be no solutions, seek them lovingly. To do so will assure that our behaviors, as well as our decisions, are worthy of scrutiny.

Iowa deserves our best.

I close with a story: A pastor set out on a long journey. He visited many churches along the way, and in most found a golden telephone with a sign beside it that said, "Five minutes—\$10,000." When asked, the pastor of each church explained, "That's our direct line to God." Finally the traveler reached Iowa, and in the first church came upon the golden telephone. But the sign said, "Five minutes—35 cents." When asked, the pastor explained, "You're in Iowa now—it's a local call."

And so we begin!

REMARKS BY THE MAJORITY LEADER

Senator Iverson addressed the Senate as follows:

I want to take this opportunity to welcome all of you back for the 2002 Regular Session of the 79th General Assembly. I think that the word "opportunity" best describes this legislative session. It will be an opportunity to pay tribute to our freedom—something that we have seen and will continue to do this morning and throughout the legislative session.

We need to look at our state's budget shortfall as an opportunity instead of an obstacle. It is an opportunity to remake state government to ensure that every tax-dollar that is taken from hard-working Iowans is spent in a wise and efficient manner.

This session is also an opportunity to get Iowa growing again. We are dedicated to growing Iowa while halting the growth of government. Later today, the Senate Ways and Means Committee will start work on the Iowa Investment Initiative, a proposal which includes suggestions from the Governor and suggestions from us on how best to get Iowa growing.

This session will also be an opportunity for us to work together in a bipartisan manner like never before. Fresh in our minds are the tough times that are hitting Iowa families. But also fresh in our minds are the two very successful one-day special sessions when we came together and did the hard work necessary to keep Iowa on the right track.

While we all have strong core principles that never should be abandoned, we also have to commit ourselves to working together to growing our great state.

These goals that I have outlined aren't just my goals, they aren't just the goals of everyone in this room; they are the goals of the Iowans we represent. I look forward to working on these issues with each and every one of you.

I also want to take this opportunity to thank all of the administrative staff and the staff of the central staff agencies for all the hard work they have provided in the past, and their efforts in the upcoming session, and also welcome all the new staff to the Iowa Senate.

REMARKS BY THE MINORITY LEADER

Senator Gronstal addressed the Senate as follows:

Welcome.

This session is about building economic security for Iowans. Job layoffs and struggling Iowa companies are affecting Iowa families. Moreover, Iowa's status as a low-wage state is negatively affecting every Iowan.

Low wages affect a family's ability to provide medical care, provide decent housing and feed and clothe the next generation of Iowans. Low wages limit the hopes of our kids as they face higher tuition costs at our community colleges, state universities, and private colleges.

Our state's stagnant economy also limits our hopes as we seek to preserve and improve our state's reputation for educational excellence. The decline in state revenues challenges us to preserve our priorities as we work to balance a tight budget.

The solution is focusing on improving the economic security of Iowans and laying the groundwork for future growth. There are actions we can take before the end of the month that will improve the lot of all Iowans and especially help struggling working families.

Short-term solutions can address short-term needs. But we must also focus on the future. We risk being left behind with an outdated, low-wage economy that is not ready to compete and win in the 21st century.

Every day an Iowa child leaves their hometown and leaves our state for better economic opportunity. Want to talk about preserving choices? Let's take action to ensure more of our best and brightest stay in our state, to build their families rather than divide them.

Economic security and modernizing Iowa's economy—these are the top goals of Democrats in the Iowa Senate. We must ease the economic worries of Iowa families by addressing rising health care costs, energy costs, and stagnating wages. To lay the groundwork for future prosperity, we must modernize Iowa's economy and give Iowans the chance for good jobs at good wages so they can choose to remain Iowans.

Here are specific steps we should quickly act on to address our current recession:

1. Make prescription drugs more affordable for seniors. The enthusiastic response to the drug discount program created by Governor Vilsack and Senator Harkin has provided still more evidence of the need. We should expand that program and increase the returns.

2. Expand health insurance coverage to protect all Iowans. Governor Vilsack has helped bring regular medical care to 30,000 Iowa children. We must continue in this direction and work to make sure working parents, struggling to keep families together, have the benefits of health care coverage.

3. Raise the state's minimum wage. The majority's effort to grow Iowa through low-wage jobs has been tried and failed. Raising the minimum wage will lift all wages. It will begin to repair the damage to our communities of forcing families to do the impossible, to solve heartbreaking budget choices that are far more difficult than those we will face this year.

4. Help consumers make smart, informed choices about the services they buy. In a wide-open economy, government should act to create a level playing field that is free from fraud and reduce deceptive and high-pressure tactics.

Making Iowa a 21st century state means protecting and improving education. Quality education is the basis for our state's positive image. Quality education is what will attract and create the quality jobs we need so our kids can stay and work in Iowa.

We must continue working to improve and reform Iowa's schools. We must demand accountability while holding them safe from budget cuts. We must work to attract and keep the best teachers possible for our kids.

We support streamlining government by eliminating redundant services and putting more services on-line. Iowa, a state which imports most of its energy, must invest in clean, renewable and profitable energy sources like ethanol.

We must protect our environment. Having the best schools, efficient government and good jobs will not be enough if the air is unbreathable and the water undrinkable. I welcome the recent announcement by Republican leaders that they will finally allow debate on the hog lot issue. In previous sessions, Democrats have repeatedly offered sound reforms which will protect our air and water. I am glad we are finally addressing this issue. Let's have a real debate that produces real results. Nibbling around the edges is just not good enough.

This is a tough budget year. The slowing economy and falling state revenues are forcing tough choices upon us. Yet Democrats are optimistic we can weather this storm. A decade ago, when the state faced similar budget problems, Democratic legislators with a Republican governor created both the Rainy Day Fund and a state law requiring balanced budgets.

Because of the foresight of those leaders, we can continue to focus on our priorities. There is no need to throw the financial baby out with the bath water. For example, rather than abandon education, we should rethink and refocus, but above all continue to move forward.

Last year was one of the snowiest winters on record. It was also one of the most partisan sessions ever. This year, despite today's snow, we are experiencing a record warm spell. I hope we will likewise experience a thaw in partisanship, an end to bills written solely for the Governor to veto, and experience instead a new focus on real issues that affect real Iowans.

Senate Democrats urge the Republican majority to put aside partisanship and the issues that divide us, and work with us on the challenges that unite us: the need for greater economic security now and a more prosperous future for all Iowans.

COMMITTEE FROM THE HOUSE

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bartz and Johnson, for the remainder of the day, on request of Senator Iverson.

COMMITTEE TO NOTIFY THE GOVERNOR

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

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Redwine, Chair; Boettger, Deluhery, Jensen, and McCoy.

COMMITTEE TO NOTIFY THE HOUSE

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

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Gaskill, Chair; Dvorsky, Hansen, Rittmer, and Tinsman.

APPOINTMENT OF PERMANENT OFFICERS AND EMPLOYEES

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

MADAM PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following personnel for appointment as officers and employees of the Senate for the 2002 Session of the Seventy-ninth General Assembly:

Majority Caucus

- Administrative Asst. to Majority Leader..... Jennifer Dumas
Secretary to Leader..... Vicki Iverson
Legislative Research Analyst Thomas Ashworth
Legislative Research Analyst Joshua W. Bronsink
Legislative Research Analyst Daren Jaques
Secretary Kari Dummermuth

Minority Caucus

- Caucus Staff Director..... Ron Parker
Sr. Administrative Asst. to Minority Leader..... Eric Bakker
Confidential Secretary to Minority Leader Debbie Kattenhorn
Legislative Research Analyst Bridget Godes
Secretary Brenna Kotloski

Administrative

- Admin. Secretary to the Secretary Stacy L. Beattie

Legal Counsel

- Assistant to Legal Counsel Tricia Willemssen

Services

Switchboard Operator.....	Jo Ann Larson
Postmaster.....	Svend Christensen
Doorkeeper.....	Bob White
Doorkeeper.....	Jerry Carlson
Doorkeeper.....	Dick Rosonke

Secretaries to Senators

Committee Secretary.....	David Boettger
Committee Secretary.....	Camille Gjovig
Committee Secretary.....	Valerie Jennings
Committee Secretary.....	Joel Oswald
Committee Secretary.....	Paul Raak
Committee Secretary.....	Beverly Walsmith
Committee Secretary.....	Betty Wise
Secretary.....	Anne Marie Burnett
Secretary.....	Lauren Clayton
Secretary.....	Brian Flaherty
Secretary.....	Paula Houser
Secretary.....	William Nelson
Secretary.....	LuAnn Randleman
Secretary.....	Matthew Roosevelt
Secretary.....	Tetyana Shearer
Secretary.....	Peggy Ward

STEWART IVERSON, JR., Chair

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

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

APPOINTMENT OF PAGES

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

MADAM PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following persons as Pages for the Senate for the 2002 Session of the Seventy-ninth General Assembly:

- Karla Anderson, Rockwell City
- Alyssa Beaman, Indianola

Alissa Darrow, Anamosa
Jessi Fisher, Ogden
Matt Gibson, Jefferson
Tiffany Gilbert, Ionia
Angie Groh, Thornton
Emma Heetland, DeWitt
Sam How, Des Moines
Andrew Kinser, Walnut
Ember Leonard, Holstein
Tiffany Meredith, Kelley
Micky Snieder, Orange City
Kasee Sparks, St. Anthony
Julianne Spoo, Glenwood
Micah Van Mersbergen, Cedar
Mallie Vetter, Red Oak
Wendy Walker, Urbandale

STEWART IVERSON, JR., Chair

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

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

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

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

The report was accepted and the committee discharged.

SPECIAL GUESTS

President Kramer welcomed to the Senate her husband Kay, daughter-in-law Kim, and granddaughters Kelsey, Kallen, Karsen, and Kennedy.

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 January 14, 2002, **adopted** the following resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 101, a concurrent resolution designating that a joint convention of the two houses of the 2002 Session of the Seventy-ninth General Assembly be held on Tuesday, January 15, 2002, at 10:00 a.m.

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

House Concurrent Resolution 102, a concurrent resolution designating that a joint convention of the two houses of the 2002 Session of the Seventy-ninth General Assembly be held on Wednesday, January 16, 2002, at 10:00 a.m.

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

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

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

House Concurrent Resolution 101

On motion of Senator Iverson, **House Concurrent Resolution 101**, a concurrent resolution designating that a joint convention of the two houses of the 2002 Session of the Seventy-ninth General Assembly be held on Tuesday, January 15, 2002, at 10:00 a.m., was taken up for consideration.

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

House Concurrent Resolution 102

On motion of Senator Iverson, **House Concurrent Resolution 102**, a concurrent resolution designating that a joint convention of the two houses of the 2002 Session of the Seventy-ninth General Assembly be

held on Wednesday, January 16, 2002, at 10:00 a.m., was taken up for consideration.

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

IMMEDIATELY MESSAGED

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

REPORT OF THE COMMITTEE TO NOTIFY THE HOUSE

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

The report was accepted and the committee discharged.

SELECTION OF SEATS

The Chair announced the next order of business would be the selection of seats.

Senator Iverson moved that the holdover and reelected senators who participated in seat selection in 2001 be granted the privilege of selecting new seats in order of seniority from unassigned seats; that the reelected senators first elected during the 2001 session be granted the privilege of selecting their seats from the unassigned seats according to their seniority; that former members of the House of Representatives be granted the privilege of selecting their seats from the unassigned seats according to seniority; and that first, the Majority Floor Leader and the Minority Floor Leader be permitted to select their seats.

The motion prevailed by a voice vote.

The Secretary of the Senate called the roll and seat selections were made as follows:

<u>NAME</u>	<u>SEAT NO.</u>
Angelo of Union.....	32
Bartz of Worth.....	10
Behn of Boone.....	22
Black of Jasper.....	31
Boettger of Shelby.....	14
Bolkcom of Johnson.....	25
Connolly of Dubuque.....	47
Dearden of Polk.....	21
Deluhery of Scott.....	45
Drake of Muscatine.....	40
Dvorsky of Johnson.....	29
Fiegen of Cedar.....	13
Fink of Warren.....	33
Flynn of Dubuque.....	9
Fraise of Lee.....	39
Freeman of Buena Vista.....	8
Gaskill of Hancock.....	1
Greiner of Washington.....	48
Gronstal of Pottawattamie.....	37
Hammond of Story.....	27
Hansen of Woodbury.....	35
Harper of Black Hawk.....	5
Holveck of Polk.....	23
Horn of Linn.....	43
Houser of Pottawattamie.....	6
Iverson of Wright.....	38
Jensen of Bremer.....	44
Johnson of Dallas.....	16
Kibbie of Palo Alto.....	41
King of Sac.....	24
Kramer of Polk.....	36
Lamberti of Polk.....	12
Lundby of Linn.....	49
Maddox of Polk.....	34
McCoy of Polk.....	15
McKean of Jones.....	42
McKibben of Marshall.....	19
McKinley of Lucas.....	26
Miller of Jefferson.....	17
Redfern of Black Hawk.....	30
Redwine of Plymouth.....	2
Rehberg of Buchanan.....	20
Rittmer of Clinton.....	46
Schuerer of Iowa.....	4
Sexton of Calhoun.....	3
Shearer of Washington.....	11

Soukup of Chickasaw 7
Tinsman of Scott50
Veenstra of Sioux28
Zieman of Allamakee18

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 101, by committee on Rules and Administration, a concurrent resolution to amend Joint Rule 20 of the joint rules of the Senate and House.

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

Senate Resolution 101, by committee on Rules and Administration, a Senate resolution to amend Rules 27 and 60 of the rules of the Senate.

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

Senate Resolution 102, by Kibbie, 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 referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2001, by Veenstra, a bill for an act relating to state financial assistance for schools placed on a special accredited list of college preparatory schools.

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

Senate File 2002, by Maddox, a bill for an act relating to the filing of a criminal indictment or trial information against a person who is not present in the state.

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

Senate File 2003, by Angelo and McKinley, a bill for an act relating to the government and history requirements for public and accredited nonpublic secondary schools as specified in the educational standards.

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

Senate File 2004, by Maddox, a bill for an act relating to the taxation of activities involving out-of-state qualified state tuition programs and including effective and retroactive applicability date provisions.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:09 a.m. until 9:00 a.m. Tuesday, January 15, 2002.

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, after the adjournment of the Second Extraordinary Session:

July 6, 2001

DEPARTMENT OF NATURAL RESOURCES

Water Quality in Iowa During 1998 and 1999 and Water Quality in Iowa During 1998 and 1999: Assessment Results, pursuant to the Federal Water Pollution Control Act (Clean Water Act), Section 305(b).

November 13, 2001

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Review of Maintenance Contracts, pursuant to Iowa Code section 8D.3(3)(g).

November 26, 2001

SOUTH IOWA REGIONAL JAIL BOARD

Report to the Iowa Legislature: Multi-County Jails, pursuant to 2001 Acts, Senate File 530, section 1(9).

November 27, 2001

DEPARTMENT OF MANAGEMENT

Utility Tax Replacement Task Force Report to the Iowa Legislative Council, pursuant to Iowa Code section 437A.15(7).

IOWA UTILITIES BOARD

2000 Annual Report, pursuant to Iowa Code sections 7A.1, 7A.10, and 476.16.

November 29, 2001

BOARD OF REGENTS

Annual Report on Economic Development and Technology Transfer—November 5, 2001, pursuant to 2001 Acts, House File 718.

November 30, 2001

DEPARTMENT OF CORRECTIONS

Legislative Reports: Drug Court Evaluation Plan, Intermediate Criminal Sanctions (pursuant to Iowa Code section 901B.1), Violator Program and Violator Aftercare Program, and Vocational Program Update.

December 4, 2001

DEPARTMENT OF JUSTICE

Iowa Prosecutor Intern Program Annual Report for 2001, pursuant to Iowa Code section 13.2(12).

DEPARTMENT OF PUBLIC HEALTH

Annual Report 2001, pursuant to Iowa Code section 135.11.

December 6, 2001

BOARD OF MEDICAL EXAMINERS

Proposed Iowa Code revisions regarding automated dispensing systems, pursuant to 2001 Acts, House File 726, section 10(i).

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Five-Year Financial Plan, pursuant to Iowa Code section 8D.3(3)(f).

December 11, 2001

IOWA CITIZEN FOSTER CARE REVIEW BOARD

Annual Report for Fiscal Year 2001, pursuant to Iowa Code section 237.18.

December 12, 2001

DEPARTMENT OF CORRECTIONS

ICON Status Report and Hard Labor Law—Progress Report 2001.

DEPARTMENT OF EDUCATION

Impact Study of the National Board Certification Pilot Project in Iowa, pursuant to 1999 Acts, House File 766, and Community College Licensure Task Force Report, pursuant to 2001 Acts, Senate File 480.

December 17, 2001

DEPARTMENT OF PUBLIC HEALTH

Reciprocity Standards for Barbers—Study for the Iowa General Assembly, pursuant to 2001 Acts, House File 525.

December 21, 2001

DEPARTMENT OF PUBLIC HEALTH

Iowa Child Death Review Team—Report to the Governor and General Assembly, pursuant to Iowa Code section 135.43.

DEPARTMENT OF TRANSPORTATION

Midwest Regional Rail Passenger Initiative Report, pursuant to Iowa Code section 137J.3(5), and Recycled Content Plastic Bag and Soy Inks Report, pursuant to Iowa Code section 307.21.

December 26, 2001

IOWA WORKFORCE DEVELOPMENT

Annual Surcharge Office Report, pursuant to Iowa Code section 96.7(12).

December 28, 2001

OFFICE OF DRUG CONTROL POLICY

Iowa's Drug Control Strategy Annual Report, pursuant to Iowa Code chapter 80E.

January 2, 2002

DEPARTMENT OF PUBLIC HEALTH

Report to the Iowa General Assembly—Anatomical Gifts Annual Donation and Compliance Report for 2001, pursuant to Iowa Code section 142C.17.

Report of the Comprehensive Cancer Control Study Committee—The Burden of Cancer in Iowa and the Need for a Comprehensive Approach to Prevention and Control, pursuant to 2001 Acts, House File 726.

January 7, 2002

TREASURER OF STATE

Annual Report for the Tobacco Settlement Authority, pursuant to Iowa Code section 12E.15.

January 8, 2002

DEPARTMENT OF MANAGEMENT, DEPARTMENT OF REVENUE AND
FINANCE, AND OFFICE OF STATE TREASURER

State of Iowa Citizens Report for the fiscal year ending June 30, 2001.

DEPARTMENT OF PUBLIC HEALTH

Report to the Iowa General Assembly—Access to Obstetrical Care in Iowa,
pursuant to Iowa Code section 135.11.

January 9, 2002

IOWA UTILITIES BOARD

Customer Contribution Fund Annual Report, pursuant to Iowa Code section
476.66(6).

January 10, 2002

DEPARTMENT OF HUMAN SERVICES

Mental Health and Development Disabilities Commission Annual Report, pursuant
to Iowa Code section 225C.6(h).

DEPARTMENT OF MANAGEMENT

Contract Compliance Annual Report for Fiscal Year 2001, pursuant to Iowa Code
section 19B.7.

January 11, 2002

DEPARTMENT OF REVENUE AND FINANCE

Annual Report for Fiscal Year 2001.

January 14, 2002

DEPARTMENT OF HUMAN SERVICES

Personal Assistance and Family Support Services Annual Report, pursuant to Iowa
Code section 225C.48.

AGENCY ICN REPORTS

November 14, 2001

IOWA CIVIL RIGHTS COMMISSION

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code
section 8D.10.

November 27, 2001

DEPARTMENT OF PERSONNEL

Iowa Communications Network (ICN) Usage for FY 2001 for IPERS, pursuant to Iowa Code section 8D.10.

November 29, 2001

DEPARTMENT OF PERSONNEL

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

December 11, 2001

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

January 2, 2002

DEPARTMENT OF PUBLIC HEALTH

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

January 3, 2002

STATE LIBRARY OF IOWA

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

January 4, 2002

DEPARTMENT OF PUBLIC DEFENSE

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

January 7, 2002

IOWA EMERGENCY MANAGEMENT DIVISION

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

January 10, 2002

DEPARTMENT OF PUBLIC EDUCATION

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

DIVISION OF VOCATIONAL REHABILITATION SERVICES

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

January 14, 2001

DEPARTMENT OF HUMAN SERVICES

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

COMMITTEE CHANGES

Senator Iverson announced the following changes in Senate committee memberships:

Senator **Behn** will serve as Chair of the Agriculture Committee and Vice Chair of the Appropriations Subcommittee on Economic Development.

Senator **Boettger** will replace former Senator McLaren on the Appropriations Subcommittee on Education.

Senator **Houser** will replace former Senator McLaren on the Agriculture Committee and will serve as Vice Chair. He will also replace former Senator McLaren on the Natural Resources and Environment Committee, the State Government Committee, and the Transportation Committee. He will replace Senator Boettger on the Appropriations Subcommittee on Human Services and will serve as Vice Chair.

Senator **McKinley** will replace Senator Behn on the Appropriations Committee. He will serve as Chair of the Appropriations Subcommittee on Economic Development.

SUPPLEMENTAL REPORT OF THE COMMITTEE ON
RULES AND ADMINISTRATION

MADAM PRESIDENT: Pursuant to Senate Concurrent Resolution 5, the committee on Rules and Administration submits the following names of officers and employees of the Senate for the Seventy-ninth General Assembly, 2002 Session, and their respective classifications, grades, and steps:

		<u>CLASS</u>	<u>GRADE</u>	<u>STEP</u>
Admin. Asst. to Maj. Ldr.	Jennifer Dumas	P-FT	27	2
Legis. Research Analyst	Thomas Ashworth	P-FT	27	1
Legis. Research Analyst	Daren Jaques	P-FT	27	1
Legis. Research Analyst	Joshua W. Bronsink	P-FT	27	1

		<u>CLASS</u>	<u>GRADE</u>	<u>STEP</u>
Secretary to Leader	Vicki Iverson	S-O	19	2
Legis. Committee Secretary	Kari Dummermuth	S-O	17	1
Caucus Staff Director	Ron Parker	P-FT	38	6
Sr. Admin. Asst. to Min. Ldr.	Eric Bakker	P-FT	38	1
Confidential Sec. to Min. Ldr.	Debbie Kattenhorn	P-FT	27	1
Legis. Research Analyst	Bridget Godes	P-FT	27	1
Legis. Committee Secretary	Brenna Kotloski	S-O	17	1
Admin. Sec. to Secretary	Stacy Beattie	S-O	21	1
Switchboard Operator	Jo Ann Larson	S-O	14	1
Postmaster	Svend Christensen	S-O	12	6
Doorkeeper	Bob White	S-O	11	1
Doorkeeper	Jerry Carlson	S-O	11	1
Doorkeeper	Dick Rosonke	S-O	11	1
Legis. Committee Secretary	David Boettger	S-O	18	2
Legis. Committee Secretary	Camille Gjovig	S-O	18	2
Legis. Committee Secretary	Valerie Jennings	S-O	18	1
Legis. Committee Secretary	Joel Oswald	S-O	17	2
Legis. Committee Secretary	Paul Raak	S-O	18	1
Legis. Committee Secretary	Beverly Walsmith	S-O	18	2
Legis. Committee Secretary	Betty Wise	S-O	18	6+2
Legislative Secretary	Anne Marie Burnett	S-O	16	2
Legislative Secretary	Lauren Clayton	S-O	18	1
Legislative Secretary	Brian Flaherty	S-O	16	1
Legislative Secretary	Paula Houser	S-O	17	3
Legislative Secretary	William Nelson	S-O	16	1
Legislative Secretary	LuAnn Randleman	S-O	16	4
Legislative Secretary	Matthew Roosevelt	S-O	16	1
Legislative Secretary	Tetyana Shearer	S-O	16	1
Legislative Secretary	Peggy Ward	S-O	18	2+2
Page	Karla Anderson	S-O	9	1
Page	Alyssa Beaman	S-O	9	1
Page	Alissa Darrow	S-O	9	1
Page	Jessi Fisher	S-O	9	1
Page	Matt Gibson	S-O	9	1
Page	Tiffany Gilbert	S-O	9	1
Page	Angie Groh	S-O	9	1
Page	Emma Heetland	S-O	9	1
Page	Sam How	S-O	9	1
Page	Andrew Kinser	S-O	9	1
Page	Ember Leonard	S-O	9	1
Page	Tiffany Meredith	S-O	9	1
Page	Micky Snieder	S-O	9	1
Page	Kasee Sparks	S-O	9	1
Page	Julianne Spoo	S-O	9	1
Page	Micah Van Mersbergen	S-O	9	1
Page	Mallie Vetter	S-O	9	1
Page	Wendy Walker	S-O	9	1

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MADAM PRESIDENT: Pursuant to Senate Concurrent Resolution 5, the committee on Rules and Administration submits the following increases, reclassifications, and the effective dates of Senate employees:

Sr. Admin. Asst. to Leader	Tom Cope	Step 4 to Step 5 Effective 7/01
Caucus Staff Director	Petricia Ward	Step 5 to Step 6 Effective 5/01
Exec. Secretary to Leader to Admin. Asst. to Leader I	Jennifer Asa	Grade 24, Step 2 to Grade 29, Step 4 Effective 7/01 RESIGNED Effective 10/11/01
Sr. Legis. Research Analyst	Pam Dugdale	Step 4 to Step 5 Effective 5/01
Legis. Research Analyst to Legis. Research Analyst I	Angela Dorsey	Grade 27, Step 3 to Grade 29, Step 3 Effective 5/01
Legis. Research Analyst to Legis. Research Analyst I	James Friedrich	Grade 27, Step 3 to Grade 29, Step 3 Effective 1/01
Legis. Research Analyst to Legis. Research Analyst I	Andy Warren	Grade 27, Step 2 to Grade 29, Step 2 Effective 6/01 RESIGNED Effective 7/9/01
Legis. Research Analyst to Legis. Research Analyst I	Stacey Johnson	Grade 27, Step 2 to Grade 29, Step 2 Effective 3/01
Legis. Research Analyst	Ann Warren	Step 3 to Step 4 Effective 6/01
Research Assistant	Anissa Cowley	Step 1 to Step 2 Effective 1/01
Sr. Admin. Asst. to Leader	Rebecca Beach	Step 3 to Step 5 Effective 7/01
Sr. Admin. Asst. to Leader	Kaye Lozier	Step 3 to Step 5 Effective 7/01
Admin. Asst. to Ldr. II to Admin. Asst. to Ldr. III	Melissa Watson	Grade 32, Step 3 to Grade 35, Step 2 Effective 7/01 RESIGNED Effective 11/29/01
Admin. Asst. to Leader II	JoAnn Hanover	RESIGNED Effective 5/31/01
Caucus Staff Director	Ron Parker	Step 5 to Step 6 Effective 9/01
Legis. Research Analyst I	James Fitzgerald	Step 3 to Step 4 Effective 1/02

Legis. Research Analyst I	Julie Simon	Step 3 to Step 4 Effective 1/02
Legis. Research Analyst to Legis. Research Analyst I	Jeff Lake	Grade 27, Step 3 to Grade 29, Step 3 Effective 7/01 RESIGNED Effective 8/2/01
Legis. Research Analyst to Legis. Research Analyst I	Kerry Wright	Grade 27, Step 3 to Grade 29, Step 3 Effective 7/01
Legis. Research Analyst to Legis. Research Analyst I	Rusty Martin	Grade 27, Step 4 to Grade 29, Step 4 Effective 8/01
Secretary of the Senate	Michael E. Marshall	\$86,510 to \$93,366 Effective 6/01
Sr. Asst. Sec. of the Senate	Cynthia Clingan	Step 5 to Step 6 Effective 6/01
Sr. Finance Officer to Sr. Finance Officer II	Linda Laurenzo	Grade 31, Step 6 to Grade 35, Step 3 Effective 6/01
Finance Officer I to Finance Officer II	Lois Brownell	Grade 24, Step 6 to Grade 27, Step 4 Effective 6/01
Sr. Journal Editor	K'Ann Brandt	Step 1 to Step 2 Effective 6/01
Editor I	Janet Hawkins	Step 2 to Step 3 Effective 6/01
Asst. Journal Editor	Megan Thompson	Step 1 to Step 2 Effective 6/01
Indexer II to Sr. Indexer	Kathy Olah	Grade 25, Step 4 to Grade 28, Step 2 Effective 6/01
Indexer II/Rec. & Supply	Kathleen Curoe	Step 4 to Step 5 Effective 6/01
Admin. Secretary to Secretary	Stacy L. Beattie	Step 1 to Step 2 Effective 3/1/02
Sergeant-at-Arms	Tommy Sheldahl	Step 2 to Step 3 Effective 3/1/02
Legis. Committee Secretary	Mary Lou Aspengren	Step 4 to Step 3 Effective 1/14/02
Legis. Committee Secretary	Marlene Martens	Step 3 to Step 4 Effective 3/29/02
Legis. Committee Secretary	Laura Pfeffer	Step 1 to Step 2 Effective 2/1/02
Legis. Committee Secretary	Barbara Redwine	Step 1 to Step 2 Effective 2/1/02
Legislative Secretary	Anne Marie Burnett	Step 2 to Step 3 Effective 3/1/02
Legislative Secretary	Faye Fraise	Step 5 to Step 6 Effective 2/1/02
Legislative Secretary	Madonna Hauge	Step 3 to Step 4 Effective 3/29/02

Legislative Secretary	Linda Holmes	Step 1 to Step 2 Effective 3/1/02
Legislative Secretary	Kay Kibbie	Step 4 to Step 5 Effective 2/1/02
Legislative Secretary	LuAnn Randleman	Step 4 to Step 5 Effective 3/29/02

STEWART IVERSON, JR. Chair

REPORTS OF COMMITTEE MEETINGS

ETHICS

Convened: January 10, 2002, 1:00 p.m.

Members Present: Drake, Chair; McKean, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, and Rittmer.

Members Absent: None.

Committee Business: Review of ethics complaint.

Adjourned: 3:20 p.m.

WAYS AND MEANS

Convened: January 14, 2002, 1:06 p.m.

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

Members Absent: Greiner (excused).

Committee Business: Organizational meeting and presentation by Steve Ringlee on Venture Capital.

Adjourned: 2:00 p.m.

INTRODUCTION OF BILL

Senate File 2005, by Jensen, a bill for an act relating to school infrastructure purposes and property tax relief by increasing state sales and use taxes, distributing the increased state sales and use tax revenues to school districts for school infrastructure purposes and property tax relief and including an effective date.

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

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 101, a concurrent resolution to amend Joint Rule 20 of the joint rules of the Senate and House.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Iverson, Gronstal, Boettger, Gaskill, Harper, and Johnson. Nays, none. Absent or not voting, 5: Kramer, Dvorsky, Fink, McKean, and Rittmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 101, a Senate resolution to amend Rules 27 and 60 of the rules of the Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Iverson, Gronstal, Boettger, Gaskill, Harper, and Johnson. Nays, none. Absent or not voting, 5: Kramer, Dvorsky, Fink, McKean, and Rittmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

SECOND CALENDAR DAY
SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 15, 2002

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

Prayer was offered by Paul Thompson, pastor of both First and Vernon Lutheran Churches of Dows, Iowa. He was the guest of Senator Iverson.

The Journal of Monday, January 14, 2002, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rittmer, until he arrives, on request of Senator McKean; and Senator Schuerer, until he arrives, on request of Senator Redwine.

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

The Senate resumed session at 9:52 a.m., President Kramer presiding.

COMMITTEE FROM THE HOUSE

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

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

JOINT CONVENTION

The joint convention convened at 9:57 a.m., President Kramer presiding.

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

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

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

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Freeman, Sexton, and Shearer on the part of the Senate, and Representatives Hoffman, Jones, and Petersen on the part of the House.

The following guests were escorted into the House chamber:

Secretary of State Chet Culver
Treasurer of State Michael L. Fitzgerald
Secretary of Agriculture Patty Judge
Auditor of State Richard D. Johnson
Attorney General Tom Miller
Chief Justice Lavorato and the Justices of the Supreme Court
Chief Judge Sackett and Judges of the Court Appeals
Lieutenant Governor Sally J. Pederson
Mrs. Christie Vilsack and son Jess Vilsack

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

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

Thank you, Madame President. Thank you, Mr. Speaker, members of the General Assembly and our Supreme Court, and distinguished guests and ladies and gentlemen.

We are assembled on this crisp winter morning in our great state just 126 days after terrorists attacked our country, our freedom, and our way of life.

Today, we start together another legislative session—a reaffirmation of our democratic process and a celebration of the blessings of our liberty.

In September of 1787, our founding fathers signed a document that began with these words: “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

With this simple phrase, to “secure the Blessings of Liberty,” they assured that all the generations of Americans to follow would have certain inalienable rights. They believed that no matter what circumstances the nation and its people would face, these “Blessings of Liberty” would stand tall and remain strong.

Last September 11, terrorists filled with hatred believed they could destroy the blessings of our liberty. But though their heinous acts shook us, they could not break our spirit. Indeed, those terrorists have made us again one nation under God, stronger and more determined.

The terrorists tried to destroy the blessings of our liberties. Instead, they re-ignited our sense of unity and purpose...powerful weapons we can wield in protecting our values and our way of life.

Nowhere is that spirit—the spirit of unity and community—stronger than in Iowa. And never have I been prouder to call myself an Iowan. Citizens across this great state have demonstrated heartfelt generosity and extraordinary sacrifice in the aftermath of the attacks.

Iowans are well represented among those making sacrifices for Operation Enduring Freedom. This morning, I am honored to introduce to you Brandi Aspengren from Boone. Her husband, Sgt. Tony Aspengren, is one of the more than 300 Iowa National Guard members called to federal active duty by President Bush. With Company D, 109th Aviation Company, Sgt. Aspengren has been deployed to join the war against terrorism. Brandi is here with her two daughters, Grier, who is 4, and Greta, just seven months old. Sgt. Aspengren’s entire family is proud of him and his service to our country. We are all proud of him, and of all the Iowans serving in Operation Enduring Freedom—and we are proud of their families who sacrifice here at home.

I also want to introduce you to Peggy Peterson, a wife, a mother of three young children, and a veteran of the Persian Gulf War. She works for the Occupational Safety and Health Administration (OSHA), and is a state employee. Peggy went to Ground Zero on November 24, and helped train rescue workers to properly use their personal protective equipment. “I wanted to do my part,” Peggy says. “I’ll never forget the experience. The helplessness and vulnerability we all felt as we entered or left the site—it’s an innocence that’s been ripped away from America.”

Peggy and Brandi, will you please stand?

Please join me in saluting these folks and the thousands of other Iowa heroes, now and in the past, who have sacrificed and continue to sacrifice so much to protect the blessings of our liberty.

The events of September 11 caused all Americans to reassess our own safety and security. Here in Iowa, we responded immediately by sending members of our National Guard to protect our airports and research labs. And we have undertaken a longer-term response, as well, by surveying our state's critical assets so we can provide the security Iowans require.

There is nothing more important than protecting the security of our families and our future—making sure that every Iowan has an opportunity to enjoy the blessings of liberty promised in our Constitution.

But those blessings of liberty can be threatened by more than acts of violence; they can be destroyed by ignorance, illness, and the inability to earn a decent living.

Providing hope—protecting family security, building a brighter future for Iowa's families—was a mission we embarked on well before September 11. And with the help and cooperation of the legislature, we have made important progress.

More than at any time in history, a world-class education is essential to both the economic security of individual Iowans and the future economy of our state. For the past three years, we have worked very hard to make education Iowa's number one priority.

For the first time, the State of Iowa has partnered with local school districts, to invest in modernization, new construction, and other critical needs so that schools are up to date and a safe place for kids to learn.

We have invested in recruiting and retaining quality teachers. We worked to pass an important program to boost teacher pay in Iowa, while providing training and mentoring to support our teachers.

We have invested in the smaller classes that are essential to ensure that children get the attention they need to learn and excel. We are committed to reducing class sizes. And as a result of that commitment, we have begun to see results. Last year, after ten years of decline, Iowa's elementary students' reading comprehension test scores showed improvement. Those same students were among the nation's leaders in progress in math and science. These numbers, though just a beginning, reflect the wisdom of our investment, and point to a brighter future for our children and our state.

I want to congratulate the schoolchildren of Iowa, and their parents and teachers, for this heartening improvement in performance. And I want to thank the members of this legislature for making support for smaller class sizes a priority in Iowa. Your actions have made a difference for our children—and for our state.

Yet, we know that children cannot learn or reach their full potential when their health is threatened. Access to quality, affordable health care ought to be the right of every Iowa child.

The *hawk-i*, or Healthy and Well Kids in Iowa, program ensures that children of working families who are struggling to make ends meet have health coverage. Over the past three years, we have expanded *hawk-i* and other healthcare coverage for children. As a result, more than 30,000 previously uninsured Iowa children have access to quality health care today.

That is far more than a mere statistic. Through insurance from standard Medicaid, expanded Medicaid, and *hawk-i*, 30,000 individual children in Iowa today have a brighter future and better chance to fulfill their God-given potential. It means thousands of parents across our state are free from the terrible fear that they may not be able to help when their children are suffering—or that one illness or accident will mean financial ruin for their family.

Expanding *hawk-i* to those children has been a signal achievement of the past three years. Again, I congratulate the members of the state legislature for making this important investment in Iowa's future.

We are also wholly committed to ensuring that every Iowa senior is secure in the knowledge that he or she can live in good health and dignity. Those Iowans lived through the Great Depression, won a World War, and built the United States into the great country it is today. They should not have to choose between buying the prescription drugs they need and eating—or heating their homes.

That is why Senator Harkin and I started the "Iowa Priority Prescription Savings Program," which will help make prescription drugs more affordable and provide greater health security for seniors.

Already, 15,000 Iowa seniors have signed up, in hopes of cutting their punishing prescription costs. But even as we get this program up and running, we must continue to add to its roster every Iowa senior who is eligible and interested in participating.

Independence and dignity are also the ideals behind the Senior Living Trust that we established together two years ago. The Senior Living Trust provides more comprehensive long term care to Iowa seniors and people with disabilities. Some funds in this trust have been used to expand assisted living opportunities, develop home-delivered meal programs, adult day centers and respite care sites, and create greater access to needed care.

Today, nearly 12,000 Iowa seniors get the help they need while maintaining their independence. We will continue working to provide this option to more seniors and their families so that, eventually, every Iowan can live independently as long as they are able. This will not only save tax dollars; it will lift spirits and improve lives.

While we ensure the dignity and independence of those whose hard work built today's Iowa, we must ensure opportunity for those who will build tomorrow's Iowa. For the sake of Iowa's future, we must continue to promote good paying jobs and business opportunities for Iowans.

I am proud of the work we have done together to build quality job opportunities in Iowa. When I came into office three years ago, businesses that received state grants to create new, high-skilled jobs paid their employees an average wage of \$13.53 an hour. Today, the businesses awarded these state grants pay their employees an average

wage of more than \$18 an hour. Last year, 33 projects were funded with state grants, helping to create nearly 3,000 new, good-paying jobs for Iowa workers. Today in Iowa, there are 7,000 more Iowans working—in the depth of a recession—than there were in January 1999—at the height of prosperity.

More is on the way: With the passage of landmark electric generation legislation, utilities are poised to invest \$3 billion in new construction and generation capacity, helping to create hundreds more quality jobs.

This is real progress. Lasting progress. Rather than squandering the rare opportunity good times afforded us, we made investments that will yield dividends to our state for years to come. And we did it while delivering an unprecedented \$800 million in annual tax relief to Iowa citizens and businesses—and holding general fund growth to little more than 2 percent a year.

And that 2 percent a year represents the lowest rate of growth in spending by Iowa state government in thirty years. That's why the Wall Street credit agencies recently awarded Iowa another superior financial rating, which means we continue to enjoy lower borrowing costs than most other states. That's why Governing Magazine gave Iowa an A-minus grade for our fiscal stewardship—the second highest ranking out of all the states. I take great pride in that grade, and so should you. Our standing as a fiscal leader among the states reflects a fundamental Iowa value.

Today, we face a new challenge—the challenge of governing in hard times, when our dilemma is not how to apportion great bounty, but how to manage scarce resources.

The national economic winds that propelled us to great heights for much of the last decade have shifted. Across America, at least forty-four states are currently facing sudden, deep, and unpredicted drops in revenues.

In neighboring Illinois, the state budget faces a \$500 million shortfall. Wisconsin faces a deficit of \$300 million, with estimates climbing to \$1.3 billion by the year 2004. Lawmakers in Missouri have already cut \$600 million in their budget, and may have to cut another \$500 million in fiscal Year 2003. The governor of South Dakota has recommended that his state use nearly \$12 million in reserve funds this year, and another \$36 million next year. And our neighbor to the north, Minnesota, is short \$2 billion.

A decade ago, two decades ago, when faced with similar challenges, past Iowa governors and legislatures responded by raising taxes. We did not. Instead, we cut taxes. We reorganized. We sacrificed—and we asked for sacrifice.

The prudent action that we took together in last November's special session pared \$186 million from the budget and stabilized our state's fiscal condition. We have also undertaken important reforms in how Iowa government does business, to increase efficiency and better serve families and communities across our state.

Improvements in the Department of Transportation and Department of Natural Resources will push decision-making closer to people and communities—reducing management and putting workers in the places they are most needed. And our reform of the Department of Human Services will eliminate layers of bureaucracy while

preserving nearly all of the front-line workers dealing directly with those Iowans who need their services and support.

These improvements were begun so that Iowans receive the best service at the best possible price. Now that our resources are stretched, these changes are even more essential.

I want to thank the business and community leaders who have worked with us on the "Improving Government Initiative." With us today are: Dwayne McAninch, Chairman and CEO of McAninch Corporation, and Joe Pierce, president of Mid-America Group. They worked with Dave Vellinga, President and CEO of Mercy Hospital; Dr. Willard Boyd, Former president of the University of Iowa; Barbara Lukavsky, owner of Merle Norman Cosmetics; and Martha Willits, president of United Way of Central Iowa. They were joined in their efforts by state department directors. Dwayne and Joe, will you please stand? Please join me in thanking all of these folks for their efforts to improve state government.

I also want to extend a special thank you to Iowa's state employees, who serve the people of our state with dedication and distinction. Not only are they participating and cooperating in implementing these needed changes in the way state government does business, but they even voted to postpone a scheduled pay raise to help us through this challenging time.

That unprecedented show of support and selflessness should earn every Iowan's gratitude and respect.

Thanks to the difficult but necessary decisions we made in response to the economic downturn, Iowa has fared better than many of our neighbors. But the revenue picture for next year is no brighter, and we will be called upon in the coming months to make decisions even more challenging than the ones we faced last fall.

Our challenge this year is to do more with less, while protecting the progress we have made. Even within the constraints of a recession-year budget, I believe we can and we will meet the challenges.

Before I outline what we must do, let me tell you what we cannot—and what we will not—do.

We cannot forget our commitment to make education Iowa priority number one—starting with our effort to reduce class sizes and support our teachers. To do so would break faith with our children and our future.

We cannot reverse our determination to provide quality health care to the children of working Iowans who have no health insurance.

We cannot retreat from our pledge to assist senior citizens in the state of Iowa, by helping them afford the prescription drugs they need and providing alternatives to nursing homes for those who want to preserve their independence and dignity.

And we cannot back off our efforts to provide better economic opportunity for all Iowans.

The actions we have taken these past three years have made Iowa a better, stronger, and fairer place.

To abandon those commitments now will compromise our efforts to provide hope, protect family security, and ensure a brighter future. This is too high a price to pay.

To continue making education priority number one in Iowa, we must maintain levels of support for our class size reduction and teacher support programs, we must add additional state support for our kindergarten through 12 system and our community colleges, and we must add to the private college tuition grant programs, and at the same time, fully fund regent salaries and bring back the work study programs. This will not be easy, but it is necessary.

A recent debate has centered on the state's reserve account, commonly referred to as the surplus or Rainy Day Fund—both in terms of when and for what purpose we should use the fund.

After listening to Iowans in all 99 counties, I know what most of them think it should be used for—to protect the priorities of Iowa families during challenging times—starting with education.

First, let me be clear:

The budget I submit to you will be balanced. At the end of the year our surplus will exceed \$400 million—or close to 8% of our general fund budget. This exceeds the national average for states.

I do not propose that at the end of the year we reduce the fund from its present level, but when we are faced with a steep national recession that threatens our ability to fund our children's education, I see no reason to significantly add to the fund at the expense of our children.

Today, I propose this year we dedicate an amount equal to the year's deposit contributed to the surplus account to help keep education Iowa priority number one. This fund would help pay for the additional support required at all levels to preserve our progress in providing a world-class education for all of our children. If we fail to do so, children in Iowa today will forever lose an opportunity they will be unable to reclaim when prosperity returns.

A better future for Iowa also depends on our commitment to early childhood learning and literacy. Research shows that children begin learning at birth. We need to do an even better job than we have in early childhood learning and literacy. We need to build upon the progress made to empower parents, teachers, and childcare providers.

I am proud that our First Lady already is leading this fight for early literacy in Iowa. Christie and her "Iowa Stories" communities and sponsors have raised enough money to provide every child of kindergarten age in Iowa with a special gift this Spring—a book of their very own. "I is for Iowa," written by an Iowan about Iowa, is an alphabet book that will not only reinforce early learning but will also teach youngsters about their state. Accompanying the book will be a map prepared by the Department of Cultural Affairs for parents so they can plan long weekends or summer vacation

trips in Iowa to the places highlighted in the book. Christie deserves our thanks for her volunteer efforts on behalf of literacy in our state.

Early childhood efforts require better coordination and advocacy within state government. For that reason, I will be signing an executive order establishing a “Children’s Cabinet” to better coordinate and advocate on behalf of our youngest children.

But these private efforts and advocacy need matching support from the state, to insure that our young people start school ready to learn and excel. It’s an investment that will pay off many times in the future—and one that will greatly enhance the impact of all our investments in K through 12 and beyond.

To that end, I propose the establishment of a permanent endowment for early childhood education. Any funds remaining after fully funding the Rainy Day Fund over the next five years will be transferred into the endowment when the books are closed, where it will be invested. Income will be appropriated annually by the legislature to promote early childhood learning and literacy.

All of these steps will build on the progress that has been made on our number one priority.

Although we have made great progress in expanding access to quality healthcare, we must remember that there is another group of Iowans that we cannot afford to leave behind—those affected by mental illness. Mental illness directly affects one out of every four Iowa families. It is a disease that can tear families apart, damage the bonds of friendship and cause Iowa businesses lost time, and with it, productivity and profit.

Mental illness is a disease. It can be treated. It should be fully covered by health insurance policies—the same as any other disease. The sad truth is that many mentally ill people do not get help simply because their health insurance doesn’t cover their illness. Without adequate coverage, they cannot afford the care they need. These people need insurance parity.

Many studies have shown that the benefits of parity far outweigh the costs. Mental health and substance abuse parity will provide more Iowans with the healthcare they need to live healthy and productive lives.

I want to thank Lt. Governor Sally Pederson for leading the fight for parity in Iowa. Her lifelong advocacy has done much to secure the blessings of liberty for our children, for people with special needs, and other vulnerable Iowans.

She is working now in partnership with counties, providers, adults with disabilities, and families to create a consumer-driven system of services for Iowans with mental illness, mental retardation, and developmental disabilities.

With Lt. Governor Pederson’s leadership, and support from members of the legislature, let us make this the year we achieve mental health and substance abuse parity in Iowa. I know there are powerful interests who will work hard to block this progress, as they have in the past. But let us make this the year that we take a giant step that could help thousands of Iowans to be healthy participants in the growth of our state.

Despite the progress that we have made in adding thousands of new jobs to the workforce and increasing the wages of jobs created through state assistance, we must do more.

Let me introduce you to two young people who represent Iowa's future. I first met Clint Holtz from Walnut on my walk across the state last year. Clint is an entrepreneur. He owns and operates "Clint's Crawlers"—a night crawler business. He's owned his business since 1995, and has expanded every year.

And Megan Wettach is from my hometown. She is a senior at Mount Pleasant High School. In addition to taking college courses at Iowa Wesleyan College, writing for the Burlington Hawkeye, and fulfilling her duties as Miss Teen Iowa, Megan owns Premier Prom & Pageantry, a formal dress shop that offers a wide array of prom dresses and other formal wear. Clint and Megan: Will you please stand?

We must recognize that we are in competition with other states for the talents of Clint and Megan, and all the other Iowans of their generation. In order to make sure entrepreneurs like them are part of Iowa's future, we must be as aggressive as they are, starting with the moment they graduate from college by offering a tax credit against their income that will help offset all or part of their college tuition. A tax credit sends a strong message of our interest in retaining these bright young people. It will help to build a more promising future for Iowa by investing in those who commit their futures to our state.

We must work to ensure the kinds of jobs that will keep college graduates in Iowa—or provide those graduates with the means to create their own jobs and businesses right here at home.

Today, businesses and entrepreneurs in Iowa struggle to find start-up funds.

In our universities and in our businesses and industries, Iowans are on the cutting edge in new development in the life sciences, advanced manufacturing, and information solutions. Iowa State University and the University of Iowa have not only established research parks and programs to promote partnering with private sector businesses, but their faculty members are also among the nation's leaders in receiving new patents for their innovative work.

But the availability of capital to aid new business ventures in Iowa is far too limited. Too often, investors overlook our state's promising ideas and entrepreneurs. We must encourage greater private sector investment in Iowa.

There must be real business opportunity for those who want to live the American dream of owning their own business. Despite being second in the nation in business retention, and having the fifth lowest cost of doing business among states, more needs to be done.

Iowa ranks at the bottom of states for venture capital. During this legislative session, let us take Iowa to a leadership position in venture capital by creating a set of incentives that helps fuel national Venture Capital investment in Iowa, that encourages Iowa's angel investors to make substantial investments in Iowa startups, and that enables those who can invest only a small amount to do so for a brighter Iowa future. These funds will help to create the next biotech business, converting our corn

and beans into cures for illnesses, like Kemin; the next high-tech manufacturing firm like Rockwell-Collins; and the next information solutions business—which could develop into the next Principal.

This year we celebrate the five-year anniversary of Iowa's welfare reform program—one of the models for national reform. Over 98% of families who signed up for Family Investment Plan benefits five years ago have moved off the welfare rolls within the five-year limit. We're proud of their success. And we're proud of Iowa's success in making work a priority, breaking the cycle of dependency, and helping families become independent and self-sufficient.

While we take steps to encourage the development of new economy opportunities, let us not forget those who have made the successful journey from welfare to work and other hard-working Iowans currently working at minimum wage. Today, over 100,000 Iowans, many of them women, many of them raising families, earn at or near the minimum wage. These Iowans work a full productive week but still struggle to meet even the most basic of needs. As we consider millions of dollars of help for Iowan entrepreneurs and well-educated Iowans, can we not also find the political will to raise the minimum wage? Hard work's reward should be the dignity of self-sufficiency.

We face another great challenge that we must address this year. It is a challenge that threatens the quality-of-life in communities across our state.

During the last 12 months, I've traveled to all 99 counties, walked over 100 miles, and talked with thousands of Iowans. I know Iowans care about their natural resources—particularly the quality of our water and air. They appreciate our efforts with the Clean Water Initiative, begun two years ago, to encourage private land conservation.

However, I can tell you that no issue generates more discussion about the environment than hog confinements. For three years, I've asked for your help to reunite Iowans to solve this issue. I am heartened by early indication of the legislature's willingness to do so.

Today, I renew my commitment to work with you to find a solution, whatever it may be—local control or tougher enforcement authority. We must work cooperatively to balance the rights and liberties of livestock producers and their neighbors in order to preserve Iowa's quality of life.

Of course solving the confinement issue alone won't assure the future of rural Iowa. I am concerned about debates that seem to pit rural Iowa vs. urban Iowa. We cannot afford to be two Iowas. We are—and we must be—one Iowa. Our work should ensure economic opportunity in every one of our 99 counties. I stand ready and willing to work with the legislature to make sure that, no matter where you live or work in Iowa, you can dream big dreams—and make them real.

Our vision for Iowa's future is expansive, but not expensive:

We can make Iowa government work better and smarter. We can ask the private sector to do its fair share through a decent minimum wage and mental health and substance abuse parity.

We can make wise investments in early childhood education and community development that will pay off many times down the line.

We can work within the realities of the budget challenges before us while protecting Iowans' priorities: a world-class education, quality health care, and good-paying jobs.

Our choice is clear: We can use the budget as an excuse to retreat, reversing our progress and jeopardizing our future.

Or we can meet the challenge by making responsible decisions to cut where we can, and to invest where we must.

In the end, Iowa's future will be determined by the opportunity we provide for Iowa's families. Especially now, when times are tough, we must provide hope, protect family security, and build a brighter future. This will secure the blessings of liberty for us and for generations of Iowans yet to come.

That is our mission as a state—and my mission as your governor. And I pledge to give everything I have, and to do everything that I can, until we have accomplished this mission.

Thank you. God bless you. And God bless Iowa.

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

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

The Senate returned to the Senate chamber.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:06 a.m. until 9:00 a.m. Wednesday, January 16, 2002.

APPENDIX

COMMUNICATIONS RECEIVED

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

January 14, 2002

UNIVERSITY OF IOWA HOSPITALS AND CLINICS

Report to the Legislature—An Overview of the Use of Home Telemedicine in the University of Iowa Hospitals and Clinics' Indigent Patient Care Program, pursuant to 2001 Acts, Senate File 535.

AGENCY ICN REPORT

January 15, 2002

IOWA VETERANS HOME

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10—notification that the report in electronic form is available online.

PETITIONS

The following petitions were presented and placed on file:

From 400 residents of Taylor County favoring legislation requesting that the Taylor County Department of Human Services offices continue to be fully staffed with all services remaining the same. Senator Angelo.

From 42 residents of Union and Taylor counties favoring legislation to return agricultural regulatory control to local governments. Senator Angelo.

From 31 residents of Union County favoring legislation opposing construction of a commercial hog facility in Grant Township, Union County. Senator Angelo.

From 121 residents of Adair, Taylor, and Union counties favoring legislation opposing construction of a commercial hog facility in Union County. Senator Angelo.

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: January 10, 2002, 9:40 a.m.

Members Present: Iverson, Chair; Gronstal, Ranking Member; Boettger, Gaskill, Harper, and Johnson.

Members Absent: Kramer, Vice Chair; Dvorsky, Fink, McKean, and Rittmer (all excused).

Committee Business: Approved SCR 101 and SR 101.

Adjourned: 9:48 a.m.

HUMAN RESOURCES

Convened: January 14, 2002, 2:04 p.m.

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

Members Absent: Bartz (excused).

Committee Business: Organizational meeting.

Adjourned: 3:36 p.m.

JUDICIARY

Convened: January 14, 2002, 3:35 p.m.

Members Present: Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, Miller, and Tinsman.

Members Absent: Boettger and McKean (both excused).

Committee Business: Organizational meeting and review of bills.

Adjourned: 3:45 p.m.

TRANSPORTATION

Convened: January 14, 2002, 2:07 p.m.

Members Present: Rittmer, Chair; Drake, Vice Chair; McCoy, Ranking Member; Dearden, Fink, Freeman, Houser, Jensen, McKinley, and Ziemann.

Members Absent: Fraise, Kibbie, and Sexton (all excused).

Committee Business: Organizational meeting.

Adjourned: 2:35 p.m.

EDUCATION

Convened: January 15, 2002, 1:08 p.m.

Members Present: Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

Members Absent: Kramer and Redfern (both excused).

Committee Business: Recognition of 2001 Teacher of the Year Gail Wortmann.

Adjourned: 2:05 p.m.

RULES AND ADMINISTRATION

Convened: January 15, 2002, 2:10 p.m.

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

Members Absent: Johnson and McKean (excused).

Committee Business: Discussion on salary resolution, 90 days per diem, and REC meeting.

Adjourned: 2:15 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 102, by committee on Rules and Administration, a concurrent resolution requesting that the Revenue Estimating Conference meet on or before March 7, 2002.

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

Senate Concurrent Resolution 103, by committee on Rules and Administration, a concurrent resolution to amend Senate Concurrent Resolution 5, adopted in 2001.

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

INTRODUCTION OF BILLS

Senate File 2006, by Dvorsky, a bill for an act providing for a change in the special education enrollment determination and certification date.

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

Senate File 2007, by McKibben, a bill for an act reducing the number of days of payment for the expenses of office for members of the general assembly during a regular legislative session.

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

Senate File 2008, by Tinsman, a bill for an act relating to the revocation or suspension of a health-related professional license based upon noncompliance with the requirements of a loan or scholarship program.

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

Senate File 2009, by Veenstra, a bill for an act prohibiting the imposition of a local option sales and services tax and including an effective date.

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

Senate File 2010, by Deluhery, a bill for an act relating to campaign disclosure reports filed in special elections and making a penalty applicable.

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

Senate File 2011, by Freeman, a bill for an act concerning bona fide retirement for nurses under the Iowa public employees' retirement system.

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

Senate File 2012, by Lamberti, a bill for an act relating to resident license fees for hunting, fishing, trapping and related activities for members of the armed forces of the United States.

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

Senate File 2013, by Iverson, McKibben, Miller, Lamberti, Behn, Boettger, Kramer, McKean, Jensen, Veenstra, Zieman, McKinley, Rehberg, King, Angelo, Redwine, Tinsman, Freeman, Drake, Maddox, Houser, Schuerer, Redfern, Greiner, Gaskill, and Sexton, a bill for an act prohibiting disbursements of money from the vision Iowa fund to entities entering into certain labor agreements, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations**.

Senate File 2014, by Iverson, McKibben, Miller, Lamberti, Behn, Boettger, Kramer, McKean, Jensen, Veenstra, King, Zieman, McKinley, Rehberg, Angelo, Redwine, Freeman, Drake, Houser, Schuerer, Redfern, Greiner, Gaskill, and Sexton, a bill for an act prohibiting public contracting entities from entering into certain labor agreements for public works projects, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations**.

Senate File 2015, by Connolly, a bill for an act expanding the student achievement and teacher quality program to include prekindergarten classroom teachers.

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

Senate File 2016, by Connolly, a bill for an act establishing an Iowa cultural trust, an endowment, and an Iowa cultural trust fund, making appropriations, and providing for related matters.

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

Senate File 2017, by Lundby, a bill for an act relating to the membership of the commission of veterans affairs.

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

Senate File 2018, by committee on Rules and Administration, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2002 Regular Session of the Seventy-ninth General Assembly.

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

STUDY BILL RECEIVED

SSB 3001 Education

Eliminating specified expenditure thresholds relating to utilization of physical plant and equipment levy revenue by school districts.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2001

EDUCATION: Veenstra, Chair; Connolly and Rehberg

Senate File 2002

JUDICIARY: Maddox, Chair; Fraise and McKean

Senate File 2003

EDUCATION: Angelo, Chair; McKinley and Shearer

SSB 3001

EDUCATION: Boettger, Chair; Connolly and Rehberg

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 102, a concurrent resolution requesting that the Revenue Estimating Conference meet on or before March 7, 2002.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, and Rittmer. Nays, none. Absent or not voting, 3: Fink, Johnson, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 103, a concurrent resolution to amend Senate Concurrent Resolution 5, adopted in 2001.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, and Rittmer. Nays, none. Absent or not voting, 3: Fink, Johnson, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2018 (LSB 5582sv), a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2002 Regular Session of the Seventy-ninth General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, and Rittmer. Nays, none. Absent or not voting, 3: Fink, Johnson, and McKean.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

THIRD CALENDAR DAY
THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 16, 2002

The Senate met in regular session at 9:07 a.m., President Kramer presiding.

Prayer was offered by the Honorable Mark Shearer, member of the Senate from Washington County, Washington, Iowa.

The Journal of Tuesday, January 15, 2002, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKean, until he arrives, on request of Senator Iverson.

The Senate stood at ease at 9:10 a.m. until the fall of the gavel.

The Senate resumed session at 9:45 a.m., President Kramer presiding.

COMMITTEE FROM THE HOUSE

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 102, duly adopted, the joint convention was called to order at 9:50 a.m., President Kramer presiding.

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

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

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

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Angelo, Fiegen, and Maddox on the part of the Senate, and Representatives Dolecheck, Greiman, and Wilderdyke on the part of the House.

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

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Fraise, Lamberti, and Rittmer on the part of the Senate, and Representatives Baudler, Lensing, and Millage on the part of the House.

The following guests were escorted into the House chamber:

Secretary of State Chet Culver
Treasurer of State Michael L. Fitzgerald
Secretary of Agriculture Patty Judge
Attorney General Tom Miller
The Justices of the Supreme Court
Chief Judge Sackett and Judges of the Court Appeals
The District Court Chief Judges

The following members of Chief Justice Lavorato's family were escorted into the House chamber:

His wife Janis Lavorato; his son Anthony Lavorato; his son Dominick Lavorato, and his guest Lori Wilson; his stepdaughter Jenna Green; his brother Charles and wife Carolyn; his sister-in-law Delayne Johnson, and her son Jacob Johnson; and his brother-in-law Ed Busing.

The committee waited upon Governor Vilsack and escorted him into the House chamber.

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

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

Mr. Speaker, Madam President, Members of the General Assembly, Governor Vilsack, distinguished guests, and friends.

Thank you for the kind invitation to appear before you today. It is an honor for the Iowa Judicial Branch, as well as a personal privilege for me, to report to you on the condition of Iowa's court system. This address is our opportunity to share with you and the people of Iowa our current assessment of the administration of justice in this state. We have enjoyed a strong relationship with you based upon candor, cooperation, and mutual respect. Today, I wish to address you in that spirit.

First, permit me to digress for a moment so that I may recognize some special guests. I would like to acknowledge Justice Michael Streit, the newest member of the Iowa Supreme Court, and Judge Larry Eisenhauer, the newest member of the Iowa Court of Appeals.

This brings to me why we are here: the condition of Iowa's judicial branch. This year I must report that the state of the judiciary reflects the times in which we live; events beyond our control have thrown us into a state of uncertainty about the future. Access to justice is a paramount concern for us as we try to manage in the wake of the recent budget cut.

I intend to begin with a review of the steps we took to balance our operating budget and explain how we're coping. Then I will proceed to discuss some recommendations for streamlining the court system. I will conclude with our goals for the future.

BUDGET REDUCTIONS: FOCUSING ON OUR MISSION

Although the judicial branch is a separate branch of government, we do not work in a vacuum. It is up to you to provide us with the tools and resources we need to do the

job. To any extent you choose not to fund the system, court services will not be available. We recognize that we are accountable to the taxpayers and must manage our resources wisely. This principle was foremost in our minds when we considered how to absorb the cut you imposed this fiscal year.

Although our budget cut was not imposed until the special session, the Court began planning as soon as it became apparent that reductions were inevitable. The Court began by settling upon three basic principles to guide our decisions.

The first principle was to reduce the budget in a manner that would allow the judicial branch to continue to fulfill its mission, which is to provide independent and accessible courts for the fair and prompt resolution of disputes. Maintaining consistency with our mission required that we impose differential cuts rather than across-the-board cuts in all components of our operation.

The second principle was based upon our understanding that the state's financial troubles would continue for more than a year. To that end we focused on cost-cutting measures that were long-term solutions. From the start of the process, we viewed furloughs as an impractical measure that would undermine court operations in the long run.

The third principle was to reach a consensus among the judicial districts on cuts that affected the operation of the trial courts.

With these three principles as our guide, we scrutinized all aspects of our operation from top to bottom. In doing so, we had the help of the chief judges, district court administrators, and state court administration.

We cut as much as we could from non-personnel items such as travel, supplies, communications, furniture, and equipment. We also cut technology projects. In addition, we imposed a hiring freeze, stopped using contractual court reporter services, and eliminated funds for part-time judicial officers such as hospitalization referees and alternate district associate judges.

But we had to cut more.

So we eliminated programs that were not constitutionally and statutorily mandated. One was our highly regarded CASA program that recruits and trains volunteers to serve as advocates for abused and neglected children in 30 counties. We're very proud of the CASA program. Unfortunately, we were forced to make difficult choices: keep CASA or keep cases moving through the courts. This was an unpopular decision—one subject to easy attack—but it was necessary under the circumstances. We're grateful, however, that you stepped in and saved CASA by finding it a new home.

Even after making this difficult decision, we needed to reduce our expenses more to balance the budget. At this point, we were forced to take the unprecedented step of reducing our workforce.

Over 250 employees were adversely affected. We laid-off 107 employees; we cut the hours of 67 other employees; and we downgraded the positions of 79 supervisory

employees. In addition, we eliminated more than 20 vacant positions around the state. The cuts in personnel affected every component of our operation.

Deciding to eliminate jobs was the most difficult decision that we have ever had to make. The difficulty of making the decision, however, pales in comparison to the difficulties faced by those employees who are now struggling to pay bills and support families.

BUDGET CUTS: FACTS AND MISCONCEPTIONS

Now let me make a few points about the budget cuts that I feel have been overlooked.

Probably the most common misconception about the budget cuts is the notion that we somehow arbitrarily singled out and treated rural communities unfairly. This is not true. In making the cuts to our clerk of court component, we focused on workloads, not geography or politics. The Court used a weighted caseload formula in making those cuts. We applied the formula uniformly to all 99 counties.

There's a simple reason why most of the cuts in clerks' offices occurred in small counties. The formula was developed in the mid-1990s through the use of time studies conducted in 32 counties. At the time of the study, most clerks' offices were not computerized; they were still operating with papers and clumsy docket books, which took more time. To account for this, the formula gave rural counties—all of which were not computerized—an advantage that resulted in a higher staffing ratio.

We continued to use this differential even after we computerized all of our clerks' offices in 1997. We did so because we wanted to provide the rural offices with a transition period. But the reductions required by the present financial crisis forced us to take immediate action. Knowing that any reduction would be unpopular, we felt it was imperative to treat all offices equally. Consequently, we decided to apply the automated workload standard to all clerks' offices. Any office that exceeded the formula was cut back. The budget cuts in the clerks' component affected primarily rural offices because it was primarily those offices that exceeded the formula.

Nevertheless, the cuts leave clerks' offices in some rural counties with a larger staff than the formula justifies. This is because we decided to deviate from the formula and maintain a minimum of two employees per office.

Critics contend that the formula is not perfect. Well, because the formula is the work of humans, it definitely is not perfect. However, it is the best objective measure that we have for making an equitable allocation of our clerk of court resources. Let me add that we have relied on this formula for years to justify our requests to you for more clerk of court staff.

I want to point out that nearly 10% of our clerks' offices have less staff than is called for by the formula. These offices are located in some of our busy urban areas. For example, for some time now, the Pottawattamie Clerk of Court office has operated 30% under the formula. Black Hawk has managed while 20% under, and Johnson gets by even though it is 17% understaffed. Despite being chronically short-handed, these offices have been able to cope, which is a big credit to their staff. My reason for mentioning these offices is not to suggest that we should operate all offices

understaffed, but to point out that some offices were, and still are, worse off than those that were cut.

Some people have complained that we cut the clerks as a group more than their fair share. This also is not true. While it's true that the cut in the clerks' component contributed the most dollars, in terms of percentage of budget, state court administration and district court administration each contributed more. We reduced the budget of district court administration by 10.7%; state court administration by 10%; and the clerks by 8%. The reduction in the clerks' component was the largest dollar amount because that group consumes the most money—it takes up more than 30% of our operating budget.

Let me address another budget decision: the decision to eliminate eleven satellite magistrate offices, which caused a loud outcry from the affected communities. These offices were not budget busters, but they were an exception to our general practice. In the majority of counties, court services are located in the county seat only. The Court felt it would be unfair to cut basic services in many counties while operating extra services in a few.

ACCESS TO THE COURTS: MANAGING WITH LESS

Our most immediate challenge is managing the same amount of work with fewer resources. How do we meet that challenge? We meet it one day at a time.

Our districts are working with their staffs to develop new strategies for providing court services. Clerk of court offices are rethinking their priorities and dropping unnecessary tasks. It won't be the level of service that some communities are accustomed to, but by taking these steps clerks' offices will continue to fulfill their statutory responsibilities.

As you know, the judicial council raised the issue of merging clerks' offices. To say that the idea was short-lived is an understatement. The gist of the plan was to explore options for delivering court services in the wake of the budget cuts. Because of these cuts, many clerk of court offices have now reduced their hours. By merging the staff of several clerk of court offices into one location, we would have been able to provide full-time hours—perhaps even expanded hours—to the public. But the merger idea is a moot issue now. As far as the Court is concerned, consolidation of the clerks' offices is dead.

Although the Court dropped the plan, I want to recognize and commend our dedicated and talented chief judges, district court administrators, and state administrative team for their creativity and willingness to pursue the public interest with vision and courage.

SOLUTIONS: STREAMLINING THE COURTS AND REDUCING OPERATING COSTS

No doubt your attention will be consumed during the next few months by the serious condition of the state budget. We recognize the condition of the state budget is still uncertain. I must advise you, however, that any more cuts to the judicial branch budget may threaten our ability to provide adequate court services. Although we are

aware of the other important demands being made upon you, we trust you will respond to the needs of the judicial branch.

In the same spirit, I ask that when you are debating new laws, you carefully consider the impact your actions have on the court system. Though well intentioned, legislation nearly always adds to our workload. Adding responsibilities without corresponding resources creates poor results.

Certainly, we understand that we need to be part of the overall solution for reducing the cost of state government. We have several recommendations for streamlining the court system that would help reduce costs and improve court services. All require legislative approval.

First, we recommend that you eliminate unnecessary tasks. I'm not suggesting that we stop hearing cases or drop important services, not at all. I'm suggesting we streamline some procedures, eliminate obsolete or unnecessary practices, and, where appropriate, shift some procedures to other agencies. We have a list of suggestions along this line for your review.

For instance, why are the courts involved in cemetery management or required to have a 24-hour probate court? Perhaps this made sense in the early years of the last century, but it does not make sense today. Someone once said: "There is nothing more useless than doing efficiently that which should not be done at all." This is sound advice. Let's follow it and get rid of the needless work.

We also recommend a statutory change that would give the Court authority to determine the structure of the judicial districts. The configuration of the judicial districts has not been changed in thirty years. Although the judicial council's plan proposed reducing the number of districts from eight to five, we have not adopted that plan or any other. Further, there would be an opportunity for public participation before we would act on proposals for change.

By reorganizing the judicial districts, we could gain a significant improvement: a better allocation of our existing judicial resources. Preliminary results of a recent study by the National Center for State Courts indicate that Iowa has enough judges statewide; however, some districts have more judges than they need, and some have less than they need. By redrawing the districts, we can correct that imbalance.

We also believe that we can reduce some of our administrative costs by reducing the number of districts. If we had fewer districts, we would need fewer managers.

Finally, we recommend a statutory change that would eliminate the mandate that there be a clerk of court official in every county. If this were done, we could use one clerk of court to manage several small offices. The Court does not have a specific plan in mind for reducing the number of clerks; however, we ask for authority to determine our staffing levels—including our management staffing levels. Let me make clear that this would not affect the presence of a clerk of court office in each county, which we will continue to maintain.

Our request to eliminate the mandate is based simply on our desire for more flexible management. Good management does not require that we have 99 managers.

The executive branch is reducing the number of managers it has. We should do the same. We could use the savings to add line staff to understaffed offices.

I want to emphasize that this request should not be taken as any reflection on the abilities of the present occupants of these offices. Our clerks are hardworking, dedicated public servants. We have great respect for their abilities.

All the recommendations that we are suggesting would not only make the court system more efficient, but would enable us to do more with our existing resources. We realize, however, that change will not occur overnight. It will come with time. And realization of all the benefits from the change will likewise come with time. Nevertheless, the recommendations we are proposing are steps in the right direction.

FUTURE GOALS: BETTER ACCESS WITH THE AID OF TECHNOLOGY

Clearly, Iowans want and deserve the greatest access to justice that we can afford. The old and comfortable definition of access revolves around 100 county courthouses. But access to court services need not be limited to the brick and mortar of a courthouse. Access can come through other means.

We're all aware of the electronic revolution. The 2000 Census found that more than one-half of U.S. households own at least one computer, and most of these homes are connected to the Internet. According to Nielsen/NetRatings, the number of Web users in the United States soared to an all-time high of 115 million last October. The electronic revolution is transforming every sector of our society including the courts.

As I said to you last year at this time: "With the aid of information technology, we can provide a host of court services where they are needed, when they are needed, any time and any place." This is still true today. On-line services would provide busy Iowans more convenient public access to the courts—without taking time away from one's job or family, driving to the county seat courthouse, searching for a parking space, and waiting in line for help.

We will soon take the first step in that direction with our electronic public access program. This program will put the trial court dockets from all 99 counties and the appellate courts on-line, 24 hours a day, 7 days a week. The bulk of the information will be free. Iowans will be able to conduct routine searches of court information such as child support records, criminal records, and traffic fines through the Internet. Later this year, we'll provide a feature that will enable the public to pay court fines and child support obligations on-line.

In addition to the obvious benefits to the public, this service will help us operate more efficiently. Because the court information is on-line there will be fewer telephone calls for court staff to answer, and fewer people waiting at the counter in the clerk's office. Court staff will be able to focus their time on other important duties such as processing child support cases, assisting litigants who are representing themselves in court, and collecting fines.

But this is only the first step. We can and must do more.

As I reported to you last year, we were poised to test a new system, known as EDMS, which would offer a broad spectrum of benefits. For example, it would:

- Enable on-line electronic filing and document retrieval—24 hours a day, 7 days a week,
- Provide access to court documents, which would allow a person to inspect or copy a record from a personal computer at their home, office or local library, and
- Eventually reduce the need for file cabinets, file systems, and storage space that is provided at county expense.

Regrettably, the budget situation has delayed our progress, but we will not abandon our goal to implement EDMS. We plan to implement EDMS as soon as funding permits.

CONCLUSION: FINDING COMMON GROUND

The state's financial problems present great challenges for all of us—challenges that are not susceptible to a quick fix. If we are to meet those and other challenges in the next ten, twenty, or even fifty years, all of us—elected officials, appointed officials, and citizens—must be willing to consider new ideas that, at first blush, may seem too radical for many Iowans. We cannot expect everyone to agree on every issue, but let's at least rise above our different opinions so that Iowa can move forward.

Perhaps the greatest challenge for Iowans is to work together to find solutions to problems that we share instead of belaboring parochial differences. Let's stop defining ourselves by where we live in this great state. Let's define ourselves by who we are: Iowans—who share the same values and the same hopes for a bright future. I am confident that if we join together on common ground and explore new ideas, we can forge a judicial system that will serve the best interests of all Iowans.

Thank you.

Chief Justice Lavorato was escorted from the House chamber by the committee previously appointed.

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

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

The Senate returned to the Senate chamber.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:33 a.m. until 9:00 a.m. Thursday, January 17, 2002.

APPENDIX
COMMUNICATIONS

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

January 15, 2002

STATE PSEUDORABIES ADVISORY COMMITTEE

2002 report on the calendar year 2001 activities, pursuant to Iowa Code section 166D.3.

January 16, 2002

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program 2001 Annual Report, pursuant to IAC 321, Chapter 8.

DEPARTMENT OF HUMAN SERVICES

Annual Report of the Healthy and Well Kids in Iowa (*hawk-i*) Board, pursuant to Iowa Code section 514I.5(g).

LOTTERY BOARD

FY 2001 Annual Report.

DEPARTMENT OF MANAGEMENT

General Tort Claims, Highway Tort Claims, and Settlements and Judgments (paid during 2001) and denials of claims (from May 2001–January 2002) by the State Appeal Board, pursuant to Iowa Code section 669.12.

DEPARTMENT OF PUBLIC DEFENSE

Enhanced 911 Status Report—Iowa Emergency Management Division, pursuant to Iowa Code section 34A.7A.

DEPARTMENT OF PUBLIC HEALTH

Scope of Practice Review—Final Report of the Extended Pilot Project, pursuant to 2000 Acts, chapter 1222, section 11.

DEPARTMENT OF TRANSPORTATION

2001 Passenger Rail Service Revolving Fund Annual Report, pursuant to Iowa Code section 327J.3(1).

2002–2006 Transportation Improvement Plan, pursuant to Iowa Code section 307.26(5)c.

AGENCY ICN REPORTS

January 16, 2002

DEPARTMENT OF COMMERCE

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

DEPARTMENT OF REVENUE AND FINANCE

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10—notification that the report in electronic form is available online.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: January 16, 2002, 8:32 a.m.

Members Present: Behn, Chair; Houser, Vice Chair; Fraise, Ranking Member; Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

Members Absent: Angelo, Bartz, and Black (all excused).

Committee Business: Organizational meeting.

Adjourned: 8:45 a.m.

BUSINESS AND LABOR RELATIONS

Convened: January 16, 2002, 1:05 p.m.

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

Members Absent: Horn and Lundby (both excused).

Committee Business: Organizational meeting.

Adjourned: 1:15 p.m.

INTRODUCTION OF BILLS

Senate File 2019, by Houser, a bill for an act relating to recycling requirements in solid waste comprehensive plans.

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

Senate File 2020, by Iverson, a bill for an act appropriating moneys to the department of economic development for purposes of promoting the world food prize.

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

Senate File 2021, by McKibben, Redwine, Miller, Tinsman, Angelo, Veenstra, Jensen, McKean, Iverson, Kramer, Drake, Boettger, Behn, Freeman, Lamberti, Gaskill, Houser, Maddox, Schuerer, Sexton, Rehberg, Zieman, and McKinley, a bill for an act relating to economic stimulus measures for businesses by creating an Iowa capital investment board, authorizing the organization of an Iowa capital investment corporation and an Iowa fund of funds, and authorizing the issuance of contingent tax credits to investors in the Iowa fund of funds; establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, and limiting the fiscal impact of the partial deductions; establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax; and including effective and retroactive applicability date provisions.

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

Senate File 2022, by Behn, a bill for an act providing an individual and corporate income tax credit for the cost to install, replace, or convert motor vehicle fuel storage tanks used to store and dispense ethanol and including effective and retroactive applicability dates.

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

STUDY BILL RECEIVED

SSB 3002 Appropriations

Requesting that the Revenue Estimating Conference meet on or before March 7, 2002.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2002
(Reassignment)

JUDICIARY: Maddox, Chair; Angelo and Fraise

Senate File 2013

BUSINESS AND LABOR RELATIONS: Freeman, Chair; Fraise and Schuerer

Senate File 2014

BUSINESS AND LABOR RELATIONS: Freeman, Chair; Fraise and Schuerer

Senate File 2019

LOCAL GOVERNMENT: Zieman, Chair; Fraise and Schuerer

SSB 3002

APPROPRIATIONS: Lamberti, Chair; Flynn and Schuerer

JOURNAL OF THE SENATE

FOURTH CALENDAR DAY
FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 17, 2002

The Senate met in regular session at 9:05 a.m., President Kramer presiding.

Prayer was offered by the Honorable Tom Flynn, member of the Senate from Dubuque County, Epworth, Iowa.

The Journal of Wednesday, January 16, 2002, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 16, 2002, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 104, a concurrent resolution amending the compensation resolution for employees of the Seventy-ninth General Assembly.

Read first time and **attached to similar Senate Concurrent Resolution 103**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKean, for the day, on request of Senator Iverson; and Senators Connolly and Deluhery, for the day, on request of Senator Gronstal.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 103.

Senate Concurrent Resolution 103

On motion of Senator Iverson, **Senate Concurrent Resolution 103**, a concurrent resolution to amend Senate Concurrent Resolution 5, adopted in 2001, was taken up for consideration.

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

The Senate resumed session at 10:17 a.m., President Kramer presiding.

Senator Iverson asked and received unanimous consent to offer amendment S-5000, filed by Senator Kramer from the floor to page 1 of the resolution and moved its adoption.

Amendment S-5000 was adopted by a voice vote.

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 104** be **substituted** for **Senate Concurrent Resolution 103**.

House Concurrent Resolution 104

On motion of Senator Iverson, **House Concurrent Resolution 104**, a concurrent resolution amending the compensation resolution for employees of the Seventy-ninth General Assembly, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 104.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (H.C.R. 104), the vote was:

Ayes, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lundby	Maddox	McKibben
McKinley	Miller	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 18:

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

Absent or not voting, 6:

Bartz	Connolly	Deluhery	Johnson
McKean	Redfern		

The motion prevailed and the resolution was adopted.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 104** be **immediately messaged** to the House.

WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 103** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 101.

Senate Resolution 101

On motion of Senator Iverson, **Senate Resolution 101**, a Senate resolution to amend Rules 27 and 60 of the rules of the Senate, was taken up for consideration.

Senator Hansen asked and received unanimous consent that action on **Senate Resolution 101** be **deferred**.

The Senate stood at ease at 10:25 a.m. until the fall of the gavel.

The Senate resumed session at 10:40 a.m., President Kramer presiding.

RECESS

On motion of Senator McKibben, the Senate recessed at 10:41 a.m. until the completion of a meeting of the committee on Ways and Means.

RECONVENED

The Senate reconvened at 10:50 a.m., President Kramer presiding.

BUSINESS PENDING

Senate Resolution 101

The Senate resumed consideration of **Senate Resolution 101**, a Senate resolution to amend Rules 27 and 60 of the rules of the Senate, previously deferred.

Senator Hansen offered amendment S-5001, filed by him from the floor to pages 1, 2, and to the title page of the resolution, and moved its adoption.

Amendment S-5001 lost by a voice vote.

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

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 101.

Senate Concurrent Resolution 101

On motion of Senator Iverson, **Senate Concurrent Resolution 101**, a concurrent resolution to amend Joint Rule 20 of the joint rules of the Senate and House, was taken up for consideration.

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

IMMEDIATELY MESSAGED

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:10 a.m. until 9:00 a.m. Friday, January 18, 2002.

APPENDIX

COMMUNICATIONS

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

January 16, 2002

INFORMATION TECHNOLOGY DEPARTMENT

FY 2001 Agency Revolving Fund Sources and Uses Report, pursuant to Iowa Code section 14B.103—notification that the report in electronic form is available online.

January 17, 2002

DEPARTMENT OF NATURAL RESOURCES

Annual Report to the General Assembly—Household Hazardous Materials Programs, pursuant to Iowa Code section 455F.8.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: January 17, 2002, 1:00 p.m.

Members Present: Behn, Chair; Houser, Vice Chair; Fraise, Ranking Member; Angelo, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Soukup, Veenstra, and Zieman.

Members Absent: Bartz, Black, and Shearer (all excused).

Committee Business: Presentation by Donna Gwinn, Bureau Chief of the Grain Indemnity Fund.

Adjourned: 1:50 p.m.

JUDICIARY

Convened: January 17, 2002, 2:05 p.m.

Members Present: Maddox, Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Miller, and Tinsman.

Members Absent: Redfern, Vice Chair; Lamberti and McKean (all excused).

Committee Business: Discussion of SF 2002.

Adjourned: 2:25 p.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: January 17, 2002, 3:00 p.m.

Members Present: Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Fiegen, Gaskill, Greiner, Holveck, McKinley, and Veenstra.

Members Absent: Flynn and Lamberti (both excused).

Committee Business: Organizational meeting.

Adjourned: 3:05 p.m.

STATE GOVERNMENT

Convened: January 17, 2002, 11:17 a.m.

Members Present: King, Chair; Kibbie, Ranking Member; Bolkcom, Dearden, Drake, Fink, Houser, Jensen, Maddox, Rittmer, and Sexton.

Members Absent: Lamberti, Vice Chair; Connolly, Deluhery, and McKean (all excused).

Committee Business: Organizational meeting and subcommittee assignments.

Adjourned: 11:35 a.m.

WAYS AND MEANS

Convened: January 17, 2002, 10:42 a.m.

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

Members Absent: Connolly, Deluhery, and Maddox (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 10:44 a.m.

INTRODUCTION OF BILLS

Senate File 2023, by Fraise, Boettger, and Redwine, a bill for an act relating to body piercing including requiring a permit for practicing body piercing and prohibiting body piercing of minors without prior written consent of a parent, providing for injunctive relief, and providing penalties.

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

Senate File 2024, by Maddox, a bill for an act requiring all felons to submit a physical specimen for DNA profiling.

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

STUDY BILLS RECEIVED

SSB 3003 Business and Labor Relations

Concerning workers' compensation.

SSB 3004 Business and Labor Relations

Naming, for purposes of the regulation of boilers and unfired steam pressure vessels, persons responsible.

SSB 3005 Business and Labor Relations

Relating to the identification of witnesses prior to an occupational safety and health hearing.

SSB 3006 Judiciary

Relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

SSB 3007 Judiciary

Relating to monetary penalties for contempt of court.

SSB 3008 Judiciary

Relating to permits for the authority to acquire weapons and providing a penalty.

SSB 3009 Judiciary

Relating to the criminal offense of unauthorized computer access, and providing a penalty.

SSB 3010 Judiciary

Relating to the Iowa crime victim compensation program.

SSB 3011 Judiciary

Relating to representation of indigent persons and the duties of the state public defender.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2004**

WAYS AND MEANS: McKinley, Chair; Bolkcom and Rehberg

Senate File 2008

HUMAN RESOURCES: Miller, Chair; Boettger and Holveck

Senate File 2009

WAYS AND MEANS: Maddox, Chair; Deluhery and Drake

Senate File 2020

APPROPRIATIONS: McKinley, Chair; Fiegen and Kramer

Senate File 2021

WAYS AND MEANS: McKibben, Chair; Harper and Redwine

Senate File 2022

WAYS AND MEANS: Greiner, Chair; Flynn and Miller

SSB 3003

BUSINESS AND LABOR RELATIONS: McKibben, Chair; Dearden and Greiner

SSB 3004

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Behn and Horn

SSB 3005

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Behn and Horn

SSB 3006

JUDICIARY: Tinsman, Chair; Hansen and Miller

SSB 3007

JUDICIARY: Redfern, Chair; Angelo and Holveck

SSB 3008

JUDICIARY: McKean, Chair; Boettger and Fraise

SSB 3009

JUDICIARY: Angelo, Chair; Hammond and Lamberti

SSB 3010

JUDICIARY: Maddox, Chair; Horn and King

SSB 3011

JUDICIARY: Lamberti, Chair; Fiegen and Tinsman

AMENDMENTS FILED

S-5000	S.C.R.	103	Mary E. Kramer
S-5001	S.R.	101	Steven D. Hansen

JOURNAL OF THE SENATE

FIFTH CALENDAR DAY
FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, January 18, 2002

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

The Journal of Thursday, January 17, 2002, was approved.

ADJOURNMENT

On motion of Senator Maddox, the Senate adjourned at 9:12 a.m. until 10:00 a.m. Tuesday, January 22, 2002.

JOURNAL OF THE SENATE

NINTH CALENDAR DAY
SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 22, 2002

The Senate met in regular session at 10:03 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Honorable Jeff Angelo, member of the Senate from Union County, Creston, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Alissa Darrow, Jessi Fisher, Matt Gibson, Tiffany Gilbert, Ember Leonard, and Micah Van Mersbergen.

The Journal of Friday, January 18, 2002, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Fiegen, until he arrives, on request of Senator Fink; and Senator King, until he arrives, on request of Senator Iverson.

BILLS REMOVED FROM VETO CALENDAR

Senator Iverson asked and received unanimous consent that the following bills be indefinitely postponed and removed from the Item Veto and Veto Messages Calendar:

S.F.	65	S.F.	516
S.F.	66	S.F.	521
S.F.	222	S.F.	530
S.F.	267	S.F.	531
S.F.	410	S.F.	535

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:24 a.m. until 9:00 a.m. Wednesday, January 23, 2002.

APPENDIX

COMMUNICATIONS

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

January 18, 2002

IOWA STATE UNIVERSITY

Report to Iowa Legislature on Water Quality Monitoring Study—January 14, 2002, pursuant to 1998 Acts, Senate File 2295.

DEPARTMENT OF TRANSPORTATION

Report on the Study of the Relocation of Utility Lines and Mains, pursuant to 2001 Acts, House File 324.

AGENCY ICN REPORT

IOWA WORKFORCE DEVELOPMENT

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: January 22, 2002, 3:10 p.m.

Members Present: Maddox, Chair; Holveck, Ranking Member; Angelo, Boettger, Fraise, Hammond, Horn, King, Lamberti, McKean, Miller, and Tinsman.

Members Absent: Redfern, Vice Chair; Fiegen (both excused) and Hansen.

Committee Business: Approved SSB 3010. Passed SF 2002, as amended.

Adjourned: 3:40 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 22, 2002, 10:43 a.m.

Members Present: Sexton, Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Houser, Kibbie, Miller, and Rittmer.

Members Absent: Bartz, Vice Chair; Johnson and Lundby (all excused).

Committee Business: Organizational meeting.

Adjourned: 11:08 a.m.

WAYS AND MEANS

Convened: January 22, 2002, 1:12 p.m.

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

Members Absent: Holveck (excused).

Committee Business: Passed SF 2021, as amended.

Adjourned: 3:00 p.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 2001, by Redwine, a joint resolution proposing an amendment to the Constitution of the State of Iowa granting to the people the power to affirm or reject Acts of the General Assembly relating to the individual income tax or sales or use tax.

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

INTRODUCTION OF BILLS

Senate File 2025, by committee on Ways and Means, a bill for an act relating to economic stimulus measures for businesses by creating an Iowa capital investment board, authorizing the organization of an Iowa capital investment corporation and an Iowa fund of funds, and authorizing the issuance of contingent tax credits to investors in the Iowa fund of funds; establishing a new economy employment initiative by providing for a partial deduction under the individual

income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, and limiting the fiscal impact of the partial deductions; establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax; and including effective and retroactive applicability date provisions.

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

Senate File 2026, by Angelo, a bill for an act relating to the effect of an unrevoked document of gift under the uniform anatomical gift Act.

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

Senate File 2027, by Zieman, McKinley, Veenstra, Boettger, Tinsman, Rehberg, Freeman, Gaskill, Greiner, Sexton, King, Angelo, and Soukup, a bill for an act relating to charges for services provided by the Iowa cooperative extension service in agriculture and home economics of Iowa state university and the county agricultural extension council to the 4-H organization and its clubs.

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

Senate File 2028, by Harper, a bill for an act providing for unemployment benefits for individuals who take parental leave.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations.**

Senate File 2029, by Maddox, a bill for an act relating to coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses by providing coverage for costs associated with medications, equipment, and supplies for the treatment of diabetes.

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

Senate File 2030, by Redwine, a bill for an act relating to permitted and prohibited occupations for certain child laborers and providing an effective date.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations.**

Senate File 2031, by Soukup, a bill for an act providing for the deduction of unreimbursed prescription drug payments and health insurance premiums in determining household income for purposes of the additional property tax relief for the low-income elderly and disabled and including an applicability date provision.

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

STUDY BILLS RECEIVED

SSB 3012 Agriculture

Urging the United States Congress provide funding for the modernization of lock and dam infrastructure on the Upper Mississippi and Illinois Rivers Inland Waterways Transportation System.

SSB 3013 Judiciary

Relating to sentences of incarceration for third or subsequent operating-while-intoxicated motor vehicle offenses.

SSB 3014 Judiciary

Relating to criminal history checks of applicants for certain licenses and by major vendors contracting with the lottery, providing for a fee, and providing an effective date.

SSB 3015 Judiciary

Relating to notarial acts by court officers.

SSB 3016 Judiciary

Relating to the posting of a bond in lieu of liability insurance by certain liquor control licensees and class "B" beer permittees.

SSB 3017 Judiciary

Relating to protection from domestic abuse and including protections for persons in an intimate relationship.

SSB 3018 Judiciary

Relating to a nonresident registering as a sex offender in a county where an institution of higher education is located.

SSB 3019 Judiciary

Concerning immunity from a state tort claims action for certain acts or omissions of the division of labor services of the department of workforce development.

SSB 3020 Judiciary

Relating to licensed private security officers and private investigators carrying weapons.

SSB 3021 Judiciary

Relating to collecting and disseminating information concerning motor vehicle stops and providing a penalty for illegal motor vehicle stops.

SSB 3022 Judiciary

Establishing a procedure for a criminal defendant to obtain fingerprint testing or DNA profiling after a conviction.

SSB 3023 Judiciary

Creating a criminal offense for acts of terrorism, and by applying the death penalty or life imprisonment for acts of terrorism, by establishing circumstances under which the death penalty will be applied, by providing for a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing an effective date and for the Act's applicability.

SSB 3024 Judiciary

Establishing a criminal offense for an act of terrorism and providing a penalty.

SSB 3025 Business and Labor Relations

Prohibiting disbursements of moneys from the vision Iowa fund to entities entering into certain labor-related agreements, and providing an effective date.

SSB 3026 Business and Labor Relations

Prohibiting public contracting entities from entering into certain labor-related agreements for public works projects, and providing an effective date.

SSB 3027 Natural Resources and Environment

Relating to terminology and eligibility for assistance under the sewage treatment and drinking water facilities financing program.

SSB 3028 Natural Resources and Environment

Relating to an increase in the number of nonresident deer hunting licenses and providing for the allocation of the nonresident deer hunting licenses.

SSB 3029 Natural Resources and Environment

Relating to the regulation and protection of wildlife by prohibiting the taking of mussels with a sport fishing license and including black bears and mountain lions as fur-bearing animals.

SSB 3030 Natural Resources and Environment

Relating to statewide standards, site-specific cleanup standards, and public participation in the Iowa land recycling and environmental remediation standards Act.

SSB 3031 Natural Resources and Environment

Relating to the operation, regulation, and equipment of watercraft, establishing watercraft safety courses, and subjecting violators to a penalty.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 102**

RULES AND ADMINISTRATION: Iverson, Chair; Boettger, Dvorsky, Fink, Gaskill, Gronstal, and Kramer

Senate File 159

JUDICIARY: McKean, Chair; Boettger and Hammond

Senate File 379
(Reassignment)

APPROPRIATIONS: Redfern, Chair; Horn and Kramer

Senate File 395
(Reassignment)

APPROPRIATIONS: Gaskill, Chair; Angelo and Black

Senate File 457
(Reassignment)

APPROPRIATIONS: Kramer, Chair; Flynn and Lamberti

Senate File 2012

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Black and Drake

Senate File 2024

JUDICIARY: Redfern, Chair; Hammond and Lamberti

SSB 3012

AGRICULTURE: Zieman, Chair; Fraise and Greiner

SSB 3013

JUDICIARY: Maddox, Chair; Fraise and Tinsman

SSB 3014

JUDICIARY: King, Chair; Boettger and Fraise

SSB 3015

JUDICIARY: Miller, Chair; Angelo and Holveck

SSB 3016

JUDICIARY: Angelo, Chair; Hammond and Miller

SSB 3017

JUDICIARY: Tinsman, Chair; Hansen and Lamberti

SSB 3018

JUDICIARY: Redfern, Chair; Hammond and Miller

SSB 3019

JUDICIARY: Maddox, Chair; Holveck and Tinsman

SSB 3020

JUDICIARY: Angelo, Chair; Fiegen and King

SSB 3021

JUDICIARY: Maddox, Chair; Fraise and McKean

SSB 3022

JUDICIARY: Angelo, Chair; Hansen and King

SSB 3023

JUDICIARY: Maddox, Chair; Fraise and McKean

SSB 3024

JUDICIARY: Maddox, Chair; Fraise and McKean

SSB 3025

BUSINESS AND LABOR RELATIONS: Freeman, Chair; Fraise and Schuerer

SSB 3026

BUSINESS AND LABOR RELATIONS: Freeman, Chair; Fraise and Schuerer

SSB 3027

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

SSB 3028

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Black and Miller

SSB 3029

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Houser and Sexton

SSB 3030

NATURAL RESOURCES AND ENVIRONMENT: Freeman, Chair; Bolkom and Lundby

SSB 3031

NATURAL RESOURCES AND ENVIRONMENT: Fink, Chair; Drake and Lundby

COMMITTEE REPORT**WAYS AND MEANS**

Final Bill Action: *SENATE FILE 2025 (formerly SF 2021), a bill for an act relating to economic stimulus measures for businesses by creating an Iowa capital investment board, authorizing the organization of an Iowa capital investment corporation and an Iowa fund of funds, and authorizing the issuance of contingent tax credits to investors in the Iowa fund of funds; establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, and limiting the fiscal impact of the partial deductions; establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax; and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: McKibben, McKinley, Drake, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, 4: Harper, Bolkcom, Connolly, and Deluhery. Absent or not voting, 2: Flynn and Holveck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2025, and they were attached to the committee report.

JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 23, 2002

The Senate met in regular session at 9:06 a.m., President Kramer presiding.

Prayer was offered by the Reverend David Ruhe, pastor of the Plymouth Congregational United Church of Christ in Des Moines, Iowa. He was the guest of President Kramer.

The Journal of Tuesday, January 22, 2002, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

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

COMMITTEE CHANGE

Senator Iverson announced the following change in committee assignments to fill one of the vacancies created by Senator Johnson's resignation from the Senate:

Senator **Jensen** will now serve as Chair of the committee on Commerce.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:18 a.m. until 9:00 a.m. Thursday, January 24, 2002.

APPENDIX

RESIGNATION FROM OFFICE

January 22, 2002

Honorable Mary Kramer
State Capitol
Des Moines, IA 50319

Dear President Kramer:

For the past seven years I have had the honor of serving Senate District 39 in the Iowa Senate. I have just been notified of a recess appointment by President Bush to the National Credit Union Administration Board, which I will accept.

Please accept my resignation from the Iowa Senate, effective immediately.

Best wishes for a successful session.

Respectfully submitted,
JoAnn Johnson

COMMUNICATIONS

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

January 23, 2002

BOARD OF REGENTS

Center for Health Effects of Environmental Contamination Annual Report, pursuant to Iowa Code section 263.17(4b).

Annual report on minority and women educators, pursuant to Iowa Code sections 262.82 and 262.93, and annual affirmative action cost report for FY 2001, pursuant to Iowa Code section 19B.5.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

Annual Report for FY 2001, pursuant to Iowa Code section 411.5.

DEPARTMENT OF PUBLIC HEALTH

Division of Tobacco Use Prevention and Control Update on Grantee Activities, pursuant to Iowa Code section 142A.4(12).

AGENCY ICN REPORT**MENTAL HEALTH INSTITUTE—INDEPENDENCE, IOWA**

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

REPORTS OF COMMITTEE MEETINGS**AGRICULTURE**

Convened: January 23, 2002, 8:35 a.m.

Members Present: Behn, Chair; Houser, Vice Chair; Fraise, Ranking Member; Angelo, Black, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

Members Absent: Bartz and Fiegen (both excused).

Committee Business: Approved SSB 3012.

Adjourned: 9:00 a.m.

APPROPRIATIONS

Convened: January 23, 2002, 1:05 p.m.

Members Present: Lamberti, Chair; Flynn, Ranking Member; Angelo, Black, Bolkcom, Connolly, Dvorsky, Gaskill, Hammond, Horn, Jensen, King, McKibben, McKinley, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

Members Absent: Kramer, Vice Chair; Deluhery, Fiegen, Lundby, and Redfern (all excused).

Committee Business: Organizational meeting and presentation by the Legislative Fiscal Bureau.

Adjourned: 1:30 p.m.

BUSINESS AND LABOR RELATIONS

Convened: January 23, 2002, 10:10 a.m.

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

Members Absent: Lundby (excused).

Committee Business: Discussed SSBs 3025 and 3026.

Adjourned: 10:25 a.m.

COMMERCE

Convened: January 23, 2002, 2:11 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, McCoy, and Redfern.

Members Absent: Hansen, King, Lundby, Maddox, and Redwine (all excused).

Committee Business: Organizational meeting.

Adjourned: 2:17 p.m.

EDUCATION

Convened: January 23, 2002, 10:10 a.m.

Members Present: Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Shearer, Soukup, and Tinsman.

Members Absent: Kramer and Veenstra (both excused).

Committee Business: Presentation by Director of the Department of Education on education in Iowa.

Adjourned: 11:06 a.m.

HUMAN RESOURCES

Convened: January 23, 2002, 11:07 a.m.

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

Members Absent: Bartz (excused).

Committee Business: Presentation by the Comprehensive Cancer Control Study Committee.

Adjourned: 11:55 a.m.

TRANSPORTATION

Convened: January 23, 2002, 11:10 a.m.

Members Present: Rittmer, Chair; Drake, Vice Chair; McCoy, Ranking Member; Dearden, Fink, Fraise, Freeman, Houser, Jensen, Kibbie, McKinley, and Zieman.

Members Absent: Sexton (excused).

Committee Business: Presentation on the Road Use Tax Fund and other transportation issues.

Adjourned: 12:10 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 104, by committee on Agriculture, a concurrent resolution urging the United States Congress provide funding for the modernization of lock and dam infrastructure on the Upper Mississippi and Illinois Rivers Inland Waterways Transportation System.

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

INTRODUCTION OF BILLS

Senate File 2032, by committee on Judiciary, a bill for an act relating to the Iowa crime victim compensation program.

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

Senate File 2033, by Kibbie, a bill for an act relating to the compensation of members of county commissions of veteran affairs.

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

Senate File 2034, by committee on Judiciary, a bill for an act relating to the filing of a criminal indictment or trial information against a person who is not present in the state.

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

Senate File 2035, by Angelo, a bill for an act relating to the administrative procedures of county treasurers for property taxation and vehicle registration.

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

Senate File 2036, by Dvorsky, a bill for an act relating to reading a victim impact statement at a criminal sentencing hearing.

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

Senate File 2037, by Dvorsky, a bill for an act relating to certain precautions motor vehicle operators must take when passing stationary authorized emergency, towing, recovery, and highway maintenance vehicles and providing a penalty.

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

Senate File 2038, by McKean, a bill for an act relating to analyzing the confinement and detention needs of jails, and other local or regional confinement facilities, prohibiting certain financial interests in the construction of a jail or facility, and providing an effective date.

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

STUDY BILLS RECEIVED

SSB 3032 State Government

Relating to the application procedure for variances from the rules or standards for open burning.

SSB 3033 State Government

Relating to the township property tax levy for fire protection service and emergency medical services and providing an applicability date.

SSB 3034 State Government

Relating to the applicability of the thermal efficiency energy conservation standards in the state building code.

SSB 3035 State Government

Relating to requirements for state and local governmental units, including requirements for the secretary of state and counties relating to the filing of business and commercial documents, providing for fees and appropriations, and providing effective and retroactive applicability dates.

SSB 3036 State Government

Appropriating state matching funds in order to receive federal dollars for election reform.

SSB 3037 State Government

Requiring a voter registrant to include the last four numerals of the registrant's social security number on voter registration forms.

SSB 3038 State Government

Establishing a state election administrator training program and certification board.

SSB 3039 State Government

Relating to persons authorized to occupy a voting booth with a voter.

SSB 3040 State Government

Proposing an amendment to the Constitution of the State of Iowa relating to the composition of the militia.

SSB 3041 State Government

Allowing elections in certain cities to be conducted by mail ballots and providing penalties.

SSB 3042 State Government

Relating to the public safety peace officers' retirement, accident, and disability system by providing for the calculation of accidental disability benefits, establishing subrogation rights of the retirement system, concerning portability of benefits with the statewide fire and police retirement system, and providing an effective and retroactive applicability date.

SSB 3043 State Government

Relating to youth participation in the electoral process.

SSB 3044 State Government

Relating to the administration of the Iowa lottery by providing for employees and vendor background investigations, marketing materials, and the identification of instant lottery tickets.

SSB 3045 Business and Labor Relations

Relating to permitted and prohibited occupations for certain child laborers involving motor vehicle cleaning, washing, and polishing, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS**Senate File 10**
(Reassignment)

AGRICULTURE: Houser, Chair; Fraise and Greiner

Senate File 61

AGRICULTURE: Zieman, Chair; Bartz and Kibbie

Senate File 64
(Reassignment)

AGRICULTURE: Gaskill, Chair; Greiner and Shearer

Senate File 149

AGRICULTURE: Angelo, Chair; Bartz and Soukup

Senate File 217
(Reassignment)

AGRICULTURE: Houser, Chair; Greiner and Shearer

Senate File 254
(Reassignment)

AGRICULTURE: Houser, Chair; Fraise, Greiner, Kibbie, and Sexton

Senate File 319

AGRICULTURE: Kibbie, Chair; Fraise and Houser

Senate File 454

AGRICULTURE: Houser, Chair; Behn and Fiegen

Senate File 495

AGRICULTURE: Kibbie, Chair; Fraise and Houser

Senate File 502

AGRICULTURE: Houser, Chair; Behn and Fiegen

Senate File 506
(Reassignment)

AGRICULTURE: Houser, Chair; Behn and Fiegen

Senate File 2005

EDUCATION: Kramer, Chair; Fink and Veenstra

Senate File 2015

EDUCATION: Boettger, Chair; Connolly and Rehberg

Senate File 2016

EDUCATION: Boettger, Chair; Connolly and Rehberg

Senate File 2026

JUDICIARY: Angelo, Chair; Fiegen and Redfern

Senate File 2027

EDUCATION: McKinley, Chair; Rehberg and Soukup

SSB 1002
(Reassignment)

AGRICULTURE: Fraise, Chair; Bartz and Kibbie

SSB 3032

STATE GOVERNMENT: King, Chair; Houser and Kibbie

SSB 3033

STATE GOVERNMENT: Sexton, Chair; Kibbie and Maddox

SSB 3034

STATE GOVERNMENT: Drake, Chair; Bolkcom and Maddox

SSB 3035

STATE GOVERNMENT: Lamberti, Chair; Deluhery and King

SSB 3036

STATE GOVERNMENT: Lamberti, Chair; Kibbie and King

SSB 3037

STATE GOVERNMENT: King, Chair; Connolly and Jensen

SSB 3038

STATE GOVERNMENT: McKean, Chair; Bolkcom and King

SSB 3039

STATE GOVERNMENT: McKean, Chair; Deluhery and Rittmer

SSB 3040

STATE GOVERNMENT: Drake, Chair; Jensen and Kibbie

SSB 3041

STATE GOVERNMENT: Drake, Chair; Jensen and Kibbie

SSB 3042

STATE GOVERNMENT: Rittmer, Chair; Connolly and King

SSB 3043

STATE GOVERNMENT: King, Chair; Deluhery and Sexton

SSB 3044

STATE GOVERNMENT: McKean, Chair; Fink and Lamberti

SSB 3045

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Freeman and Fraise

COMMITTEE REPORTS**AGRICULTURE**

Final Bill Action: SENATE CONCURRENT RESOLUTION 104 (SSB 3012), a concurrent resolution urging the United States Congress provide funding for the modernization of lock and dam infrastructure on the Upper Mississippi and Illinois Rivers Inland Waterways Transportation System.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Behn, Houser, Fraise, Angelo, Black, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, 2: Bartz and Fiegen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2032 (SSB 3010), a bill for an act relating to the Iowa crime victim compensation program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Maddox, Holveck, Fraise, Hammond, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, 1: Angelo. Absent or not voting, 4: Redfern, Boettger, Fiegen, and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2034 (formerly SF 2002), a bill for an act relating to the filing of a criminal indictment or trial information against a person who is not present in the state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Maddox, Holveck, Angelo, Boettger, Fraise, Hammond, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 3: Redfern, Fiegen, and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2034, and they were attached to the committee report.

JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY
EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 24, 2002

The Senate met in regular session at 9:30 a.m., President Kramer presiding.

Prayer was offered by the Honorable Ken Veenstra, member of the Senate from Sioux County, Orange City, Iowa.

The Journal of Wednesday, January 23, 2002, was approved.

COMMITTEE CHANGE

Senator Iverson announced the following change in committee assignments to fill one of the vacancies created by Senator Johnson's resignation from the Senate:

Senator **Angelo** will be added to the Administrative Rules Review Committee.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:44 a.m. until 10:30 a.m.

APPENDIX

PRESENTATION OF VISITORS

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

Students who attend various Iowa community colleges.

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: January 23, 2002, 3:30 p.m.

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

Members Absent: Lundby (excused).

Committee Business: Approved SSBs 3025 and 3026.

Recessed: 3:31 p.m.

Reconvened: January 24, 2002, 8:12 a.m.

Adjourned: 9:25 a.m.

JUDICIARY

Convened: January 24, 2002, 9:50 a.m.

Members Present: Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Hammond, Hansen, Horn, King, Lamberti, McKean, and Tinsman.

Members Absent: Fraise and Miller (both excused).

Committee Business: Subcommittee assignments.

Adjourned: 9:55 a.m.

INTRODUCTION OF BILLS

Senate File 2039, by Lamberti, a bill for an act relating to the issuance and display of one motor vehicle registration plate.

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

Senate File 2040, by Boettger, a bill for an act relating to the transfer to the department of revenue and finance of the duties of the child support recovery unit of the department of human services.

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

Senate File 2041, by Maddox, a bill for an act relating to certain cigarettes and tobacco products and accessories, providing penalties, and making penalties applicable.

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

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2001

WAYS AND MEANS: McKinley, Chair; Flynn and Miller

Senate File 472
(Reassignment)

COMMERCE: Jensen, Chair; Gronstal and Schuerer

Senate File 2029

COMMERCE: Maddox, Chair; Hansen and Jensen

House File 608
(Reassignment)

COMMERCE: Maddox, Chair; Deluhery and Jensen

House File 681
(Reassignment)

COMMERCE: Schuerer, Chair; Flynn and Redwine

RECONVENED

The Senate reconvened at 11:40 a.m., President Kramer presiding.

QUORUM CALL

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

The vote revealed 38 present, 11 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Bartz, for the day, and Senator Gaskill, until he returns, on request of Senator Iverson; and Senators Fiegen and McCoy, until they return, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2018.

Senate File 2018

On motion of Senator Iverson, **Senate File 2018**, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2002 Regular Session of the Seventy-ninth General Assembly, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2018), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Greiner	Gronstal

Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
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, 4:

Bartz	Fiegen	Gaskill	McCoy
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Vacant, 1.

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

The Senate stood at ease at 11:52 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:26 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 January 24, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2078, a bill for an act creating an Iowa capital investment board, authorizing the organization of an Iowa capital investment corporation and an Iowa fund of funds, and authorizing the issuance of contingent tax credits to investors in the Iowa fund of funds.

Read first time and **attached to similar Senate File 2025**.

QUORUM CALL

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

The vote revealed 35 present, 14 absent, and a quorum present.

SPECIAL GUESTS

Senator Gaskill introduced 2002 Iowa Pork Queen Dawn Kruger from Wesley, Iowa. Miss Kruger was accompanied by her parents, Dennis and Deb Kruger, and addressed the Senate with brief remarks.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2018** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2025.

Senate File 2025

On motion of Senator McKibben, **Senate File 2025**, a bill for an act relating to economic stimulus measures for businesses by creating an Iowa capital investment board, authorizing the organization of an Iowa capital investment corporation and an Iowa fund of funds, and authorizing the issuance of contingent tax credits to investors in the Iowa fund of funds; establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, and limiting the fiscal impact of the partial deductions; establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax; and

including effective and retroactive applicability date provisions, was taken up for consideration.

Senator McKibben offered amendment S-5002, filed by him from the floor to pages 1, 2, 4, 6, 7, 10, 11, 13-19, and to the title page of the bill, and moved its adoption.

Amendment S-5002 was adopted by a voice vote.

Senator McKibben asked and received unanimous consent that **House File 2078** be **substituted** for **Senate File 2025**.

House File 2078

On motion of Senator McKibben, **House File 2078**, a bill for an act creating an Iowa capital investment board, authorizing the organization of an Iowa capital investment corporation and an Iowa fund of funds, and authorizing the issuance of contingent tax credits to investors in the Iowa fund of funds, was taken up for consideration.

Senator McKibben offered amendment S-5003, filed by him from the floor to pages 8, 11, 15, and to the title page of the bill.

Senator Gronstal raised the point of order that amendment S-5003 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-5003 in order.

Senator Gronstal asked and received unanimous consent that action on amendment S-5003 and **House File 2078** be **deferred**.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:04 p.m. until the completion of committee meetings.

AFTERNOON SESSION

The Senate reconvened at 2:52 p.m., President Kramer presiding.

The Senate stood at ease at 2:53 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:01 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dvorsky, for the remainder of the day, on request of Senator Gronstal.

BUSINESS PENDING

House File 2078

The Senate resumed consideration of **House File 2078**, a bill for an act creating an Iowa capital investment board, authorizing the organization of an Iowa capital investment corporation and an Iowa fund of funds, and authorizing the issuance of contingent tax credits to investors in the Iowa fund of funds, previously deferred (amendment S-5003 pending).

Senator Bolkcom offered amendment S-5005, filed by him from the floor to page 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5005 be adopted?" (H.F. 2078), the vote was:

Ayes, 20:

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

Nays, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	Kramer	Lamberti
Lundby	Maddox	McKibben	McKinley

Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 3:

Bartz	Dvorsky	King
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Vacant, 1.

Amendment S-5005 lost.

The Senate resumed consideration of amendment S-5003, previously deferred.

Senator Shearer offered amendment S-5004, filed by him from the floor to page 1 of amendment S-5003, and moved its adoption.

Amendment S-5004 lost by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shearer, for the remainder of the day, on request of Senator Fraise.

BUSINESS PENDING

House File 2078

The Senate resumed consideration of House File 2078 and amendment S-5003.

Senator Flynn called for the following division of amendment S-5003:

Division S-5003A: Lines 3-8, 25-27, and 34; and
 Division S-5003B: Lines 9-24 and 28-33.

Senator McKibben moved the adoption of division S-5003A.

A record roll call was requested.

On the question "Shall division S-5003A be adopted?" (H.F. 2078), the vote was:

Ayes, 45:

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

Nays, none.

Absent or not voting, 4:

Bartz	Dvorsky	King	Shearer
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Vacant, 1.

Division S-5003A was adopted.

Senator McKibben moved the adoption of division S-5003B.

A record roll call was requested.

On the question "Shall division S-5003B be adopted?" (H.F. 2078), the vote was:

Ayes, 41:

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

Nays, 3:

Bolkcom Dearden Hammond

Present, 1:

Flynn

Absent or not voting, 4:

Bartz Dvorsky King Shearer

Vacant, 1.

Division S-5003B was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

BUSINESS PENDING

House File 2078

The Senate resumed consideration of House File 2078.

Senator Bolkcom offered amendment S-5006, filed by him 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-5006 be adopted?" (H.F. 2078), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Fiegen	Fink
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	McKean	Soukup	

Nays, 25:

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

Absent or not voting, 5:

Bartz	Dvorsky	Flynn	King
Shearer			

Vacant, 1.

Amendment S-5006 lost.

The Senate stood at ease at 4:50 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 5:07 p.m., President Kramer presiding.

Senator Fiegen asked and received unanimous consent to withdraw amendment S-5008, filed by him from the floor to page 3 of the bill.

Senator Fiegen asked and received unanimous consent to withdraw amendment S-5007, filed by him from the floor to pages 3-4 of the bill.

Senator Fiegen offered amendment S-5009, filed by him from the floor to page 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5009 be adopted?" (H.F. 2078), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Fiegen	Fink	Fraise
Gronstal	Hammond	Hansen	Harper

Holveck McCoy	Horn McKean	Kibbie Shearer	Lundby Soukup
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Nays, 24:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	Kramer	Maddox
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 5:

Bartz	Dvorsky	Flynn	King
Lamberti			

Vacant, 1.

Amendment S-5009 lost.

Senator Fiegen offered amendment S-5010, filed by him 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-5010 be adopted?" (H.F. 2078), the vote was:

Ayes, 18:

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

Nays, 27:

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

Absent or not voting, 4:

Bartz	Dvorsky	Flynn	King
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Vacant, 1.

Amendment S-5010 lost.

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

On the question "Shall the bill pass?" (H.F. 2078), the vote was:

Ayes, 39:

Angelo	Behn	Black	Boettger
Connolly	Deluhery	Drake	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Veenstra	Zieman	

Nays, 5:

Bolkcom	Dearden	Fiegen	Hammond
Soukup			

Absent or not voting, 5:

Bartz	Dvorsky	Flynn	King
Tinsman			

Vacant, 1.

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

WITHDRAWN

Senator McKibben asked and received unanimous consent that **Senate File 2025** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2078** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:52 p.m. until 1:00 p.m. Monday, January 28, 2002.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 24, 2002, 10:37 a.m.

Members Present: Sexton, Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Houser, Kibbie, Lundby, Miller, and Rittmer.

Members Absent: Bartz, Vice Chair (excused).

Committee Business: Presentation by Jeffrey Vonk, Director of DNR.

Adjourned: 11:30 a.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: January 24, 2002, 11:04 a.m.

Members Present: Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Holveck, Lamberti, McKinley, and Veenstra.

Members Absent: None.

Committee Business: Reviewed holdover bills.

Adjourned: 11:12 a.m.

STATE GOVERNMENT

Convened: January 24, 2002, 2:15 p.m.

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

Members Absent: Dearden and Houser (both excused).

Committee Business: Subcommittee assignments.

Adjourned: 2:25 p.m.

INTRODUCTION OF BILLS

Senate File 2042, by Rehberg, Jensen, and Zieman, a bill for an act relating to condemnation of private property and allowing a

deduction from taxable income for state income tax purposes of certain condemnation awards and providing a retroactive applicability date.

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

Senate File 2043, by Hansen, a bill for an act making an appropriation for transfer to the community college vocational-technical technology improvement program and providing a formula for distribution of the moneys to community colleges.

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

Senate File 2044, by Hansen, a bill for an act creating a tax credit for investments in qualified businesses engaged in producing, developing, or marketing a product for detecting, containing, preventing, or countering harmful biological or chemical agents and providing effective and retroactive applicability dates.

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

Senate File 2045, by Hansen, a bill for an act allocating moneys to the Iowa Lewis and Clark bicentennial fund and providing an effective date.

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

Senate File 2046, by Redwine, a bill for an act prohibiting certain activities related to the use or destruction of the materials of human reproduction, and providing penalties.

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

Senate File 2047, by Harper, a bill for an act relating to driver's license reciprocity with other countries and providing an effective date.

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

Senate File 2048, by committee on Business and Labor Relations, a bill for an act prohibiting disbursements of moneys from the vision Iowa fund to entities entering into certain labor-related agreements, and providing an effective date.

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

Senate File 2049, by committee on Business and Labor Relations, a bill for an act prohibiting public contracting entities from entering into certain labor-related agreements for public works projects, and providing an effective date.

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

Senate File 2050, by Kibbie, Fink, and Bolkcom, a bill for an act providing for phosphorus use levels in calculations required to determine the application of manure in manure management plans, and making penalties applicable.

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

Senate File 2051, by Houser, King, Angelo, Behn, Boettger, Redwine, Freeman, Kibbie, and Fraise, a bill for an act relating to the creation of a state interagency Missouri river authority and specifying its powers and duties.

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

Senate File 2052, by Houser, Behn, Redwine, Boettger, Veenstra, King, Angelo, Freeman, Fraise, and Kibbie, a bill for an act relating to changes in the Missouri river master manual of the United States army corps of engineers.

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

Senate File 2053, by Miller, a bill for an act relating to the rate of compensation for grand and petit jurors, and to reimbursement of employers for compensation paid to grand and petit jurors for service or attendance.

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

Senate File 2054, by Tinsman, a bill for an act relating to the convening of a task force to determine the feasibility of establishing an interstate prescription drug purchasing cooperative.

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

Senate File 2055, by Jensen, Kibbie, and Drake, a bill for an act relating to the appointment and qualifications of an executive director of a county commission of veteran affairs.

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

Senate File 2056, by Tinsman and Veenstra, a bill for an act relating to marriage including options related to premarital education, marriage license fees, and the time period that must expire prior to a marriage license becoming valid.

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

STUDY BILLS RECEIVED

SSB 3046 Judiciary

Relating to child restraint systems and imposing penalties.

SSB 3047 Transportation

Relating to highways and motor vehicles, including provisions relating to condemnation of property by the state department of transportation, registration of motor vehicles, the issuance of driver's

licenses and nonoperator's identification cards, and permits for oversized vehicles, and providing penalties and effective dates.

SSB 3048 Ways and Means

Relating to the establishment of a county urban public transit district within incorporated and urbanized areas of one or more counties, authorizing the imposition of a limited tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

SSB 3049 Human Resources

Relating to the uniform anatomical gift Act including the document of gift, the release identifying information, donors other than the subject of the donation, and immunity provisions.

SSB 3050 Commerce

Relating to vendor contracts for the statewide underground facility notification center.

SSB 3051 Commerce

Relating to real estate appraiser certification.

SSB 3052 Commerce

Relating to real estate broker licensure and insurance coverage, and providing a penalty.

SSB 3053 Commerce

Relating to a sales and use tax exemption for turbines sold and used in a new electric generating plant, and providing an effective date.

SSB 3054 Appropriations

Authorizing the state board of regents to issue bonds to construct, improve, remodel, repair, furnish, and equip inpatient and outpatient

facilities and patient care facilities at the university of Iowa hospitals and clinics.

SSB 3055 Business and Labor Relations

Relating to the retention of unemployment benefits contested case hearing records.

SSB 3056 Business and Labor Relations

Relating to laws administered by the labor commissioner, including the regulation of amusement rides, asbestos removal and encapsulation, boilers and unfired steam pressure vessels, boxing and wrestling, construction contractors, and child and migrant labor.

SSB 3057 Business and Labor Relations

Concerning workers; compensation, by providing for the confidentiality of certain records, providing for the payment of weekly compensation benefits, eliminating the waiver of claims based upon preexisting physical defects, and modifying appeal affidavit and certified copy requirements.

SUBCOMMITTEE ASSIGNMENTS

Senate File 22
(Reassignment)

LOCAL GOVERNMENT: Miller, Chair; Horn and McKibben

Senate File 173
(Reassignment)

LOCAL GOVERNMENT: Miller, Chair; Angelo and Fraise

Senate File 178
(Reassignment)

LOCAL GOVERNMENT: Angelo, Chair; Fraise and Schuerer

Senate File 260

LOCAL GOVERNMENT: Angelo, Chair; Hansen and Zieman

Senate File 400
(Reassignment)

COMMERCE: Hansen, Chair; Jensen and Lundby

Senate File 434

LOCAL GOVERNMENT: Miller, Chair; Black and Ziemann

Senate File 440
(Reassignment)

COMMERCE: Hansen, Chair; Jensen and Lundby

Senate File 469

LOCAL GOVERNMENT: Miller, Chair; Gaskill and McCoy

Senate File 501

LOCAL GOVERNMENT: Miller, Chair; McCoy and McKibben

Senate File 504

LOCAL GOVERNMENT: Miller, Chair; Hansen and McKibben

Senate File 2006

EDUCATION: Dvorsky, Chair; Boettger and McKinley

Senate File 2028

BUSINESS AND LABOR RELATIONS: Greiner, Chair; Behn and Hammond

Senate File 2030

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Fraise and Freeman

Senate File 2031

HUMAN RESOURCES: Veenstra, Chair; Behn and Harper

Senate File 2033

LOCAL GOVERNMENT: Fraise, Chair; Schuerer and Ziemann

Senate File 2035

LOCAL GOVERNMENT: Angelo, Chair; Horn and Ziemann

SSB 3046

JUDICIARY: Boettger, Chair; Hammond and Miller

SSB 3047

TRANSPORTATION: Rittmer, Chair; Drake, Fraise, McCoy, and Zieman

SSB 3048

WAYS AND MEANS: Lamberti, Chair; Connolly and Drake

SSB 3049

HUMAN RESOURCES: Boettger, Chair; Dvorsky and Redwine

SSB 3050

COMMERCE: King, Chair; Deluhery and Redfern

SSB 3051

COMMERCE: Jensen, Chair; Gronstal and Rehberg

SSB 3052

COMMERCE: Schuerer, Chair; Lundby and McCoy

SSB 3053

COMMERCE: Jensen, Chair; Flynn and Schuerer

SSB 3054

APPROPRIATIONS: Lamberti, Chair; Bolkcom and Lundby

SSB 3055

BUSINESS AND LABOR RELATIONS: Lundby, Chair; Greiner and Horn

SSB 3056

BUSINESS AND LABOR RELATIONS: King, Chair; Behn and Dearden

SSB 3057

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Hammond and King

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE FILE 2048 (SSB 3025), a bill for an act prohibiting disbursements of moneys from the vision Iowa fund to entities entering into certain labor-related agreements, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Freeman, Greiner, Behn, King, McKibben, and Schuerer. Nays, 4: Dearden, Fraise, Hammond, and Horn. Absent or not voting, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2049 (SSB 3026), a bill for an act prohibiting public contracting entities from entering into certain labor-related agreements for public works projects, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Freeman, Greiner, Behn, King, McKibben, and Schuerer. Nays, 4: Dearden, Fraise, Hammond, and Horn. Absent or not voting, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on January 24, 2002, when the vote was taken on House File 2078. Had I been present, I would have voted "Aye."

MAGGIE TINSMAN

AMENDMENTS FILED

S-5002	S.F.	2025	Larry McKibben
S-5003	H.F.	2078	Larry McKibben
S-5004	H.F.	2078	Mark Shearer
S-5005	H.F.	2078	Joe Bolkcom
S-5006	H.F.	2078	Joe Bolkcom
S-5007	H.F.	2078	Thomas Fiegen
S-5008	H.F.	2078	Thomas Fiegen
S-5009	H.F.	2078	Thomas Fiegen
S-5010	H.F.	2078	Thomas Fiegen

JOURNAL OF THE SENATE

FIFTEENTH CALENDAR DAY
NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 28, 2002

The Senate met in regular session at 1:09 p.m., President Kramer presiding.

Prayer was offered by the Reverend Betsey Sue Neipert, pastor of the Nichols United Methodist Parish in Nichols, Iowa. She was the guest of Senator Drake.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Alissa Darrow, Jessi Fisher, and Wendy Walker.

The Journal of Thursday, January 24, 2002, was approved.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 105, by Iverson and Gronstal, a concurrent resolution designating January 30, 2002, as Iowa Insurance Day.

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

INTRODUCTION OF BILL

Senate File 2057, by Iverson, a bill for an act relating to the designation of a Dr. Norman E. Borlaug World Food Prize Day.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKean, until he arrives, on request of Senator Iverson.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:35 p.m. until 9:00 a.m. Tuesday, January 29, 2002.

APPENDIX

COMMITTEE CHANGES

Senator Iverson announced the following interim changes in committee assignments to fill vacancies created by Senator JoAnn Johnson's resignation from the Senate:

Senator **Jensen** will be added to the Natural Resources and Environment Committee.

Senator **Freeman** will be added to the Local Government Committee.

Senator **Rehberg** will be added to the Commerce Committee.

Senator **Behn** will be added to the Rules and Administration Committee.

Senator **Rittmer** will serve as Vice Chair of the Health and Human Rights Appropriations Subcommittee.

Senator Iverson announced the following permanent changes in committee memberships:

Senator **Schuerer** will move from the Local Government Committee to the State Government Committee.

Senator **Houser** will move from the State Government Committee to the Local Government Committee.

COMMUNICATIONS

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

January 28, 2002

DEPARTMENT OF HUMAN RIGHTS

FY 2001 Annual Reports for the Commission of Persons with Disabilities and the Client Assistance Program — notification that the report in electronic form is available online.

AGENCY ICN REPORT

DEPARTMENT OF TRANSPORTATION

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

CERTIFICATES OF RECOGNITION

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

Allen Burt, Marshalltown — For being named Pork All American. Senator McKibben (01/22/02).

Darrel Burt, Marshalltown — For being named Pork All American. Senator McKibben (01/22/02).

Mildred Osburn, Bedford — For celebrating your 100th birthday on January 19, 2002. Senator Angelo (01/24/02).

Adelaide Armstrong, Belmont — For celebrating your 100th birthday. Senator Iverson (01/28/02).

Sandy Anderson, Belmont — For receiving the Sunshine Award. Senator Iverson (01/28/02).

Rob Dugger, Belmont — For receiving the Distinguished Junior Citizen Award. Senator Iverson (01/28/02).

Nick Myers, Belmont — For your dedication to volunteer work. Senator Iverson (01/28/02).

Mary Jo Swenson, Belmont — For receiving the Distinguished Citizen Award. Senator Iverson (01/28/02).

The Tai Dam Traditional New Year Committee of Storm Lake — For recognition and congratulations on the occasion of the Lunar Chinese New Year, "The Year of the Horse." Senator Freeman (01/28/02).

Fonda Thompsen, Belmont — For your dedication as a religious leader. Senator Iverson (01/28/02).

Clyde Vedane, Dows — For 28 years of dedicated service to the community. Senator Iverson (01/28/02).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: January 28, 2002, 1:45 p.m.

Members Present: Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

Members Absent: Redfern (excused).

Committee Business: Presentation by University of Iowa researchers, instructors, and students.

Adjourned: 2:34 p.m.

HUMAN RESOURCES

Convened: January 28, 2002, 2:36 p.m.

Members Present: Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra.

Members Absent: None.

Committee Business: Passed SF 2023.

Adjourned: 2:50 p.m.

RULES AND ADMINISTRATION

Convened: January 28, 2002, 1:35 p.m.

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

Members Absent: Gaskill and McKean (both excused).

Committee Business: Passed SCR 105 and SF 2057.

Adjourned: 1:38 p.m.

STATE GOVERNMENT

Convened: January 28, 2002, 3:10 p.m.

Members Present: King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, Rittmer, Schuerer, and Sexton.

Members Absent: Houser and McKean (both excused).

Committee Business: Approved SSB 3040 and presentation on redistricting.

Adjourned: 4:25 p.m.

TRANSPORTATION

Convened: January 28, 2002, 2:35 p.m.

Members Present: Rittmer, Chair; Drake, Vice Chair; McCoy, Ranking Member; Dearden, Fink, Fraise, Freeman, Houser, Jensen, Kibbie, McKinley, Sexton, and Ziemann.

Members Absent: None.

Committee Business: Subcommittee assignments. Discussion of department bills.

Adjourned: 2:47 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 103, by Ziemann, a Senate resolution honoring Coach Lowell Lyngaas and his Race America runners from Valley School District in northeast Iowa.

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

Senate Resolution 104, by Kramer, Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fiegen, Fink, Flynn, Fraise, Freeman, Gaskill, Greiner, Gronstal, Hammond, Hansen, Harper, Holveck, Horn, Houser, Iverson, Jensen, Kibbie, King, Lamberti, Lundby, Maddox, McCoy, McKean, McKibben, McKinley, Miller, Redfern, Redwine, Rehberg, Rittmer, Schuerer, Sexton, Shearer, Soukup, Tinsman, Veenstra, and Ziemann, a Senate resolution designating June 15, 2002, as Juneteenth National Freedom Day.

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

INTRODUCTION OF BILLS

Senate File 2058, by Veenstra, a bill for an act requiring a person who commits any criminal offense of sexual exploitation of a minor to register as a sex offender.

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

Senate File 2059, by Soukup, a bill for an act relating to animal feeding operations, by establishing a moratorium upon the

construction of swine confinement feeding operation structures, making penalties applicable, and providing an effective date.

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

Senate File 2060, by Shearer, a bill for an act relating to the abatement of interest on state sales and use taxes and local sales and services taxes of purchasers of certain access to on-line computer services and providing refunds, and including effective and applicability date provisions.

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

Senate File 2061, by Shearer, a bill for an act relating to the sales and use tax exemption for charges paid for access to on-line computer services, providing for refunds, and including an effective and retroactive applicability date provision.

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

Senate File 2062, 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 under Rule 28 and referred to committee on **Ways and Means.**

Senate File 2063, by Angelo, a bill for an act relating to the administrative procedures of certain county officers for the assessment and collection of property taxes on separately owned land and improvements.

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

Senate File 2064, by Dvorsky, a bill for an act establishing a prevention of domestic violence special motor vehicle registration plate and establishing fees.

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

Senate File 2065, by Freeman, a bill for an act relating to recycling waste oil filters, establishing fees, and making an appropriation.

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

Senate File 2066, by Redwine, a bill for an act relating to the automatic repeal of a local option sales and services tax.

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

Senate File 2067, by committee on Human Resources, a bill for an act relating to body piercing including requiring a permit for practicing body piercing and prohibiting body piercing of minors without prior written consent of a parent, providing for injunctive relief, and providing penalties.

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

STUDY BILLS RECEIVED

SSB 3058 Transportation

Relating to restrictions on advertising devices placed along interstate highways and providing a delayed effective date.

SSB 3059 Transportation

Relating to modal transportation, including changes in transit coordination requirements, elimination of the Iowa railway finance authority, and changes in the aircraft registration process.

SSB 3060 Commerce

Relating to the transfer of certain deposit and investment accounts upon the death of the decedent.

SUBCOMMITTEE ASSIGNMENTS**Senate Concurrent Resolution 105**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 103

RULES AND ADMINISTRATION: Iverson, Chair; Dvorsky and Rittmer

Senate Resolution 104

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 28
(Reassignment)

COMMERCE: Maddox, Chair; Gronstal and Lundby

Senate File 2010

STATE GOVERNMENT: McKean, Chair; Drake and Fink

Senate File 2011

STATE GOVERNMENT: Rittmer, Chair; Connolly and King

Senate File 2017

STATE GOVERNMENT: Jensen, Chair; Drake and Kibbie

Senate File 2037

TRANSPORTATION: Houser, Chair; Dearden and Jensen

Senate File 2040

HUMAN RESOURCES: Veenstra, Chair; Behn and Shearer

Senate File 2042

LOCAL GOVERNMENT: Zieman, Chair; Fraise and Schuerer

Senate File 2046

HUMAN RESOURCES: Redwine, Chair; Boettger and Hammond

Senate File 2047

TRANSPORTATION: Zieman, Chair; Fink and Sexton

Senate File 2050

AGRICULTURE: Gaskill, Chair; Fraise and Houser

Senate File 2051

AGRICULTURE: Houser, Chair; Angelo and Fraise

Senate File 2052

AGRICULTURE: Houser, Chair; Angelo and Fraise

Senate File 2057

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

House File 583
(Reassignment)

NATURAL RESOURCES AND ENVIRONMENT: Freeman, Chair; Bolkcom and Rittmer

SSB 3058

TRANSPORTATION: Freeman, Chair; Fraise and Jensen

SSB 3059

TRANSPORTATION: Drake, Chair; Jensen and Kibbie

SSB 3060

COMMERCE: Freeman, Chair; Flynn and Redwine

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on January 17, 2002, when the vote was taken on House Concurrent Resolution 104. Had I been present, I would have voted "Nay." In addition, I was necessarily absent from the Senate chamber on January 24, 2002, when the vote was taken on Senate File 2018. Had I been present, I would have voted "Aye." Also, when the votes were taken on amendments S-5003A, S-5003B, S-5006, and S-5009 to House File 2078, I would have voted "Aye" on all; and on amendments S-5005 and S-5010 to

House File 2078, I would have voted "Nay" on both. On House File 2078, I would have voted "Aye."

MERLIN E. BARTZ

COMMITTEE REPORTS

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2067 (formerly SF 2023), a bill for an act relating to body piercing including requiring a permit for practicing body piercing and prohibiting body piercing of minors without prior written consent of a parent, providing for injunctive relief, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 105, a concurrent resolution designating January 30, 2002, as Iowa Insurance Day.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Harper, and Rittmer. Nays, none. Absent or not voting, 2: Gaskill and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2057, a bill for an act relating to the designation of a Dr. Norman E. Borlaug World Food Prize Day.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Harper, and Rittmer. Nays, none. Absent or not voting, 2: Gaskill and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

SIXTEENTH CALENDAR DAY
TENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 29, 2002

The Senate met in regular session at 9:03 a.m., President Kramer presiding.

Prayer was offered by the Reverend John De Boef, pastor of the Hilltop Chapel in What Cheer, Iowa. He was the guest of Senator Greiner.

The Journal of Monday, January 28, 2002, was approved.

ADJOURNMENT

On motion of Senator Boettger, the Senate adjourned at 9:18 a.m. until 9:00 a.m. Wednesday, January 30, 2002.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Joshua Eberly, Corning — For achieving the rank of Eagle Scout. Senator Angelo (01/29/02).

Cory Kuykendall, Roland — For achieving the rank of Eagle Scout. Senator McKibben (01/29/02).

PETITION

The following petition was presented and placed on file:

From 35 residents of Cerro Gordo County opposing legislation to place horse racing on an eight-year county referendum. Senator Bartz.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: January 29, 2002, 2:05 p.m.

Members Present: Lamberti, Chair; Flynn, Ranking Member; Angelo, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Lundby, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

Members Absent: Kramer, Vice Chair; Black, Bolkcom, Connolly, Jensen, King, McKibben, McKinley, and Redfern (all excused).

Committee Business: Subcommittee assignments and tabling of last year's bills.

Adjourned: 2:12 p.m.

COMMERCE

Convened: January 29, 2002, 1:06 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, King, Maddox, McCoy, Redfern, Redwine, and Rehberg.

Members Absent: Hansen and Lundby (both excused).

Committee Business: Presentation by David Lynch, Iowa Utilities Board.

Adjourned: 2:00 p.m.

JUDICIARY

Convened: January 29, 2002, 11:10 a.m.

Members Present: Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Fiegen, Fraise, Hammond, Hansen, Horn, King, McKean, Miller, and Tinsman.

Members Absent: Boettger and Lamberti (both excused).

Committee Business: Discussed SSB 3006.

Adjourned: 11:55 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 29, 2002, 10:15 a.m.

Members Present: Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Jensen, Kibbie, Lundby, Miller, and Rittmer.

Members Absent: None.

Committee Business: Presentation by Dr. Al Farris of the DNR on hunting and fishing licenses and the Fish Wildlife Trust Fund.

Adjourned: 11:05 a.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: January 29, 2002, 10:18 a.m.

Members Present: Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Holveck, McKinley, and Veenstra.

Members Absent: Lamberti (excused).

Committee Business: Presentation by Joni Thorton, Executive Director of the Women's Business Center of Iowa.

Adjourned: 10:55 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2002, by committee on State Government, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the composition of the militia.

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

Senate Concurrent Resolution 106, by Bolkom, a concurrent resolution providing for the establishment of a committee by the legislative council to conduct a study of predatory or subprime lending practices.

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

Senate Resolution 105, by Redwine, a Senate resolution honoring Goodwill Industries International in its centennial year.

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

INTRODUCTION OF BILLS

Senate File 2068, by Lamberti, a bill for an act relating to the acquisition, enforceability, and purpose of conservation easements.

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

Senate File 2069, by Houser, Gaskill, Behn, Boettger, Angelo, Schuerer, Fink, Connolly, McCoy, Hammond, Fraise, Kibbie, Dearden, Shearer, Soukup, and Harper, a bill for an act relating to assessment of certain vineyards for purposes of property taxation and providing a retroactive applicability date.

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

Senate File 2070, by Zieman, a bill for an act relating to the budget certification deadline for school districts and providing an applicability date.

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

Senate File 2071, by Bolkcom and Dvorsky, a bill for an act requiring motor vehicle operators to change lanes when passing stationary authorized emergency, towing, recovery, and highway maintenance vehicles and providing a penalty.

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

Senate File 2072, by Bolkcom, a bill for an act relating to the development by the director of the department of education of model money management curricula for grades three through twelve and a statewide model for staff development for teaching money management.

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

Senate File 2073, by Bolkcom, a bill for an act relating to health care including the use of moneys deposited in the senior living trust fund and the personal needs allowance provided under the medical assistance program for residents of health care facilities.

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

Senate File 2074, by Bolkcom, a bill for an act relating to the management and supervision of nursing care and providing penalties.

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

Senate File 2075, by Kibbie, a bill for an act creating a rebuttable presumption concerning failure to obey school bus warning devices.

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

Senate File 2076, by Redwine, a bill for an act prohibiting a registered sex offender from residing near an elementary or secondary school, and providing a penalty.

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

Senate File 2077, by Houser, a bill for an act prohibiting actions involving the sale or long-term use of state resource center real estate that includes native American burial sites and deep loess soils and other significant natural resources, and providing an immediate effective date.

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

Senate File 2078, by Angelo, a bill for an act relating to the withdrawal of blood without a warrant from a person under arrest for an operating-while-intoxicated offense when the arrest results from a traffic accident resulting in death or personal injury reasonably likely to cause death.

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

Senate File 2079, by Bartz, a bill for an act eliminating the requirement that a bicycle safety flag be used while operating an all-terrain vehicle or snowmobile on a highway.

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

Senate File 2080, by Harper, a bill for an act relating to sales and use taxes by incorporating the simplified sales and use tax administration Act into Iowa law, authorizing the director of revenue and finance to negotiate with other states to simplify and modernize sales and use tax administration, and including an effective date.

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

Senate File 2081, by Kibbie, a bill for an act relating to creditor interests, by providing for landlord liens including the perfection of agricultural liens by landlords and their priority.

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

STUDY BILLS RECEIVED

SSB 3061 State Government

Relating to the payment of overtime to state employees and the applicability of the federal Fair Labor Standards Act.

SSB 3062 State Government

Providing for special late voter registration to enable an eligible elector to vote at the polling place on election day and providing a durational residency requirement for voting.

SSB 3063 State Government

Relating to membership on election boards.

SSB 3064 State Government

Relating to the office of secretary of state and the conduct of elections, and voter registration in the state and providing effective and applicability dates.

SSB 3065 State Government

Requiring voters to present identification containing a photograph to a precinct election official prior to voting.

SSB 3066 State Government

Relating to eligibility requirements for work-related disability benefits for certain members of public retirement systems in this state who have a disease and providing an effective date.

SSB 3067 State Government

Relating to the department of public defense by amending the state military code and the Iowa code of military justice, creating a statewide mutual aid compact, providing for the confidentiality of certain records, exempting the department of public defense from certain state service contract requirements and state competitive bidding requirements, exempting the Iowa technology center from anticompetition provisions, increasing a standing appropriation, providing criminal penalties for violations, and providing effective dates.

SSB 3068 Local Government

Relating to the preparation and filing of an assessment schedule for abatement of a nuisance by a city.

SSB 3069 Judiciary

Relating to the reimbursement of costs and expenses incurred by an indigent person for filing certain applications for postconviction relief.

SSB 3070 Judiciary

Relating to the admissibility of prior criminal offenses into evidence in the prosecution of certain crimes.

SSB 3071 Judiciary

Relating to public assistance benefits received by persons who were not entitled or eligible to receive the benefits, providing criminal and civil penalties, and appropriating certain penalties received.

SSB 3072 Human Resources

Establishing an office of health care professional development.

SUBCOMMITTEE ASSIGNMENTS

Senate File 353

HUMAN RESOURCES: Schuerer, Chair; Dvorsky and Veenstra

Senate File 468

EDUCATION: Boettger, Chair; Connolly and Rehberg

Senate File 477

EDUCATION: Boettger, Chair; Connolly and Rehberg

Senate File 2043

APPROPRIATIONS: Lundby, Chair; Deluhery and Kramer

Senate File 2044

WAYS AND MEANS: Miller, Chair; Connolly and Maddox

Senate File 2045

APPROPRIATIONS: McKinley, Chair; Fiegen and Lamberti

Senate File 2054

HUMAN RESOURCES: Tinsman, Chair; Harper and Veenstra

Senate File 2056

HUMAN RESOURCES: Veenstra, Chair; Dvorsky and Tinsman

Senate File 2060

WAYS AND MEANS: Drake, Chair; Flynn and Maddox

Senate File 2061

WAYS AND MEANS: Drake, Chair; Connolly and Rehberg

Senate File 2062

WAYS AND MEANS: Drake, Chair; Greiner and Holveck

Senate File 2063

WAYS AND MEANS: Miller, Chair; Flynn and Greiner

Senate File 2066

WAYS AND MEANS: Rehberg, Chair; Harper and McKinley

SSB 3061

STATE GOVERNMENT: Lamberti, Chair; Dearden and King

SSB 3062

STATE GOVERNMENT: King, Chair; Connolly and McKean

SSB 3063

STATE GOVERNMENT: King, Chair; Connolly and McKean

SSB 3064

STATE GOVERNMENT: McKean, Chair; Connolly and King

SSB 3065

STATE GOVERNMENT: King, Chair; Bolkcom and Sexton

SSB 3066

STATE GOVERNMENT: Schuerer, Chair; Fink and Sexton

SSB 3067

STATE GOVERNMENT: Jensen, Chair; Bolkcom and Maddox

SSB 3068

LOCAL GOVERNMENT: Bartz, Chair; Gaskill and Horn

SSB 3069

JUDICIARY: McKean, Chair; Hammond and Miller

SSB 3070

JUDICIARY: Angelo, Chair; Hansen and Redfern

SSB 3071

JUDICIARY: Lamberti, Chair; Hammond and Tinsman

SSB 3072

HUMAN RESOURCES: Boettger, Chair; Miller and Shearer

COMMITTEE REPORT

STATE GOVERNMENT

Final Bill Action: SENATE JOINT RESOLUTION 2002 (SSB 3040), a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the composition of the militia.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: King, Kibbie, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, 3: Lamberti, Bolkcom, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 30, 2002

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

Prayer was offered by Dr. David Clark, pastor of the First United Methodist Church in Indianola, Iowa. He was the guest of Senator Fink.

The Journal of Tuesday, January 29, 2002, was approved.

SPECIAL GUESTS

Senator Shearer introduced Ms. Olga Grébneva and Ms. Tatiana Shíshkina, fashion designers from Cherkassy, Ukraine. They were hosted by the Iowa Council for International Understanding.

The Senate rose and expressed its welcome.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 29, 2002, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 105, a concurrent resolution designating January 30, 2002, as Iowa Insurance Day.

Read first time and **attached to companion Senate Concurrent Resolution 105**.

ALSO: That the House has on January 29, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2075, a bill for an act relating to the repayment of moneys appropriated from the endowment for Iowa's health account of the tobacco settlement trust fund for purposes of the student achievement and teacher quality program.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2057.

Senate File 2057

On motion of Senator Iverson, **Senate File 2057**, a bill for an act relating to the designation of a Dr. Norman E. Borlaug World Food Prize Day, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2057), the vote was:

Ayes, 47:

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	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKinley
Miller	Redwine	Rehberg	Rittmer

Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 2:

McKibben	Redfern
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Vacant, 1.

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

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 104.

Senate Concurrent Resolution 104

On motion of Senator Zieman, **Senate Concurrent Resolution 104**, a concurrent resolution urging the United States Congress provide funding for the modernization of lock and dam infrastructure on the Upper Mississippi and Illinois Rivers Inland Waterways Transportation System, was taken up for consideration.

Senator Connolly asked and received unanimous consent that action on **Senate Concurrent Resolution 104** be **deferred**.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 105.

Senate Concurrent Resolution 105

On motion of Senator Iverson, **Senate Concurrent Resolution 105**, a concurrent resolution designating January 30, 2002, as Iowa Insurance Day, with report of committee recommending passage, was taken up for consideration.

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 105** be substituted for **Senate Concurrent Resolution 105**.

House Concurrent Resolution 105

On motion of Senator Iverson, **House Concurrent Resolution 105**, a concurrent resolution designating January 30, 2002, as Iowa Insurance Day, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 105, which motion prevailed by a voice vote.

WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 105** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 105** and **Senate File 2057** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:47 a.m. until 9:00 a.m. Thursday, January 31, 2002.

APPENDIX

COMMUNICATIONS

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

January 30, 2002

IOWA FINANCE AUTHORITY

Annual Report, pursuant to Iowa Code section 16.7.

AGENCY ICN REPORT

DEPARTMENT OF INSPECTIONS AND APPEALS

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

CERTIFICATES OF RECOGNITION

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

Nellie Franklin, Creston — For celebrating your 100th birthday. Senator Angelo (01/30/02).

Iowa Corn Promotion Board, Johnston — For celebrating your 25th anniversary. Senator Iverson (01/30/02).

Johnsrud Transport, Des Moines — For receiving the SHARP Recognition from the Occupational Safety and Health Administration. Senator Iverson (01/30/02).

PETITION

The following petition was presented and placed on file:

From the Pocahontas County Board of Supervisors favoring legislation amending the Code of Iowa to move the clerks of the District Court back to the counties. Senator Freeman.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: January 30, 2002, 8:35 a.m.

Members Present: Behn, Chair; Houser, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

Members Absent: None.

Committee Business: Passed SFs 2051 and 2052.

Adjourned: 8:55 a.m.

EDUCATION

Convened: January 30, 2002, 10:35 a.m.

Members Present: Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Soukup, Tinsman, and Veenstra.

Members Absent: Kramer and Shearer (both excused).

Committee Business: Passed SF 2006. Presentation on Community Empowerment.

Adjourned: 11:35 a.m.

JUDICIARY

Convened: January 30, 2002, 2:07 p.m.

Members Present: Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, Miller, and Tinsman.

Members Absent: McKean (excused).

Committee Business: Approved SSBs 3007, 3009 (as amended), 3017, and 3018.

Adjourned: 3:05 p.m.

STATE GOVERNMENT

Convened: January 30, 2002, 9:55 a.m.

Members Present: King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkom, Connolly, Dearden, Deluhery, Fink, Jensen, Maddox, McKean, Schuerer, and Sexton.

Members Absent: Drake and Rittmer (both excused).

Committee Business: Discussion of agenda for future meetings.

Adjourned: 10:15 a.m.

WAYS AND MEANS

Convened: January 30, 2002, 1:05 p.m.

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

Members Absent: Bolkcom, Holveck, and Miller (all excused).

Committee Business: Subcommittee assignments. Review of bills to be retained.

Adjourned: 1:07 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 107, by Kramer, Veenstra, Boettger, Redwine, Lamberti, Tinsman, Bolkcom, Kibbie, Soukup, Hammond, King, Zieman, McKibben, Shearer, Jensen, Rehberg, Dearden, Fink, Iverson, Rittmer, Behn, Horn, Dvorsky, Black, McKinley, Houser, Freeman, Drake, Greiner, Lundby, Connolly, Gronstal, Fraise, Harper, Sexton, McCoy, Holveck, Deluhery, Schuerer, Maddox, Redfern, and Flynn, a concurrent resolution relating to the Medicaid program and requesting assistance from the federal government.

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

INTRODUCTION OF BILLS

Senate File 2082, by Hammond, a bill for an act relating to an increase in the tax imposed on cigarettes and tobacco products, establishing a health care access fund in the state treasury, and providing for the use of the moneys deposited in the health care access fund.

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

Senate File 2083, by Redwine, a bill for an act providing that fees for driver's licenses are reduced for licensees who are organ donors.

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

Senate File 2084, by Jensen, a bill for an act relating to business relationships between persons involved in the sale of certain vehicles, including suppliers and dealers of all-terrain vehicles.

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

Senate File 2085, by Hansen, a bill for an act relating to certifying law enforcement training facilities at postsecondary educational institutions, and providing for a fee.

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

Senate File 2086, by Freeman, a bill for an act relating to the kilowatt threshold for electric transmission line franchises, making related changes, and providing an effective date.

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

Senate File 2087, by Veenstra, a bill for an act relating to insurance fraud, and providing civil remedies.

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

Senate File 2088, by McKean, Lundby, Fink, and Hammond, a bill for an act relating to state and local land management and planning, and providing effective dates.

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

Senate File 2089, by Lundby and Maddox, a bill for an act requiring formation of local government consolidation committees and amending certain procedures for local government consolidation.

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

Senate File 2090, by Lundby, a bill for an act exempting the practice of reflexology from the licensure requirements for massage therapy.

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

Senate File 2091, by Boettger, a bill for an act creating a registered nurse recruitment program and fund to be administered by the college student aid commission.

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

Senate File 2092, by Shearer, a bill for an act providing a preference to certain persons in an adoption proceeding for the placement of a child.

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

Senate File 2093, by Hammond, a bill for an act repealing a provision mandating criminal sentences that require a maximum accumulation of earned time credits of fifteen percent of the total sentence of confinement, and making eligible for parole persons serving such a sentence.

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

Senate File 2094, by McKibben, a bill for an act relating to the primacy of a donor's intent as evidenced by an unrevoked document of gift under the uniform anatomical gift Act.

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

STUDY BILLS RECEIVED

SSB 3073 Education

Providing for the establishment and perfection of a security interest in certain education loans.

SSB 3074 State Government

Relating to campaign finance, including a reporting threshold for filing organizational committee statements, providing for the filing of reports with the Iowa ethics and campaign disclosure board, providing a document retention period, and relating to certain signature requirements.

SSB 3075 Small Business, Economic Development, and Tourism

Relating to the enterprise zone program and providing an effective date.

SSB 3076 Agriculture

Relating to the creation of a forest and fruit tree indemnity fund and providing compensation for tree, fruit, and nut crop losses.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 106

COMMERCE: Bolkcom, Chair; Jensen and Lundby

Senate Concurrent Resolution 107

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 105

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 490

COMMERCE: Schuerer, Chair; Bolkcom and King

Senate File 2036

JUDICIARY: Maddox, Chair; Angelo and Hammond

Senate File 2058

JUDICIARY: Miller, Chair; Fraise and Redfern

Senate File 2059

AGRICULTURE: Greiner, Chair; Shearer and Zieman

Senate File 2065

NATURAL RESOURCES AND ENVIRONMENT: Freeman, Chair; Bolkcom and Lundby

Senate File 2068

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Bolkcom and Lundby

Senate File 2069

AGRICULTURE: Gaskill, Chair; Greiner and Shearer

Senate File 2073

HUMAN RESOURCES: Tinsman, Chair; Behn and Holveck

Senate File 2074

HUMAN RESOURCES: Miller, Chair; Harper and Tinsman

Senate File 2076

JUDICIARY: Angelo, Chair; Boettger and Horn

Senate File 2077

NATURAL RESOURCES AND ENVIRONMENT: Houser, Chair; Dearden and Freeman

Senate File 2079

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

Senate File 2080

WAYS AND MEANS: McKibben, Chair; Harper and McKinley

Senate File 2081

COMMERCE: Freeman, Chair; Flynn and King

Senate File 2082

WAYS AND MEANS: Miller, Chair; Deluhery and Drake

SSB 3073

EDUCATION: McKinley, Chair; Angelo and Soukup

SSB 3074

STATE GOVERNMENT: Schuerer, Chair; Kibbie and King

SSB 3075

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Shearer, Chair; Behn and Greiner

SSB 3076

AGRICULTURE: Greiner, Chair; Soukup and Veenstra

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: SENATE FILE 2051, a bill for an act relating to the creation of a state interagency Missouri river authority and specifying its powers and duties.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Behn, Houser, Fraise, Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2052, a bill for an act relating to changes in the Missouri river master manual of the United States army corps of engineers.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Behn, Houser, Fraise, Angelo, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Bartz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY
TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 31, 2002

The Senate met in regular session at 9:01 a.m., President Kramer presiding.

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

The Journal of Wednesday, January 30, 2002, was approved.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 29, 2002, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2078, a bill for an act creating an Iowa capital investment board, authorizing the organization of an Iowa capital investment corporation and an Iowa fund of funds, and authorizing the issuance of contingent tax credits to investors in the Iowa fund of funds.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:10 a.m. until 3:00 p.m.

APPENDIX

COMMUNICATIONS

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

January 31, 2002

BOARD OF REGENTS

Annual Report for the Beginning Farmer Center, pursuant to Iowa Code section 266.39E.

DEPARTMENT OF HUMAN RIGHTS

Iowa Commission on the Status of Women Annual Report.

DEPARTMENT OF MANAGEMENT

Utility Property Tax Replacement Task Force Annual Report, pursuant to Iowa Code section 437A.15(7).

TREASURER OF STATE

Linked Investments for Tomorrow Annual Report.

AGENCY ICN REPORT

DEPARTMENT OF EDUCATION

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: January 30, 2002, 11:40 a.m.

Members Present: Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra.

Members Absent: None at the 11:40 a.m. session. Senator Holveck was excused for the reconvened 3:08 p.m. session.

Committee Business: Passed SF 353 (as amended).

Recessed: 12:15 p.m.

Reconvened: 3:08 p.m.

Adjourned: 4:30 p.m.

AGRICULTURE

Convened: January 31, 2002, 1:05 p.m.

Members Present: Behn, Chair; Houser, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Veenstra, and Zieman.

Members Absent: Soukup (excused).

Committee Business: Presentation by Dick Fawcett on total maximum daily loads in water.

Adjourned: 1:45 p.m.

ETHICS

Convened: January 31, 2002, 11:38 a.m.

Members Present: Drake, Chair; McKean, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, and Rittmer.

Members Absent: None.

Committee Business: Passed LSB 6607sc.

Adjourned: 12:05 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 31, 2002, 10:32 a.m.

Members Present: Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkom, Deluhery, Drake, Freeman, Houser, Jensen, Kibbie, Lundby, Miller, and Rittmer.

Members Absent: Dearden (excused).

Committee Business: Passed SF 2079. Presentation on the Water Quality Initiative by representatives of the DNR and the Department of Agriculture.

Adjourned: 11:32 a.m.

RULES AND ADMINISTRATION

Convened: January 31, 2002, 9:09 a.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Behn, Boettger, Dvorsky, Fink, Gaskill, McKean, and Rittmer.

Members Absent: Gronstal, Ranking Member; and Harper (both excused).

Committee Business: Passed SCR 107 and SRs 103, 104, and 105.

Adjourned: 9:13 a.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: January 31, 2002, 10:35 a.m.

Members Present: Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Holveck, Lamberti, McKinley, and Veenstra.

Members Absent: None.

Committee Business: Presentation by representatives of ViraQuest, a biotechnology business.

Adjourned: 11:30 a.m.

INTRODUCTION OF BILLS

Senate File 2095, by committee on Judiciary, a bill for an act relating to a nonresident registering as a sex offender in a county where an institution of higher education is located.

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

Senate File 2096, by Zieman, a bill for an act relating to secured transactions, by providing for landlord liens and their priority.

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

Senate File 2097, by Tinsman, Rehberg, and Boettger, a bill for an act relating to regulation of child care and child development homes and providing effective date and applicability provisions.

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

Senate File 2098, by committee on Judiciary, a bill for an act relating to the criminal offense of unauthorized computer access, and providing a penalty.

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

Senate File 2099, by committee on Education, a bill for an act providing for a change in the special education enrollment determination and certification date.

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

Senate File 2100, by committee on Judiciary, a bill for an act relating to protection from domestic abuse and including protections for persons in an intimate relationship.

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

Senate File 2101, by committee on Judiciary, a bill for an act relating to monetary penalties for contempt of court.

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

Senate File 2102, by Soukup, a bill for an act expanding the operation recognition program, which awards honorary high school diplomas to World War II veterans, to include veterans of World War I and the Korean and Vietnam conflicts.

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

Senate File 2103, by Bartz, a bill for an act relating to financial assistance for school infrastructure pilot projects.

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

Senate File 2104, by Bolkcom, a bill for an act relating to delayed deposit services, including fees, notices, transaction amounts, and reporting requirements.

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

Senate File 2105, by Bolkcom, Dvorsky, McCoy, and Lundby, a bill for an act relating to condemnation of agricultural land for recreational trails and providing an effective date.

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

Senate File 2106, by committee on Human Resources, a bill for an act establishing covenant marriages and providing an effective date.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 2019
(Reassignment)

LOCAL GOVERNMENT: Zieman, Chair; Fraise and Gaskill

Senate File 2042
(Reassignment)

LOCAL GOVERNMENT: Zieman, Chair; Angelo and Fraise

Senate File 2084

COMMERCE: Jensen, Chair; McCoy and Redfern

Senate File 2086

COMMERCE: Freeman, Chair; Gronstal and Jensen

Senate File 2088

LOCAL GOVERNMENT: Miller, Chair; Angelo and Fraise

House File 2075

APPROPRIATIONS: Lamberti, Chair; Flynn and Kramer

COMMITTEE REPORTS

EDUCATION

Final Bill Action: SENATE FILE 2099 (formerly SF 2006), a bill for an act providing for a change in the special education enrollment determination and certification date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 2: Kramer and Shearer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: *SENATE FILE 2106 (formerly SF 353), a bill for an act establishing covenant marriages and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Redwine, Bartz, Behn, Boettger, Miller, Schuerer, and Veenstra. Nays, 5: Tinsman, Hammond, Dvorsky, Harper, and Shearer. Absent or not voting, 1: Holveck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2106, and they were attached to the committee report.

JUDICIARY

Final Bill Action: SENATE FILE 2095 (SSB 3018), a bill for an act relating to a nonresident registering as a sex offender in a county where an institution of higher education is located.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2098 (SSB 3009), a bill for an act relating to the criminal offense of unauthorized computer access, and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2098, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2100 (SSB 3017), a bill for an act relating to protection from domestic abuse and including protections for persons in an intimate relationship.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2101 (SSB 3007), a bill for an act relating to monetary penalties for contempt of court.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: SENATE FILE 2079, a bill for an act eliminating the requirement that a bicycle safety flag be used while operating an all-terrain vehicle or snowmobile on a highway.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Sexton, Bartz, Fink, Black, Bolkcom, Drake, Freeman, Houser, Kibbie, Lundby, Miller, and Rittmer. Nays, none. Absent or not voting, 3: Dearden, Deluhery, and Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 107, a concurrent resolution relating to the Medicaid program and requesting assistance from the federal government.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Behn, Boettger, Dvorsky, Fink, Gaskill, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Gronstal and Harper.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 103, a Senate resolution honoring Coach Lowell Lyngaas and his Race America runners from Valley School District in northeast Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Behn, Boettger, Dvorsky, Fink, Gaskill, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Gronstal and Harper.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 104, a Senate resolution designating June 15, 2002, as Juneteenth National Freedom Day.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Behn, Boettger, Dvorsky, Fink, Gaskill, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Gronstal and Harper.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 105, a Senate resolution honoring Goodwill Industries International in its centennial year.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Behn, Boettger, Dvorsky, Fink, Gaskill, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Gronstal and Harper.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 3:03 p.m., Senator Angelo presiding.

QUORUM CALL

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

The vote revealed 40 present, 9 absent, and a quorum present.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 31, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2116, a bill for an act updating the Iowa Code references to the Internal Revenue Code, repealing an adjustment to net income for capital gains from installment sales, relating to an adjustment to income for school district income surtax paid, providing that refunds from the federal rebate are not taxable, correcting a reference in the innocent spouse statute, and providing retroactive applicability dates and an effective date.

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

House File 2138, a bill for an act authorizing the college student aid commission to waive or modify statutory or regulatory provisions applicable to state financial aid programs for affected students in the event of a national emergency.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKibben, for the remainder of the day, on request of Senator Rehberg; Senators Flynn, Hansen, and Horn, for the remainder of the day, on request of

Senator Fink; Senator Lamberti, for the remainder of the day, on request of Senator Bartz; and Senators Kramer and McKean, for the remainder of the day, on request of Senator Freeman.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2034.

Senate File 2034

On motion of Senator Maddox, **Senate File 2034**, a bill for an act relating to the filing of a criminal indictment or trial information against a person who is not present in the state, was taken up for consideration.

Senator Maddox offered amendment S-5011, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5011 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2034), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Harper
Holveck	Houser	Iverson	Jensen
Kibbie	King	Lundby	Maddox
McCoy	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 7:

Flynn	Hansen	Horn	Kramer
Lamberti	McKean	McKibben	

Vacant, 1.

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

UNFINISHED BUSINESS
(Deferred January 30, 2002)

Senate Concurrent Resolution 104

The Senate resumed consideration of **Senate Concurrent Resolution 104**, a concurrent resolution urging the United States Congress provide funding for the modernization of lock and dam infrastructure on the Upper Mississippi and Illinois Rivers Inland Waterways Transportation System, deferred January 30, 2002.

Senator King offered amendment S-5013, filed by Senators King, Houser, and Redwine from the floor to pages 1-3 of the bill.

Senator Connolly raised the point of order that amendment S-5013 was not germane to the bill.

Senator Connolly withdrew his point of order.

Senator King asked and received unanimous consent to withdraw amendment S-5013.

Senator Connolly offered amendment S-5012, filed by Senators Connolly and Zieman from the floor to page 3 of the bill, and moved its adoption.

Amendment S-5012 was adopted by a voice vote.

Senator Zieman moved the adoption of Senate Concurrent Resolution 104, as amended, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2079.

Senate File 2079

On motion of Senator Bartz, **Senate File 2079**, a bill for an act eliminating the requirement that a bicycle safety flag be used while operating an all-terrain vehicle or snowmobile on a highway, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2079), the vote was:

Ayes, 33:

Angelo	Bartz	Behn	Boettger
Bolkcom	Dearden	Deluhery	Drake
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Houser	Iverson
Jensen	Kibbie	King	Lundby
Maddox	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Tinsman	Veenstra
Zieman			

Nays, 9:

Black	Connolly	Dvorsky	Fiegen
Hammond	Harper	Holveck	McCoy
Soukup			

Absent or not voting, 7:

Flynn	Hansen	Horn	Kramer
Lamberti	McKean	McKibben	

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 104** and **Senate Files 2034** and **2079** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:42 p.m. until 1:00 p.m. Monday, February 4, 2002.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Joshua W. Heishman, Amana — For achieving the rank of Eagle Scout, Boy Scout Troop 223. Senator Schuerer (01/31/02).

REPORT OF COMMITTEE MEETING

COMMERCE

Convened: January 31, 2002, 2:05 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, King, Lundby, Maddox, McCoy, Redfern, Redwine, and Rehberg.

Members Absent: Hansen (excused).

Committee Business: Passed SF 472. Presentation by Diane Munns, Chair of the Iowa Utilities Board.

Adjourned: 2:55 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 106, by committee on Ethics, a Senate resolution to amend the Senate Code of Ethics.

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

STUDY BILLS RECEIVED

SSB 3077 **Transportation**

Authorizing all counties not served by a permanent state department of transportation facility to issue driver's licenses, nonoperator identification cards, and persons with disabilities identification devices under certain conditions.

SSB 3078 State Government

Relating to the release of information about the human immunodeficiency virus by a law enforcement agency, and making a penalty applicable.

SSB 3079 State Government

Establishing a health insurance administration fund relating to the payment of the administrative costs of state health insurance plans.

SSB 3080 Commerce

Relating to health care benefits coverage for mental health conditions and substance abuse treatment services.

SSB 3081 State Government

Relating to a minimum township property tax levy for fire protection service and emergency medical services and providing an applicability date.

SSB 3082 State Government

Establishing a technology fee for certain transactions recorded with the county recorder.

SSB 3083 State Government

Relating to voter registration, including voter registration forms, voter identification numbers, and voter registration lists.

SSB 3084 Judiciary

Authorizing sheriffs to appoint civil process servers.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2094**

HUMAN RESOURCES: Boettger, Chair; Dvorsky and Redwine

SSB 3077

TRANSPORTATION: Zieman, Chair; Houser and Kibbie

SSB 3078

STATE GOVERNMENT: Jensen, Chair; Kibbie and Lamberti

SSB 3079

STATE GOVERNMENT: Schuerer, Chair; Connolly and Rittmer

SSB 3080

COMMERCE: Lundby, Chair; Gronstal and Jensen

SSB 3081

STATE GOVERNMENT: Rittmer, Chair; Jensen and Kibbie

SSB 3082

STATE GOVERNMENT: McKean, Chair; Deluhery and King

SSB 3083

STATE GOVERNMENT: King, Chair; Bolkcom and McKean

SSB 3084

JUDICIARY: Angelo, Chair; Holveck and King

COMMITTEE REPORT

ETHICS

Final Bill Action: SENATE RESOLUTION 106 (LSB 6607sc), a Senate resolution to amend the Senate Code of Ethics.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Drake, McKean, Kibbie, Connolly, Dearden, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5011	S.F.	2034	Gene Maddox
S-5012	S.C.R.	104	Mike Connolly Mark Ziemann
S-5013	S.C.R.	104	Steve King Hubert Houser John Redwine

JOURNAL OF THE SENATE

TWENTY-SECOND CALENDAR DAY
THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 4, 2002

The Senate met in regular session at 1:17 p.m., President Kramer presiding.

Prayer was offered by Mr. Lowell Lyngaas, member of the East Clermont Lutheran Church in Clermont, Iowa. He was the guest of Senator Zieman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Coach Lyngaas and his Race American runners from the Valley School District in northeast Iowa.

The Journal of Thursday, January 31, 2002, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 103.

Senate Resolution 103

On motion of Senator Zieman, **Senate Resolution 103**, a Senate resolution honoring Coach Lowell Lyngaas and his Race America runners from Valley School District in northeast Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Zieman moved the adoption of Senate Resolution 103, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:33 p.m. until 9:00 a.m. Tuesday, February 5, 2002.

APPENDIX

COMMUNICATION

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

February 4, 2002

DEPARTMENT OF REVENUE AND FINANCE

Comprehensive Annual Financial Report for the FY ended June 30, 2001, pursuant to Iowa Code section 421.31(5).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: February 4, 2002, 3:40 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, King, Lundby, Maddox, Redwine, and Rehberg.

Members Absent: Hansen, McCoy, and Redfern (all excused).

Committee Business: Passed HF 681.

Adjourned: 4:01 p.m.

EDUCATION

Convened: February 4, 2002, 1:45 p.m.

Members Present: Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

Members Absent: Kramer and Redfern (both excused).

Committee Business: Passed SF 2001.

Adjourned: 2:15 p.m.

HUMAN RESOURCES

Convened: February 4, 2002, 2:34 p.m.

Members Present: Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra.

Members Absent: None.

Committee Business: Passed SF 2046.

Adjourned: 3:30 p.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 2003, by Schuerer, Angelo, Lamberti, McKibben, Veenstra, Behn, King, Iverson, Kramer, Boettger, McKinley, Rehberg, Greiner, Miller, Zieman, Sexton, Maddox, Houser, Freeman, Rittmer, and Tinsman, a joint resolution requesting the proposal of an amendment to the Constitution of the United States restricting the ability of the federal judiciary to mandate any state or subdivision of any state to levy or increase taxes.

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

INTRODUCTION OF BILLS

Senate File 2107, by committee on Commerce, a bill for an act relating to obtaining records and copies of records from banks, credit unions, savings and loan associations, regulated loan companies, industrial loan companies, and persons who supply consumer credit, operating in Iowa.

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

Senate File 2108, by Harper, a bill for an act relating to training in the collection and preservation of eyewitness evidence by law enforcement officers.

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

Senate File 2109, by Fink, a bill for an act relating to reporting of the status of environmental violations by the department of natural resources to the general assembly.

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

Senate File 2110, by Behn, McKibben, Schuerer, Zieman, Rehberg, Lamberti, Angelo, McKinley, Rittmer, Greiner, Veenstra, Gaskill, Freeman, Jensen, McKean, Lundby, and Hansen, a bill for an act prohibiting a registered sex offender from residing near a school or child care facility, and providing a penalty.

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

Senate File 2111, by Veenstra, a bill for an act relating to the designation of a "Prayer Day."

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

Senate File 2112, by King, a bill for an act relating to a moratorium on new mandated health or medical expense insurance benefits, and requiring a study of such benefits and related costs by the insurance division.

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

Senate File 2113, by Lamberti, Rehberg, Flynn, and Boettger, a bill for an act relating to the amount of state assistance provided to each school district to purchase textbooks for accredited nonpublic school pupils.

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

Senate File 2114, by Houser and Hammond, a bill for an act relating to services for persons with mental illness, mental

retardation or other developmental disability, or brain injury and providing an effective date.

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

Senate File 2115, by committee on Education, a bill for an act relating to state financial assistance for schools placed on a special accredited list of college preparatory schools.

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

Senate File 2116, by Jensen, a bill for an act relating to the preservation and enhancement of the state capitol.

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

Senate File 2117, by Zieman, a bill for an act providing for Iowa communications network access to counties.

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

STUDY BILLS RECEIVED

SSB 3085 Education

Providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

SSB 3086 Education

Relating to state school foundation program funding, making an appropriation, and providing an effective date.

SSB 3087 State Government

Relating to the imposition of the local sales and services tax by a county and including an effective and applicability date provision.

SSB 3088 Commerce

Relating to electric transmission lines.

SSB 3089 Commerce

Relating to the assessment of telephone utilities for the dual party relay service.

SSB 3090 Appropriations

Relating to energy conservation including making appropriations of petroleum overcharge funds.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2068
(Reassignment)

NATURAL RESOURCES AND ENVIRONMENT: Lundby, Chair; Bolkcom and Sexton

Senate File 2070

EDUCATION: Redfern, Chair; Boettger and Dvorsky

Senate File 2071

TRANSPORTATION: Houser, Chair; Dearden and Jensen

Senate File 2072

EDUCATION: Rehberg, Chair; Shearer and Veenstra

Senate File 2085

EDUCATION: Boettger, Chair; Rehberg and Soukup

Senate File 2087

COMMERCE: Redfern, Chair; Flynn and Schuerer

Senate File 2091

EDUCATION: McKinley, Chair; Boettger and Harper

Senate File 2096

COMMERCE: Freeman, Chair; Hansen and Jensen

Senate File 2097

HUMAN RESOURCES: Tinsman, Chair; Behn and Dvorsky

Senate File 2102

EDUCATION: Redwine, Chair; Boettger and Connolly

Senate File 2103

EDUCATION: Angelo, Chair; Dvorsky and Veenstra

Senate File 2104

COMMERCE: Jensen, Chair; Bolkcom and Schuerer

House File 2138

EDUCATION: Redwine, Chair; Boettger and Soukup

SSB 3085

EDUCATION: Boettger, Chair; Connolly and Rehberg

SSB 3086

EDUCATION: Boettger, Chair; Connolly and Rehberg

SSB 3087

STATE GOVERNMENT: McKean, Chair; Kibbie and King

SSB 3088

COMMERCE: Jensen, Chair; Flynn and Freeman

SSB 3089

COMMERCE: Schuerer, Chair; Lundby and McCoy

SSB 3090

APPROPRIATIONS: Black, Chair; Gaskill and Lamberti

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on January 31, 2002, when the votes were taken on Senate Concurrent Resolution 104 and Senate Files 2034 and 2079. Had I been present, I would have voted "Aye" on all.

TOM FLYNN

COMMITTEE REPORTS

COMMERCE

Final Bill Action: SENATE FILE 2107 (formerly SF 472), a bill for an act relating to obtaining records and copies of records from banks, credit unions, savings and loan associations, regulated loan companies, industrial loan companies, and persons who supply consumer credit, operating in Iowa.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Jensen, Schuerer, Deluhery, Bolkom, Flynn, Freeman, Gronstal, King, Lundby, Maddox, McCoy, Redfern, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: SENATE FILE 2115 (formerly SF 2001), a bill for an act relating to state financial assistance for schools placed on a special accredited list of college preparatory schools.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Boettger, Rehberg, Angelo, McKinley, Redwine, Shearer, Tinsman, and Veenstra. Nays, 3: Fink, Harper, and Soukup. Present, 1: Connolly. Absent or not voting, 3: Dvorsky, Kramer, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 5, 2002

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

Prayer was offered by the Reverend James Mehletretter, pastor of the Redeemer Lutheran Church in Indianola, Iowa. He was the guest of Senator Fink.

On the question "Are there corrections to the Journal?", Senator Connolly requested a correction to the vote recorded on the Education committee report for Senate File 2115 (SJ p. 177). His vote was shown as "Absent or not voting." He stated that he was not absent; he chose to vote "Present."

The Chair stated that the Secretary of the Senate would discuss the matter with Senator Connolly.

Senator King requested the Chair share with the chamber the determination when made regarding Senator Connolly's request to correct the Journal.

The Chair stated the determination would be announced.

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 February 4, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2139, a bill for an act to increase the maximum amount of a vocational-technical tuition grant.

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

House File 2151, a bill for an act adding certain information concerning school security or emergency preparedness to the list of public records kept confidential.

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

SPECIAL GUESTS

Senator Iverson introduced to the Senate chamber Nobel Peace Prize Laureate Dr. Norman E. Borlaug, "Father of the Green Revolution." Accompanying Dr. Borlaug were: Ambassador Kenneth Quinn, President of the World Food Prize Foundation; members of the World Food Prize Council of Advisors; and eight Iowa high school students who served as World Food Prize international interns at agricultural resource centers in Asia, Africa, and Latin America.

The Senate rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he arrives, on request of Senator Sexton.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2051 and 2052.

Senate File 2051

On motion of Senator Houser, **Senate File 2051**, a bill for an act relating to the creation of a state interagency Missouri river authority and specifying its powers and duties, with report of committee recommending passage, was taken up for consideration.

President Pro Tempore McKean took the chair at 9:35 a.m.

President Kramer took the chair at 9:47 a.m.

President Pro Tempore McKean took the chair at 10:00 a.m.

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

On the question "Shall the bill pass?" (S.F. 2051), the vote was:

Ayes, 48:

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	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, 1:

McCoy

Vacant, 1.

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

Senate File 2052

On motion of Senator Houser, **Senate File 2052**, a bill for an act relating to changes in the Missouri river master manual of the United States army corps of engineers, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2052), the vote was:

Ayes, 30:

Angelo	Behn	Boettger	Drake
Flynn	Fraise	Freeman	Gaskill
Greiner	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Lundby	McCoy
Shearer	Soukup		

Present, 1:

Bartz

Absent or not voting, none.

Vacant, 1.

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

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 107.

Senate Concurrent Resolution 107

On motion of Senator Veenstra, **Senate Concurrent Resolution 107**, a concurrent resolution relating to the Medicaid program and

requesting assistance from the federal government, with report of committee recommending passage, was taken up for consideration.

Senator Veenstra moved the adoption of Senate Concurrent Resolution 107, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2051 and 2052** and **Senate Concurrent Resolution 107** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:35 a.m. until 9:00 a.m. Wednesday, February 6, 2002.

APPENDIX

COMMUNICATIONS

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

February 5, 2002

DEPARTMENT OF NATURAL RESOURCES

2002 Iowa Comprehensive Energy Plan Update, pursuant to Iowa Code section 473.7.

IOWA WORKFORCE DEVELOPMENT

FY 2001 Annual Report — notification that the report in electronic form is available online.

AGENCY ICN REPORT

IOWA NATIONAL GUARD

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10.

CERTIFICATES OF RECOGNITION

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

Jack Dack, Marshalltown — For outstanding service to the veterans at the Iowa Veterans Home. Senator McKibben (02/05/02).

Derrick Hess, Sherrill — For achieving the rank of Eagle Scout, Boy Scout Troop 94. Senator Connolly (02/05/02).

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: February 4, 2002, 1:44 p.m.

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

Members Absent: None.

Committee Business: Approved SSB 3045 (as amended).

Recessed: 2:04 p.m.

Reconvened: 2:11 p.m.

Recessed: 2:12 p.m.

Reconvened: 5:08 p.m.

Adjourned: 5:40 p.m.

APPROPRIATIONS

Convened: February 5, 2002, 2:05 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Bolkcom, Connolly, Deluhery, Fiegen, Horn, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Veenstra, and Zieman.

Members Absent: Black, Dvorsky, Gaskill, Hammond, Jensen, King, Soukup, and Tinsman (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 2:12 p.m.

JUDICIARY

Convened: February 5, 2002, 1:10 p.m.

Members Present: Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, Lamberti, McKean, Miller, and Tinsman.

Members Absent: King (excused).

Committee Business: Approved SSB 3016.

Adjourned: 1:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 5, 2002, 10:38 a.m.

Members Present: Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Jensen, Kibbie, Lundby, and Rittmer.

Members Absent: Houser and Miller (both excused).

Committee Business: Passed HF 583. Presentation on water quality issues.

Adjourned: 11:37 a.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: February 5, 2002, 10:40 a.m.

Members Present: Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Holveck, Lamberti, McKinley, and Veenstra.

Members Absent: None.

Committee Business: Presentation by Dr. Ken Stone, ISU Extension.

Adjourned: 11:20 a.m.

STATE GOVERNMENT

Convened: February 5, 2002, 11:50 a.m.

Members Present: King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton.

Members Absent: Dearden (excused).

Committee Business: Approved SSB 3067 (as amended). Presentations on IPERS.

Adjourned: 1:05 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 108, by Iverson, a concurrent resolution to recognize February 6, 2002, as Ronald Reagan Day in the state of Iowa.

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

INTRODUCTION OF BILLS

Senate File 2118, by committee on Human Resources, a bill for an act prohibiting certain activities related to the use or destruction of the materials of human reproduction, and providing penalties.

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

Senate File 2119, by Zieman, a bill for an act authorizing an amended certified enrollment for supplementary weighting purposes under specified circumstances, and providing an effective date.

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

Senate File 2120, by Hansen, a bill for an act relating to the inclusion of certain locations in Sioux City on the state register of historic places.

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

Senate File 2121, by committee on Business and Labor Relations, a bill for an act relating to permitted and prohibited occupations for certain child laborers involving motor vehicle cleaning, washing, and polishing, and providing an effective date.

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

Senate File 2122, by committee on Judiciary, a bill for an act relating to the posting of a bond in lieu of liability insurance by certain liquor control licensees and class "B" beer permittees.

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

Senate File 2123, by Miller, a bill for an act relating to property taxation by requiring funding for state mandates, establishing an ending fund balance limitation for counties, excepting school district revenue from taxes collected for tax increment financing districts, repealing certain property tax credits, amending provisions relating to certain property tax exemptions, providing for an ad valorem tax on mobile homes and manufactured homes, making changes to the method of assessment of property, establishing limits on taxes collectible by class of property and by taxpayer, and lowering the rate on interest charged on delinquent taxes, and providing for other properly related matters.

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

STUDY BILLS RECEIVED

**SSB 3091 Small Business, Economic Development, and
Tourism**

Relating to contested case hearings for agency orders issued subsequent to an inspection.

SSB 3092 State Government

Relating to the level of full-time equivalent positions authorized for executive branch agencies.

SSB 3093 State Government

Relating to elected officials, including lobbyist and client reporting, reports of official misconduct, and campaign finance reporting.

SSB 3094 State Government

Relating to campaign finance law, including electronic filing of disclosure reports by certain candidates, requiring certain supplemental reports, providing for disclosures in relating to certain political telephone communications, requiring disclosure of certain information in conjunction with certain contributions, providing an effective date, and applying a penalty.

SSB 3095 State Government

Relating to a moratorium on new mandated health or medical expense insurance benefits, and requiring a study of such benefits and related costs by the insurance division.

SSB 3096 Judiciary

Relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions.

SSB 3097 Judiciary

Relating to and making appropriations to the judicial branch.

SSB 3098 Judiciary

Authorizing the department of justice to administer the violence against women program.

SSB 3099 Judiciary

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

SSB 3100 Ways and Means

Creating a tax credit for investments in qualifying businesses and community-based seed capital funds and including effective and retroactive applicability date provisions.

SSB 3101 Ways and Means

Relating to the state historic property rehabilitation tax credit and including effective and retroactive applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2003**

STATE GOVERNMENT: Schuerer, Chair; Fink and King

Senate File 72
(Reassignment)

LOCAL GOVERNMENT: Gaskill, Chair; Horn and Houser

Senate File 2039

TRANSPORTATION: Rittmer, Chair; Fink and Sexton

Senate File 2041

JUDICIARY: Maddox, Chair; Boettger and Hansen

Senate File 2075

TRANSPORTATION: Rittmer, Chair; Kibbie and McKinley

Senate File 2078

JUDICIARY: Angelo, Chair; Hansen and Redfern

Senate File 2089

LOCAL GOVERNMENT: Houser, Chair; Freeman and Hansen

Senate File 2090

STATE GOVERNMENT: Schuerer, Chair; Connolly and McKean

Senate File 2105

LOCAL GOVERNMENT: Zieman, Chair; Fraise and Gaskill

Senate File 2108

JUDICIARY: Redfern, Chair; Angelo and Holveck

Senate File 2110

JUDICIARY: Maddox, Chair; Hammond and McKean

Senate File 2111

STATE GOVERNMENT: Schuerer, Chair; Bolkcom and McKean

Senate File 2112

COMMERCE: Jensen, Chair; Hansen and King

Senate File 2116

STATE GOVERNMENT: Jensen, Chair; Drake and Kibbie

House File 2116

WAYS AND MEANS: Miller, Chair; Harper and McKibben

SSB 3091

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Zieman, Chair; Flynn and Greiner

SSB 3092

STATE GOVERNMENT: King, Chair; Kibbie and Lamberti

SSB 3093

STATE GOVERNMENT: McKean, Chair; Connolly, Dearden, King, and Sexton

SSB 3094

STATE GOVERNMENT: McKean, Chair; Dearden and Maddox

SSB 3095

STATE GOVERNMENT: King, Chair; Bolcom and Schuerer

SSB 3096

JUDICIARY: Hammond, Chair; Maddox and Miller

SSB 3097

JUDICIARY: Angelo, Chair; Fraise and Redfern

SSB 3098

JUDICIARY: Tinsman, Chair; Horn and King

SSB 3099

JUDICIARY: Miller, Chair; Fraise and King

SSB 3100

WAYS AND MEANS: McKinley, Chair; Harper and McKibben

SSB 3101

WAYS AND MEANS: Maddox, Chair; Deluhery and Redwine

COMMITTEE REPORTS**BUSINESS AND LABOR RELATIONS**

Final Bill Action: *SENATE FILE 2121 (SSB 3045), a bill for an act relating to permitted and prohibited occupations for certain child laborers involving motor vehicle cleaning, washing, and polishing, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Freeman, Greiner, Behn, King, Lundby, McKibben, and Schuerer. Nays, 4: Dearden, Fraise, Hammond, and Horn. 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 Business and Labor Relations Committee on Senate File 2121, and they were attached to the committee report.

COMMERCE

Final Bill Action: HOUSE FILE 681, a bill for an act requiring the pledging of collateral in relation to the deposit of uninsured public funds, making related changes, making penalties applicable, and providing for applicability.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5015.

Final Vote: Ayes, 12: Jensen, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, King, Lundby, Maddox, Redwine, and Rehberg. Nays, none. Absent or not voting, 3: Hansen, McCoy, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2118 (formerly SF 2046), a bill for an act prohibiting certain activities related to the use or destruction of the materials of human reproduction, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Redwine, Tinsman, Bartz, Behn, Boettger, Miller, Schuerer, Shearer, and Veenstra. Nays, 4: Hammond, Dvorsky, Harper, and Holveck. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2122 (SSB 3016), a bill for an act relating to the posting of a bond in lieu of liability insurance by certain liquor control licensees and class "B" beer permittees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: King.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2033, a bill for an act relating to the compensation of members of county commissions of veteran affairs.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Miller, Angelo, Fraise, Gaskill, Horn, Houser, and Zieman. Nays, none. Absent or not voting, 6: Hansen, Bartz, Black, Freeman, McCoy, and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: HOUSE FILE 583, a bill for an act relating to the certification of persons providing water pump services.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5016.

Final Vote: Ayes, 11: Sexton, Bartz, Fink, Black, Bolckom, Dearden, Deluhery, Drake, Freeman, Jensen, and Kibbie. Nays, none. Absent or not voting, 4: Houser, Lundby, Miller, and Rittmer.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

PETITIONS

The following petitions were presented and placed on file:

From 3,568 residents of Buena Vista, Cherokee, Clay, O'Brien, Plymouth, and Pocahontas counties favoring legislation to replace the current Iowa deposit law. Senator Freeman.

From residents of Cedar Rapids and surrounding communities favoring legislation to replace the current Iowa deposit law. Senator Horn.

AMENDMENTS FILED

S-5014	S.F.	2041	Gene Maddox
S-5015	H.F.	681	Commerce
S-5016	H.F.	583	Natural Resources and Environment

JOURNAL OF THE SENATE

TWENTY-FOURTH CALENDAR DAY
FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 6, 2002

The Senate met in regular session at 9:14 a.m., President Kramer presiding.

Prayer was offered by the Reverend Doug Helton, pastor of the Calvary Baptist Church in St. Charles, Iowa. He was the guest of Senator Iverson.

Pertaining to Senator Connolly's request to correct the Senate Journal of Monday, February 4, 2002, the Chair stated that the vote was recorded correctly in the committee meeting, but incorrectly printed in the Journal. The correct version would appear in the hardbound and Internet versions.

The Journals of Monday, February 4, and Tuesday, February 5, 2002, were approved.

SPECIAL GUESTS

Senator Black introduced Mr. Antonio C. S. Chen, Director-General of the Taipei Economic and Cultural Office in Chicago. Mr. Chen was escorted to the rostrum and addressed the Senate with brief remarks regarding the strong relationship between Taiwan and the United States. Mr. Hank Liu, Senior Assistant to the Director-General, accompanied Mr. Chen.

The Senate rose and expressed its welcome.

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 February 5, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2112, a bill for an act requiring motor vehicle operators to take certain precautions when passing stationary authorized emergency, towing, recovery, and highway maintenance vehicles and providing a penalty.

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

House File 2150, a bill for an act relating to the performance of honor guard services on public property by members of a reserve officer training corps.

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

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 105.

Senate Resolution 105

On motion of Senator Iverson, **Senate Resolution 105**, a Senate resolution honoring Goodwill Industries International in its centennial year, with report of committee recommending passage, was taken up for consideration.

Senator Iverson welcomed to the Senate chamber nine executives of Goodwill Industries International, Inc. from Des Moines, Iowa City, Sioux City, Waterloo, and Omaha, Nebraska.

Senator Iverson moved the adoption of Senate Resolution 105, which motion prevailed by a voice vote.

SPECIAL GUEST

President Kramer welcomed to the Senate chamber the Honorable Albert G. Sorensen, former member of the Senate from Boone County.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:55 a.m. until 2:00 p.m.

APPENDIX

RESIGNATION FROM OFFICE

February 6, 2002

Senator Mary Kramer
President of the Iowa Senate
Iowa Capitol
Des Moines, Iowa 50319

Dear Senate President Kramer:

Let me begin by saying how fortunate I have been the past twelve years to have had the opportunity to represent the citizens of North Iowa under the Golden Dome of the State Capitol Building. When I was first a candidate for the Iowa House of Representatives in 1986, I would never have dreamed of the wonderful opportunities I would have to positively affect the public policy of Iowa and speak on behalf of the citizens of North Iowa in those public policy debates. It has indeed been an honor and a privilege.

Secondly I want to publicly thank the citizens of North Iowa for their support throughout my career in the Iowa Legislature. Interaction between a legislator and constituents is the principle that guides and guards the democratic process in our state and nation. In North Iowa that interaction is alive and well.

This interaction on a statewide basis sets up the arena in which all legislators operate—a living, breathing political process, which in turn influences the policy debates that initiate and change the laws by which we live. Each legislator brings to this process his or her own ideas, values, agenda, background, perspective, and personality as their basis from which to begin.

We all also bring into this legislative family our frailties and strengths, our virtues and shortcomings; those attributes of human nature that have the ability to affect the final outcomes of our deliberations in both positive and negative ways. In that outcome analysis, I suspect that I have unintentionally on occasion injured both friend and foe, and I know for certain that on specific occasions, I have intentionally wounded. As I leave, I ask that my slate be wiped clean and I unilaterally bestow the same benefit.

I have accepted a position with the United States Department of Agriculture to work as the Special Assistant for the Undersecretary of Natural Resources and Environment. I believe that this opportunity is an opportunity of a lifetime and with mixed emotion, I hereby give notice that I resign my position as the Senator of Iowa Senate District 10 effective at 5:00 p.m., Monday, February 11, 2002.

May the good Lord bless and keep you till we meet again.

Respectfully,
Merlin E. Bartz
State Senator
Cerro Gordo, Mitchell & Worth Counties

COMMUNICATIONS

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

February 6, 2002

DEPARTMENT FOR THE BLIND

Report on purchase of products with recycled content, pursuant to Iowa Code section 216B.3(12d).

DEPARTMENT OF PUBLIC HEALTH

Iowa Domestic Abuse Death Review Team Annual Report for the calendar year 2001, pursuant to Iowa Code section 135.110(1).

CERTIFICATES OF RECOGNITION

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

Pastor Doug Helton, St. Charles — For 20 years of dedication and service to the Calvary Baptist Church. Senator Iverson (02/06/02).

Megan McFarlane, Randalia — For being named the Fayette County Beef Princess. Senator Rehberg (02/06/02).

PRESENTATION OF VISITORS

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

Students from St. Patrick's School in Cedar Falls, accompanied by Mrs. Seymour. Senator Redfern.

PETITIONS

The following petitions were presented and placed on file:

From 4,887 residents of Cerro Gordo, Mitchell, and Worth counties favoring legislation to replace the current Iowa deposit law. Senator Bartz.

From 5,319 residents of Polk County favoring legislation to replace the current Iowa deposit law. Senator Lamberti.

From 8,930 residents of Polk County favoring legislation to replace the current Iowa deposit law. Senator Maddox.

REPORTS OF COMMITTEE MEETINGS

LOCAL GOVERNMENT

Convened: February 5, 2002, 11:14 a.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Fraise, Freeman, Gaskill, Horn, Houser, McCoy, McKibben, and Ziemann.

Members Absent: Hansen, Ranking Member; Bartz and Black (all excused).

Committee Business: Passed SF 2033. Presentation by Charlie Krogmeier on proposed regional jails.

Adjourned: 11:55 a.m.

RULES AND ADMINISTRATION

Convened: February 6, 2002, 9:57 a.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Behn, Boettger, Dvorsky, Fink, Gaskill, Harper, McKean, and Rittmer.

Members Absent: Gronstal, Ranking Member (excused).

Committee Business: Passed SCR 108.

Adjourned: 9:58 a.m.

INTRODUCTION OF BILLS

Senate File 2124, by committee on State Government, a bill for an act relating to the department of public defense by amending the

state military code and the Iowa code of military justice, creating a statewide mutual aid compact, providing for the confidentiality of certain records, exempting the department of public defense from certain state service contract requirements and state competitive bidding requirements, exempting the Iowa technology center from anticompetition provisions, increasing a standing appropriation, providing criminal penalties for violations, and providing effective dates.

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

Senate File 2125, by Hammond, a bill for an act permitting the court to suspend the sentence of a defendant who has been convicted of a felony other than a class "A" felony.

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

Senate File 2126, by Bolkom, a bill for an act relating to health care delivery, including staffing requirements, and providing penalties.

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

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 108

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 2114

HUMAN RESOURCES: Hammond, Chair; Behn and Tinsman

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 108, a concurrent resolution to recognize February 6, 2002, as Ronald Reagan Day in the state of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Behn, Boettger, Dvorsky, Fink, Gaskill, Harper, McKean, and Rittmer. Nays, none. Absent or not voting, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: *SENATE FILE 2124 (SSB 3067), a bill for an act relating to the department of public defense by amending the state military code and the Iowa code of military justice, creating a statewide mutual aid compact, providing for the confidentiality of certain records, exempting the department of public defense from certain state service contract requirements and state competitive bidding requirements, exempting the Iowa technology center from anticompetition provisions, increasing a standing appropriation, providing criminal penalties for violations, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Connolly, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, 1: Dearden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 2124, and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 2:06 p.m., Senator Boettger presiding.

QUORUM CALL

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

The vote revealed 41 present, 8 absent, and a quorum present.

The Senate stood at ease at 2:12 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:20 p.m., President Kramer presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2100.

Senate File 2100

On motion of Senator Tinsman, **Senate File 2100**, a bill for an act relating to protection from domestic abuse and including protections for persons in an intimate relationship, was taken up for consideration.

Senator Sexton asked and received unanimous consent that action on **Senate File 2100** be **deferred**.

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 February 6, 2002, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 110, a concurrent resolution to recognize February 6, 2002, as Ronald Reagan Day in the state of Iowa.

Read first time and **attached to companion Senate Concurrent Resolution 108**.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 108.

Senate Concurrent Resolution 108

On motion of Senator Iverson, **Senate Concurrent Resolution 108**, a concurrent resolution to recognize February 6, 2002, as Ronald Reagan Day in the state of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 110** be **substituted** for **Senate Concurrent Resolution 108**.

House Concurrent Resolution 110

On motion of Senator Iverson, **House Concurrent Resolution 110**, a concurrent resolution to recognize February 6, 2002, as Ronald Reagan Day in the state of Iowa, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 110, which motion prevailed by a voice vote.

WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 108** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2048.

Senate File 2048

On motion of Senator Freeman, **Senate File 2048**, a bill for an act prohibiting disbursements of moneys from the vision Iowa fund to entities entering into certain labor-related agreements, and providing an effective date, was taken up for consideration.

Senator Freeman offered amendment S-5023, filed by her from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5023 was adopted by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Deluhery, for the day, and Senator Shearer, until he returns, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 2048

The Senate resumed consideration of Senate File 2048.

Senator McCoy offered amendment S-5018, filed by Senator McCoy, 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-5018 be adopted?" (S.F. 2048), the vote was:

Ayes, 17:

Black	Bolkcom	Connolly	Dearden
Dvorsky	Fiegen	Fink	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	McCoy
Soukup			

Nays, 29:

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

Present, 1:

Flynn

Absent or not voting, 2:

Deluhery	Shearer
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Vacant, 1.

Amendment S-5018 lost.

Senator Dearden offered amendment S-5019, filed by Senators Dearden, Holveck, and Shearer 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-5019 be adopted?" (S.F. 2048), the vote was:

Ayes, 18:

Black	Bolkcom	Connolly	Dearden
Dvorsky	Fiegen	Fink	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	Lundby
McCoy	Soukup		

Nays, 28:

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

Present, 1:

Flynn

Absent or not voting, 2:

Deluhery Shearer

Vacant, 1.

Amendment S-5019 lost.

Senator Hansen asked and received unanimous consent that action on **Senate File 2048** be **deferred**.

BUSINESS PENDING

Senate File 2100

The Senate resumed consideration of **Senate File 2100**, a bill for an act relating to protection from domestic abuse and including protections for persons in an intimate relationship, previously deferred.

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

On the question "Shall the bill pass?" (S.F. 2100), the vote was:

Ayes, 47:

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

Harper	Holveck	Horn	Houser
Iverson	Jensen	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 2:

Deluhery	Shearer
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Vacant, 1.

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2098.

Senate File 2098

On motion of Senator Angelo, **Senate File 2098**, a bill for an act relating to the criminal offense of unauthorized computer access, and providing a penalty, was taken up for consideration.

Senator Angelo offered amendment S-5017, filed by him from the floor to page 1 and to the title page of the bill.

Senator Fiegen offered amendment S-5022, filed by him from the floor to page 1 of amendment S-5017, and moved its adoption.

Amendment S-5022 was adopted by a voice vote.

Senator Angelo moved the adoption of amendment S-5017, as amended, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2098), the vote was:

Ayes, 47:

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

Nays, none.

Absent or not voting, 2:

Deluhery	Shearer
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Vacant, 1.

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

HOUSE MESSAGES RECEIVED 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 February 6, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2135, a bill for an act relating to the membership of the planning and zoning commission in certain cities.

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

House File 2153, a bill for an act relating to presentation of victim impact statements at criminal sentencing hearings.

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

House File 2170, a bill for an act relating to the registration of hunting outfitters or hunting guides and providing a penalty.

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

House File 2183, a bill for an act relating to the authority of the board of directors of a school district to change the number of directors or the method of election of directors following a federal decennial census, and providing an effective date.

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

House File 2191, a bill for an act relating to notarial acts by judicial officers.

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

BUSINESS PENDING

Senate File 2048

The Senate resumed consideration of **Senate File 2048**, a bill for an act prohibiting disbursements of moneys from the vision Iowa fund to entities entering into certain labor-related agreements, and providing an effective date, previously deferred.

Senator Freeman offered amendment S-5025, filed by her from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5025 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2048), the vote was:

Ayes, 28:

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

Nays, 19:

Black	Bolkcom	Connolly	Dearden
Dvorsky	Fiegen	Fink	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	Lundby
McCoy	Shearer	Soukup	

Present, 1:

Flynn

Absent or not voting, 1:

Deluhery

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 110** and **Senate Files 2048, 2098, and 2100** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:42 p.m. until 9:00 a.m. Thursday, February 7, 2002.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: February 6, 2002, 1:07 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Bolkcom, Flynn, Freeman, Gronstal, Hansen, Lundby, Maddox, McCoy, Redwine, and Rehberg.

Members Absent: Deluhery, Ranking Member; King and Redfern (all excused).

Committee Business: Passed SF 2086. Approved SSBs 3052 and 3060.

Adjourned: 1:25 p.m.

EDUCATION

Convened: February 6, 2002, 10:40 a.m.

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

Members Absent: Kramer (excused).

Committee Business: Passed SF 2103, as amended.

Adjourned: 10:50 a.m.

INTRODUCTION OF BILLS

Senate File 2127, by Bolkcom, a bill for an act concerning the prohibition of mandatory overtime for certain employees of a health facility and making penalties applicable.

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

Senate File 2128, by Bolkcom, a bill for an act requiring the department of education to study the sale of carbonated beverages in schools.

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

Senate File 2129, by Dvorsky, a bill for an act relating to the permissible use of moneys distributed to school districts and area education agencies under phase III of the educational excellence program for purposes of teacher career development.

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

Senate File 2130, by Maddox, a bill for an act relating to state purchasing of products from Iowa state industries.

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

Senate File 2131, by Hansen, a bill for an act relating to the historic property rehabilitation tax credit and providing effective and retroactive applicability dates.

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

STUDY BILLS RECEIVED

SSB 3102 Natural Resources and Environment

Relating to property tax exemptions for pollution-control property associated with confinement feeding operations.

SSB 3103 Human Resources

Providing for the issuance of out-of-hospital do-not-resuscitate orders and making penalties applicable.

SSB 3104 Human Resources

Relating to female genital mutilation and providing a penalty.

SSB 3105 Human Resources

Relating to child support including provisions relating to medical support and the calculation of the child support amount relative to receipt of federal social security benefits.

SSB 3106 Human Resources

Providing for a well-being visit to be conducted on an optional basis under a family investment program limited benefit plan and providing an effective date.

SSB 3107 Human Resources

Relating to child foster care and adoption requirements involving licensing periods, foster parent training, annual reports, and foreign adoptions.

SSB 3108 Judiciary

Relating to animals other than livestock, including the taking of such animals, providing for their disposition, and providing for the reimbursement of dispositional expenses.

SSB 3109 Human Resources

Relating to informed consent to an abortion and providing a criminal penalty and providing an effective date.

SSB 3110 Human Resources

Relating to child protection confidentiality requirements involving the department of human services.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2064**

TRANSPORTATION: Rittmer, Chair; Fink and Sexton

Senate File 2083

TRANSPORTATION: Rittmer, Chair; Dearden and Freeman

Senate File 2123

LOCAL GOVERNMENT: Miller, Chair; Horn and Houser

Senate File 2126

HUMAN RESOURCES: Miller, Chair; Shearer and Veenstra

House File 2112

TRANSPORTATION: Houser, Chair; Dearden and Jensen

SSB 1217

(Reassignment)

TRANSPORTATION: McKinley, Chair; Drake and Kibbie

SSB 3102

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Bolcom and Lundby

SSB 3103

HUMAN RESOURCES: Schuerer, Chair; Boettger and Harper

SSB 3104

HUMAN RESOURCES: Boettger, Chair; Hammond and Tinsman

SSB 3105

HUMAN RESOURCES: Shearer, Chair; Schuerer and Tinsman

SSB 3106

HUMAN RESOURCES: Harper, Chair; Boettger and Veenstra

SSB 3107

HUMAN RESOURCES: Behn, Chair; Hammond and Miller

SSB 3108

JUDICIARY: Redfern, Chair; Hansen and King

SSB 3109

HUMAN RESOURCES: Redwine, Chair; Boettger and Harper

SSB 3110

HUMAN RESOURCES: Miller, Chair; Behn and Dvorsky

COMMITTEE REPORTS

COMMERCE

Final Bill Action: SENATE FILE 2086, a bill for an act relating to the kilowatt threshold for electric transmission line franchises, making related changes, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Jensen, Schuerer, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Lundby, Maddox, McCoy, Redwine, and Rehberg. Nays, none. Absent or not voting, 3: Deluhery, King, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: SENATE FILE 2103, a bill for an act relating to financial assistance for school infrastructure pilot projects.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5024.

Final Vote: Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5017	S.F.	2098	Jeff Angelo
S-5018	S.F.	2048	Matt McCoy Johnie Hammond Robert E. Dvorsky Jack Holveck Dennis H. Black Mark Shearer
S-5019	S.F.	2048	Dick L. Dearden Jack Holveck Mark Shearer
S-5020	S.F.	2049	Dick L. Dearden Jack Holveck Mark Shearer Dennis H. Black Johnie Hammond

S-5021	S.F.	2049	Dick L. Dearden Dennis H. Black Matt McCoy Mike Connolly John P. Kibbie Mark Shearer Jack Holveck Thomas Fiegen Steven D. Hansen Michael E. Gronstal Robert E. Dvorsky Johnie Hammond Patricia Harper Bill Fink Joe Bolkom Wally E. Horn Eugene S. Fraise Betty A. Soukup
S-5022	S.F.	2098	Thomas Fiegen
S-5023	S.F.	2048	Mary Lou Freeman
S-5024	S.F.	2103	Education
S-5025	S.F.	2048	Mary Lou Freeman

JOURNAL OF THE SENATE

TWENTY-FIFTH CALENDAR DAY
SIXTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 7, 2002

The Senate met in regular session at 9:14 a.m., President Kramer presiding.

Prayer was offered by Aaron Stevens, associate pastor of the Waukee Christian Church in Waukee, Iowa. He was the guest of Senator Rehberg.

The Journal of Wednesday, February 6, 2002, was approved.

SPECIAL GUEST

Senator Jensen welcomed to the Senate chamber the Honorable Paul Pate, mayor of Cedar Rapids and former member of the Iowa Senate from Linn County.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:23 a.m. until 2:00 p.m.

APPENDIX

COMMUNICATION

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

February 7, 2002

DEPARTMENT OF ECONOMIC DEVELOPMENT

CEBA Self-Sustaining Progress Report—October 2001.

CERTIFICATE OF RECOGNITION

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

Lillian I. Annable, Des Moines — For celebrating your 100th birthday on February 8, 2002. Senator Holveck (02/07/02).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: February 7, 2002, 12:32 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Black, Bolkcom, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

Members Absent: Connolly and Deluhery (both excused).

Committee Business: Approved SSBs 3090 and 3111.

Recessed: 12:38 p.m.

Reconvened: 12:48 p.m.

Adjourned: 1:04 p.m.

JUDICIARY

Convened: February 7, 2002, 11:15 a.m.

Members Present: Maddox, Chair; Redfern, Vice Chair; Horn, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman.

Members Absent: None.

Committee Business: Passed SFs 159 and 2036. Approved SSBs 3024 (as amended), 3084, and 3098.

Adjourned: 12:29 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 7, 2002, 10:02 a.m.

Members Present: Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Houser, Jensen, Kibbie, Lundby, and Miller.

Members Absent: Rittmer (excused).

Committee Business: Approved SSB 3027. Presentation by Wayne Gieselman, DNR.

Adjourned: 11:10 a.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: February 7, 2002, 10:02 a.m.

Members Present: Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Holveck, McKinley, and Veenstra.

Members Absent: Lamberti (excused).

Committee Business: Approved SSB 3075.

Adjourned: 10:07 a.m.

WAYS AND MEANS

Convened: February 7, 2002, 9:31 a.m.

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

Members Absent: Deluhery and Maddox (both excused).

Committee Business: Subcommittee assignments.

Adjourned: 9:37 a.m.

INTRODUCTION OF BILLS

Senate File 2132, by Lundby, a bill for an act providing for the establishment of a nursing workforce database.

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

Senate File 2133, by committee on Commerce, a bill for an act relating to real estate brokers, including defining the activities of a real estate broker, licensure and insurance coverage, and providing a penalty.

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

Senate File 2134, by committee on Commerce, a bill for an act relating to the transfer of certain deposit and investment accounts upon the death of the decedent.

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

Senate File 2135, by committee on Appropriations, a bill for an act relating to the medical assistance program, making appropriations and transfers of funds, and providing an effective date.

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

Senate File 2136, by Bolkcom, a bill for an act increasing the fine for failure to yield to a pedestrian.

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

Senate File 2137, by committee on Small Business, Economic Development, and Tourism, a bill for an act relating to the enterprise zone program and providing an effective date.

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

STUDY BILLS RECEIVED

SSB 3111 Appropriations

Relating to the medical assistance program, making appropriations and transfers of funds, and providing an effective date.

SSB 3112 Natural Resources and Environment

Relating to the requirements for receiving a property tax exemption for open prairies and wildlife habitats and including an applicability date provision.

SSB 3113 Judiciary

Relating to detaining criminal defendants who are mentally incompetent or dangerous.

SSB 3114 Judiciary

Relating to criminal sentencing by permitting a conditional discharge for certain second or subsequent offenses, creating different penalties for crimes against a person, prohibiting misdemeanants from serving a sentence at a correctional institution, repealing a provision mandating criminal sentences that require a maximum accumulation of earned time credits of fifteen percent of the total term of confinement and making related changes, and making persons serving such a sentence eligible for parole.

SSB 3115 Education

Relating to utilization of school district moneys for physical plant and equipment levy purposes.

SSB 3116 Commerce

Making noncompete labor agreements in the broadcasting industry void.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2038**

JUDICIARY: McKean, Chair; Holveck and Lamberti

Senate File 2109

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

Senate File 2113

EDUCATION: Rehberg, Chair; Boettger and Connolly

Senate File 2119

EDUCATION: Rehberg, Chair; McKinley and Soukup

Senate File 2128

EDUCATION: Boettger, Chair; Connolly and Redfern

Senate File 2129

EDUCATION: McKinley, Chair; Boettger and Dvorsky

Senate File 2131

WAYS AND MEANS: Rehberg, Chair; Bolkcom and Drake

House File 2135

LOCAL GOVERNMENT: Freeman, Chair; Angelo and Fraise

House File 2139

EDUCATION: Angelo, Chair; Boettger and Shearer

House File 2151

EDUCATION: Tinsman, Chair; Angelo and Fink

House File 2170

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Dearden and Houser

House File 2183

EDUCATION: Soukup, Chair; Boettger and McKinley

SSB 3111

APPROPRIATIONS: Veenstra, Chair; Hammond and Kramer

SSB 3112

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

SSB 3113

JUDICIARY: Redfern, Chair; Fiegen and Lamberti

SSB 3114

JUDICIARY: Maddox, Chair; Angelo and Fraise

SSB 3115

EDUCATION: Boettger, Chair; Connolly and Rehberg

SSB 3116

COMMERCE: Jensen, Chair; Hansen and Redfern

LSB 6635xc

AGRICULTURE: Behn, Chair; Fraise and Veenstra

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2135 (SSB 3111), a bill for an act relating to the medical assistance program, making appropriations and transfers of funds, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 23: Lamberti, Kramer, Flynn, Angelo, Black, Bolkom, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Connolly and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: *SENATE FILE 2133 (SSB 3052), a bill for an act relating to real estate brokers, including defining the activities of a real estate broker, licensure and insurance coverage, and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Jensen, Schuerer, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Lundby, Maddox, McCoy, Redwine, Redfern, and Rehberg. Nays, none. Absent or not voting, 2: Deluhery and King.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2133, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2134 (SSB 3060), a bill for an act relating to the transfer of certain deposit and investment accounts upon the death of the decedent.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Jensen, Schuerer, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Lundby, Maddox, McCoy, Redwine, and Rehberg. Nays, none. Absent or not voting, 3: Deluhery, King, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2134, and they were attached to the committee report.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Final Bill Action: SENATE FILE 2137 (SSB 3075), a bill for an act relating to the enterprise zone program and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rehberg, Ziemann, Shearer, Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Holveck, McKinley, and Veenstra. Nays, none. Absent or not voting, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 2:09 p.m., President Kramer presiding.

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 February 7, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2190, a bill for an act relating to the procedural requirements for foreign and international adoption, providing for applicability, and providing an effective date.

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

House File 2193, a bill for an act relating to modal transportation, including changes in transit coordination requirements, elimination of the Iowa railway finance authority, and changes in the aircraft registration process.

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

House File 2245, a bill for an act relating to the medical assistance program, making appropriations and transfers of funds, and providing an effective date.

Read first time and **attached to similar Senate File 2135**.

QUORUM CALL

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

The vote revealed 37 present, 12 absent, and a quorum present.

The Senate stood at ease at 2:15 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:50 p.m., President Pro Tempore McKean presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2135.

Senate File 2135

On motion of Senator Veenstra, **Senate File 2135**, a bill for an act relating to the medical assistance program, making appropriations and transfers of funds, and providing an effective date, was taken up for consideration.

Senator Veenstra offered amendment S-5027, filed by him from the floor to page 4 of the bill, and moved its adoption.

Amendment S-5027 was adopted by a voice vote.

Senator Veenstra asked and received unanimous consent that **House File 2245** be **substituted** for **Senate File 2135**.

House File 2245

On motion of Senator Veenstra, **House File 2245**, a bill for an act relating to the medical assistance program, making appropriations and transfers of funds, and providing an effective date, was taken up for consideration.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Connolly, until he returns, on request of Senator Fink; and Senator Rittmer, until he returns, on request of Senator Freeman.

BUSINESS PENDING

House File 2245

The Senate resumed consideration of House File 2245.

Senator Hammond offered amendment S-5028, filed by Senator Hammond, et al., from the floor to pages 2 and 4 of the bill.

President Kramer took the chair at 3:05 p.m.

Senator Hammond moved the adoption of amendment S-5028.

A record roll call was requested.

On the question "Shall amendment S-5028 be adopted?" (H.F. 2245), the vote was:

Ayes, 19:

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

Nays, 28:

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

Absent or not voting, 2:

Connolly	Rittmer
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Vacant, 1.

Amendment S-5028 lost.

Senator Iverson asked and received unanimous consent that action on **House File 2245** be **deferred**.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2103.

Senate File 2103

On motion of Senator Angelo, **Senate File 2103**, a bill for an act relating to financial assistance for school infrastructure pilot projects, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Angelo yielded the floor to Senator Bartz.

Senator Bartz offered amendment S-5024, filed by the committee on Education on February 6, 2002, to page 1 of the bill, and moved its adoption.

Amendment S-5024 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2103), the vote was:

Ayes, 47:

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

Nays, none.

Absent or not voting, 2:

Connolly	Rittmer
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Vacant, 1.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Holveck, until he returns, on request of Senator Bolkcom.

BUSINESS PENDING

House File 2245

The Senate resumed consideration of **House File 2245**, a bill for an act relating to the medical assistance program, making appropriations and transfers of funds, and providing an effective date, previously deferred.

Senator Shearer offered amendment S-5029, filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5029 be adopted?" (H.F. 2245), the vote was:

Ayes, 20:

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

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	King
Kramer	Lamberti	Maddox	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 3:

Connolly	Holveck	Rittmer
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Vacant, 1.

Amendment S-5029 lost.

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. 2245), the vote was:

Ayes, 39:

Angelo	Bartz	Behn	Black
Boettger	Drake	Dvorsky	Flynn
Fraise	Freeman	Gaskill	Greiner
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, 8:

Bolkcom	Dearden	Deluhery	Fiegen
Fink	Gronstal	Hammond	Shearer

Absent or not voting, 2:

Connolly	Rittmer
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Vacant, 1.

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

WITHDRAWN

Senator Veenstra asked and received unanimous consent that **Senate File 2135** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2245** be **immediately messaged** to the House.

MOTION TO RECONSIDER WITHDRAWN

Senate File 2103

Senator Redfern withdrew the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2103 passed the Senate on February 7, 2002.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2103** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:55 p.m. until 9:00 a.m. Friday, February 8, 2002.

APPENDIX

REPORT OF COMMITTEE MEETING

AGRICULTURE

Convened: February 7, 2002, 1:10 p.m.

Members Present: Behn, Chair; Houser, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

Members Absent: None.

Committee Business: Presentation by Wayne Gieselman, DNR.

Adjourned: 2:00 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 109, by Hansen, a concurrent resolution requesting that the governor annually designate the third week in the month of October as Cultural Awareness Week.

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

INTRODUCTION OF BILLS

Senate File 2138, by committee on Judiciary, a bill for an act authorizing the department of justice to administer the violence against women program.

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

Senate File 2139, by committee on Judiciary, a bill for an act relating to reading a victim impact statement at a criminal sentencing hearing.

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

Senate File 2140, by committee on Appropriations, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

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

Senate File 2141, by committee on Judiciary, a bill for an act authorizing sheriffs to appoint civil process servers.

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

Senate File 2142, by Fink, a bill for an act eliminating components of the student achievement and teacher quality program, providing for related matters, and providing an effective date.

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

Senate File 2143, by Maddox, a bill for an act relating to access to third-party contracts involving government-funded services.

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

Senate File 2144, by committee on Judiciary, a bill for an act providing for a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses.

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

STUDY BILL RECEIVED

SSB 3117 Business and Labor Relations

Relating to an employer's liability for the payment of workers' compensation benefits to an employee for a permanent partial disability or a permanent total disability based in part upon a preexisting injury or recovery of benefits.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2007

STATE GOVERNMENT: King, Chair; Bolkcom and Schuerer

Senate File 2132

HUMAN RESOURCES: Boettger, Chair; Miller and Shearer

SSB 3117

BUSINESS AND LABOR RELATIONS: Behn, Chair; Horn and McKibben

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2140 (SSB 3090), a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 23: Lamberti, Kramer, Flynn, Angelo, Black, Bolkcom, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Connolly and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2138 (SSB 3098), a bill for an act authorizing the department of justice to administer the violence against women program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, McKean, and Tinsman. Nays, none. Absent or not voting, 2: Lamberti and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2139 (formerly SF 2036), a bill for an act relating to reading a victim impact statement at a criminal sentencing hearing.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2141 (SSB 3084), a bill for an act authorizing sheriffs to appoint civil process servers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2144 (formerly SF 159), a bill for an act providing for a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, King, McKean, and Tinsman. Nays, 4: Hansen, Horn, Lamberti, and Miller. Absent or not voting, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5026	S.F.	2049	Steven D. Hansen
S-5027	S.F.	2135	Ken Veenstra
S-5028	H.F.	2245	Johnie Hammond
			Betty A. Soukup
			Jack Holveck
			John P. Kibbie
			Dennis H. Black
			Robert E. Dvorsky
			Patricia Harper
			Bill Fink
			Joe Bolkcom
			Patrick J. Deluhery
			Matt McCoy
S-5029	H.F.	2245	Mark Shearer

JOURNAL OF THE SENATE

TWENTY-SIXTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, February 8, 2002

The Senate met in regular session at 9:04 a.m., Senator Bartz presiding.

The Journal of Thursday, February 7, 2002, was approved.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:05 a.m. until 1:00 p.m. Tuesday, February 12, 2002.

APPENDIX

INTRODUCTION OF BILLS

Senate File 2145, by committee on Natural Resources and Environment, a bill for an act relating to terminology and eligibility for assistance under the sewage treatment and drinking water facilities financing program.

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

Senate File 2146, by committee on Judiciary, a bill for an act establishing a criminal offense for an act of terrorism, changing related criminal penalties, and providing a penalty.

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

COMMITTEE REPORTS

JUDICIARY

Final Bill Action: *SENATE FILE 2146 (SSB 3024), a bill for an act establishing a criminal offense for an act of terrorism, changing related criminal penalties, and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2146, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: *SENATE FILE 2145 (SSB 3027), a bill for an act relating to terminology and eligibility for assistance under the sewage treatment and drinking water facilities financing program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Sexton, Bartz, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Houser, Jensen, Kibbie, Lundby, and Miller. Nays, none. Absent or not voting, 1: Rittmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2145, and they were attached to the committee report.

APPOINTMENTS FROM THE GOVERNOR

The following appointees were submitted by the Governor to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

TERM

AFRICAN-AMERICANS, COMMISSION ON THE STATUS OF (Sec. 216A.142)	
Beverly Allen, Des Moines	06/22/2001 – 04/30/2004
ATHLETIC TRAINING EXAMINERS, BOARD OF (Sec. 147.14(18))	
Brett Raasch, Ankeny	05/01/2001 – 04/30/2004

BANKING, SUPERINTENDENT OF (Sec. 524.201)	
Thomas Gronstal, Carroll	02/04/2002 – 04/30/2005
CITY DEVELOPMENT BOARD (Sec. 368.9)	
Barbara Brown, Cedar Falls	04/25/2001 – 04/30/2003
CONSUMER ADVOCATE (Sec. 457A.1(2))	
John R. Perkins, Des Moines	06/21/2001 – 04/30/2003
COSMETOLOGY ARTS AND SCIENCES EXAMINERS, BOARD OF (Sec. 147.14(4))	
Jack Morlan, Urbandale	05/01/2001 – 04/30/2004
DEAF, COMMISSION ON THE (Sec. 216A.112)	
Kathy Miller, Honey Creek	11/27/2001 – 04/30/2004
Karen Potter-Maxwell, Council Bluffs	08/01/2001 – 04/30/2004
DENTAL EXAMINERS, BOARD OF (Sec. 147.14(4))	
Deena Kuempel, Cedar Rapids	05/24/2001 – 04/30/2004
EDUCATIONAL EXAMINERS, BOARD OF (Sec. 272.3)	
John Aboud, Algona	06/11/2001 – 04/30/2005
ELDER AFFAIRS, COMMISSION OF (Sec. 231.11)	
Hazel Chuck, Mason City	06/18/2001 – 04/30/2004
Yogesh Shah, Clive	05/24/2001 – 04/30/2005
EMERGENCY RESPONSE COMMISSION, IOWA (Sec. 30.2)	
Julie Bell, Winterset	10/23/2000 – 04/30/2003
EMPOWERMENT BOARD, IOWA (Sec. 28.3)	
Sally Hartley, Salix	07/12/2001 – 04/30/2004
FOSTER CARE REVIEW BOARD, STATE CITIZEN (Sec. 237.16)	
Amy Sarchet, Cherokee	05/29/2001 – 04/30/2005
HEALTH FACILITIES COUNCIL, CHAIRPERSON OF THE (Sec. 135.62)	
Edward Nichols, West Des Moines	05/01/2001 – 04/30/2007
INFORMATION TECHNOLOGY COUNCIL (Sec. 14B.105)	
Mary Wegner, Des Moines	06/28/2001 – 04/30/2003
INSPECTIONS AND APPEALS, DIRECTOR OF THE DEPARTMENT OF (Sec. 10A.102)	
Steven K. Young, Waukee	02/15/2002 – Pleasure of the Governor
IOWA FINANCE AUTHORITY (Sec. 16.2)	
Carmela Brown, Urbandale	08/20/2001 – 04/30/2003
LAW ENFORCEMENT ACADEMY COUNCIL, IOWA (Sec. 80B.6)	
Angela Bonar, Burlington	06/20/2001 – 04/30/2004

MEDICAL EXAMINERS, BOARD OF (Sec. 147.14(2))	
Carole Frier, Des Moines	05/01/2001 – 04/30/2003
Mary Hoppa, Davenport	05/01/2001 – 04/30/2004
Dana Shaffer, Exira	07/01/2001 – 04/30/2002
MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMISSION (Sec. 225C.5)	
Julie Jetter, Independence	08/03/2001 – 04/30/2003
David VanNingen, Rock Valley	08/03/2001 – 04/30/2004
MORTUARY SCIENCE EXAMINERS, BOARD OF (Sec. 147.14(1))	
Margaret Eicher, Burlington	07/31/2001 – 04/30/2004
NURSING EXAMINERS, BOARD OF (Sec. 147.14(3))	
Patrick Greenwood, Lamoni	05/01/2001 – 04/30/2002
OPTOMETRY EXAMINERS, BOARD OF (Sec. 147.14(6))	
Maria Hadar, Humboldt	05/24/2001 – 04/30/2004
PAROLE, CHAIRPERSON OF THE BOARD OF (Sec. 904A.1–3)	
Elizabeth Robinson-Ford, Des Moines	10/23/2001 – 04/30/2002
PAROLE, VICE CHAIRPERSON OF THE BOARD OF (Sec. 904A.1–3)	
Richard Bordwell, Washington	10/23/2001 – 04/30/2004
PHARMACY EXAMINERS, BOARD OF (Sec. 147.14(5))	
Barbara O’Roake, Council Bluffs	06/11/2001 – 04/30/2002
PHYSICAL AND OCCUPATIONAL THERAPY EXAMINERS, BOARD OF (Sec. 147.14(10))	
Armando Rosales, Atlantic	06/25/2001 – 04/30/2002
PSYCHOLOGY EXAMINERS, BOARD OF (Sec. 147.14(7))	
Susan Enzle, Iowa City	05/31/2001 – 04/30/2002
Linda Ferris, Denmark	05/24/2001 – 04/30/2004
PUBLIC SAFETY, COMMISSIONER OF (Sec. 80.2)	
Kevin W. Techau, Des Moines	02/15/2002 – Pleasure of the Governor
TOBACCO USE PREVENTION AND CONTROL, COMMISSION ON (Sec. 142A.3)	
M. Christina Santos Cruse, Jefferson	09/11/2001 – 04/30/2003
UTILITIES BOARD, CHAIR OF THE (Sec. 474.1)	
Diane Munns, Des Moines	10/30/2001 – 04/30/2003
UTILITIES BOARD (Sec. 474.1)	
Mark Lambert, Des Moines	07/30/2001 – 04/30/2005
Elliott Smith, Des Moines	01/23/2002 – 04/30/2007
VETERANS AFFAIRS, EXECUTIVE DIRECTOR OF THE COMMISSION OF (Sec. 35A.8)	
Patrick J. Palmersheim, West Des Moines	01/28/02 – Pleasure of the Governor
VETERINARY MEDICINE, IOWA BOARD OF (Sec. 169.5)	
Earl Goerd, Dyersville	05/01/2001 – 04/30/2004

WOMEN, COMMISSION ON THE STATUS OF (Sec. 216A.52-53)

Holly Mennen, Mason City

09/19/2001 – 04/30/2004

The appointments were referred to the committee on **Rules and Administration.**

JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 12, 2002

The Senate met in regular session at 1:05 p.m., President Kramer presiding.

Prayer was offered by the Honorable Ken Veenstra, member of the Senate from Sioux County, Orange City, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Alissa Darrow, Jessi Fisher, Tiffany Meredith, and Wendy Walker.

Senator Shearer led the Senate chamber in an impromptu rendition of "America the Beautiful" in preparation for the legislators' participation in the Iowa Arts Gala, sponsored by the Department of Cultural Affairs, to be held on February 20, 2002, at Hoyt Sherman Place.

The Journal of Friday, February 8, 2002, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:22 p.m. until 9:00 a.m. Wednesday, February 13, 2002.

APPENDIX**REPORT OF THE COMMITTEE ON
RULES AND ADMINISTRATION**

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated, for investigation on February 12, 2002:

COMMERCE

Thomas Gronstal – Superintendent of Banking

John R. Perkins – Consumer Advocate

Diane Munns – Chair of the Utilities Board

Mark Lambert – Utilities Board

Elliott Smith – Utilities Board

EDUCATION

John Aboud – Board of Educational Examiners

HUMAN RESOURCES

Brett Raasch – Board of Athletic Training Examiners

Kathy Miller – Commission on the Deaf

Karen Potter-Maxwell – Commission on the Deaf

Hazel Chuck – Commission of Elder Affairs

Yogesh Shah – Commission of Elder Affairs

Sally Hartley – Iowa Empowerment Board

Amy Sarchet – State Citizen Foster Care Review Board

Edward Nichols – Chairperson of the Health Facilities Council

Julie Jetter – Mental Health and Developmental Disabilities Commission

David VanNingen – Mental Health and Developmental Disabilities Commission

M. Christina Santos Cruse – Commission on Tobacco Use Prevention and Control

Holly Mennen – Commission on the Status of Women

JUDICIARY

Elizabeth Robinson-Ford – Chairperson of the Board of Parole

Richard Bordwell – Vice Chairperson of the Board of Parole

LOCAL GOVERNMENT

Barbara Brown – City Development Board

STATE GOVERNMENT

Beverly Allen – Commission on the Status of African-Americans

Jack Morlan – Board of Cosmetology Arts and Sciences Examiners

Deena Kuempel – Board of Dental Examiners

Julie Bell – Iowa Emergency Response Commission

Mary Wegner – Information Technology Council

Steven K. Young – Director of the Department of Inspections and Appeals

Carole Frier – Board of Medical Examiners

Mary Hoppa – Board of Medical Examiners

Dana Shaffer – Board of Medical Examiners

Margaret Eicher – Board of Mortuary Science Examiners

Patrick Greenwood – Board of Nursing Examiners

Maria Hadar – Board of Optometry Examiners

Barbara O'Roake – Board of Pharmacy Examiners

Armando Rosales – Board of Physical and Occupational Therapy Examiners

Susan Enzle – Board of Psychology Examiners

Linda Ferris – Board of Psychology Examiners

Patrick J. Palmersheim – Executive Director of the Commission of Veterans Affairs

Earl Goerdts – Iowa Board of Veterinary Medicine

TRANSPORTATION

Angela Bonar – Iowa Law Enforcement Academy Council

Kevin W. Techau – Commissioner of Public Safety

WAYS AND MEANS

Carmela Brown – Iowa Finance Authority

COMMUNICATION RECEIVED

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

February 11, 2002

SUPREME COURT

Report on the Enhanced Court Collections Fund and Court Technology Fund, pursuant to 2001 Acts, chapter 179, section 1(9).

CERTIFICATE OF RECOGNITION

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

Jill Martin, Granger — For receiving the 2002 Prudential Spirit of Community Award. Senator Maddox (02/12/02).

PETITIONS

The following petitions were presented and placed on file:

From 1,983 residents of Warren County concerning the Iowa deposit law legislation. Senator Fink.

From 2,670 residents of Senate District 15 favoring legislation to replace the current Iowa deposit law. Senator Soukup.

REPORTS OF COMMITTEE MEETINGS**BUSINESS AND LABOR RELATIONS**

Convened: February 12, 2002, 2:26 p.m.

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

Members Absent: Lundby and McKibben (both excused).

Committee Business: Presentation by Jane Barto, Deputy Director of Iowa Workforce Development.

Adjourned: 2:53 p.m.

EDUCATION

Convened: February 12, 2002, 2:20 p.m.

Members Present: Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

Members Absent: Redfern (excused).

Committee Business: Passed SF 2102 and HF's 2138 and 2139.

Adjourned: 2:35 p.m.

HUMAN RESOURCES

Convened: February 12, 2002, 3:02 p.m.

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

Members Absent: None.

Committee Business: Approved SSB 3103.

Adjourned: 3:24 p.m.

RULES AND ADMINISTRATION

Convened: February 12, 2002, 1:24 p.m.

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

Members Absent: McKean (excused).

Committee Business: Referred appointees for state boards, commissions, and departments to standing committees. Approved LSB 6645sv.

Adjourned: 1:25 p.m.

TRANSPORTATION

Convened: February 12, 2002, 3:10 p.m.

Members Present: Rittmer, Chair; Drake, Vice Chair; McCoy, Ranking Member; Dearden, Fink, Fraise, Freeman, Houser, Jensen, Kibbie, McKinley, Sexton, and Ziemann.

Members Absent: None.

Committee Business: Approved SSB 3077.

Adjourned: 3:55 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 107, by Jensen, a Senate resolution honoring Iowa State Fair Secretary Marion Lucas upon his retirement.

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

Senate Resolution 108, by committee on Rules and Administration, a Senate resolution relating to gubernatorial appointments and other appointments requiring Senate confirmation.

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

INTRODUCTION OF BILLS

Senate File 2147, by Tinsman, a bill for an act relating to administrative sanctions for fraudulent acts involving publicly funded child care.

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

Senate File 2148, by Holveck, a bill for an act relating to the exclusion of certain nonprofit transitional housing from forcible entry and detainer actions and remedies.

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

Senate File 2149, by Bolckcom and Dvorsky, a bill for an act concerning appropriations for community college salaries.

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

Senate File 2150, by Angelo, a bill for an act relating to the establishment of multicounty jails, and making an appropriation.

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

Senate File 2151, by Horn, a bill for an act relating to the use of sick leave by certain members of the Iowa department of public safety peace officers' retirement, accident, and disability system who are temporarily incapacitated for duty.

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

Senate File 2152, by committee on Education, a bill for an act expanding the operation recognition program, which awards honorary high school diplomas to World War II veterans, to include veterans of World War I and the Korean and Vietnam conflicts.

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

Senate File 2153, by Kibbie, Drake, and Jensen, a bill for an act relating to military service compensation for certain veterans of the Vietnam service era, including the creation of a bonus fund and provision of a tax exemption, and providing a penalty.

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

Senate File 2154, by Angelo, a bill for an act relating to the regulation of grain sold by credit sale contract, providing for indemnification, and making penalties applicable.

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

STUDY BILLS RECEIVED

SSB 3118 Agriculture

Relating to the acquisition and holding of agricultural land by qualified enterprises, proofing penalties, and providing an effective date.

SSB 3119 Commerce

Relating to credit insurance, including a prohibition on the offering or sale of single premium credit insurance in mortgage transactions, and regarding guidelines for establishment of rates for credit life or credit accident and health insurance.

SSB 3120 Commerce

Relating to the regulated commercial activities of insurance and security sales, including rate adjustments for small group coverage, provisions pertaining to state and county mutual insurance associations, termination dates and licensed health care providers for emergency medical malpractice insurance, suspension of an insurer's certificate of authority for delinquency, exceptions to the right of notice of intent not to renew, coverage requirements in a medical expense policy, tort immunity related to viatical settlement contracts, confidentiality of certain personal information in securities and insurance filings, postponement or suspension of registration under the blue sky law, reporting related to professional liability insurance, annual percentage rate used in calculations of the minimum nonforfeiture amount relating to individual deferred annuities, and providing for a future repeal.

SSB 3121 Business and Labor Relations

Allowing persons under eighteen years of age to work in certain occupations involving the use of chemicals.

SSB 3122 Transportation

Relating to highways and motor vehicles, including condemnation of property by the state department of transportation, registration,

sale, and operation of certain vehicles, issuance of driver's licenses and nonoperator's identification cards, regulation of oversize vehicles, and vehicle manufacturers, distributors and dealers, and providing penalties and effective dates.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 109

RULES AND ADMINISTRATION: Iverson, Chair; Gaskill and Harper

Senate Resolution 107

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 2136

TRANSPORTATION: Rittmer, Chair; Dearden and Sexton

Senate File 2150

LOCAL GOVERNMENT: Angelo, Chair; McCoy and McKibben

House File 2193

TRANSPORTATION: Drake, Chair; Jensen and Kibbie

SSB 3118

AGRICULTURE: Behn, Chair; Fraise and Veenstra

SSB 3119

COMMERCE: Jensen, Chair; Redwine and McCoy

SSB 3120

COMMERCE: Gronstal, Chair; Jensen and Schuerer

SSB 3121

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Freeman and Fraise

SSB 3122

TRANSPORTATION: Rittmer, Chair; Drake, Fraise, McCoy, and Zieman

COMMITTEE REPORTS

EDUCATION

Final Bill Action: SENATE FILE 2152 (formerly SF 2102), a bill for an act expanding the operation recognition program, which awards honorary high school diplomas to World War II veterans, to include veterans of World War I and the Korean and Vietnam conflicts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2138, a bill for an act authorizing the college student aid commission to waive or modify statutory or regulatory provisions applicable to state financial aid programs for affected students in the event of a national emergency.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5031.

Final Vote: Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2139, a bill for an act to increase the maximum amount of a vocational-technical tuition grant.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 108 (LSB 6645sv), a Senate resolution relating to gubernatorial appointments and other appointments requiring Senate confirmation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Behn, Boettger, Dvorsky, Fink, Gaskill, Harper, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5030	S.F.	2032	Gene Maddox
S-5031	H.F.	2138	Education

JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 13, 2002

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

Prayer was offered by Dr. Waldemar Labusga, pastor of St. Aidan's Anglican Church in Des Moines, Iowa. He was the guest of Senator Zieman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Miss America 2002 Katie Marie Harman from Gresham, Oregon. Miss Harman addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

The Journal of Tuesday, February 12, 2002, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 12, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2035, a bill for an act relating to the state historic property rehabilitation tax credit and including effective and retroactive applicability date provisions.

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

House File 2192, a bill for an act relating to the establishment of a state agency work group to develop an interstate prescription drug purchasing cooperative.

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

House File 2201, a bill for an act requiring all felons to submit a physical specimen for DNA profiling, and providing for a contingent effective date.

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

ALSO: That the House has on February 12, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 335, a bill for an act relating to species of animals by classifying certain species as livestock and providing exemptions from the sales and use tax for feed used to support the species. (S-5032)

RECESS

On motion of Senator Iverson, the Senate recessed at 9:20 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:23 a.m., President Kramer presiding.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 107, a Senate resolution honoring Iowa State Fair Secretary Marion Lucas upon his retirement.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Behn, Boettger, Dvorsky, Fink, Gaskill, Harper, McKean, and Rittmer. Nay, 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 consideration Senate Resolution 107.

Senate Resolution 107

On motion of Senator Jensen, **Senate Resolution 107**, a Senate resolution honoring Iowa State Fair Secretary Marion Lucas upon his retirement, with report of committee recommending passage, was taken up for consideration.

Senator Jensen welcomed to the Senate chamber Mr. Marion Lucas, Iowa State Fair Secretary, and members of the Iowa State Fair Board.

Senator Jensen moved the adoption of Senate Resolution 107, which motion prevailed by a voice vote.

Senator Boettger took the chair at 9:35 a.m.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:44 a.m. until 3:00 p.m.

APPENDIX

COMMUNICATIONS RECEIVED

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

February 13, 2002

DEPARTMENT OF CORRECTIONS

Legislative report on Offender Fees (Pay for Stay).

AGENCY ICN REPORT

GOVERNOR'S OFFICE ON DRUG CONTROL POLICY

Iowa Communications Network (ICN) Usage for FY 2001, pursuant to Iowa Code section 8D.10—notification that the report in electronic form is available online.

CERTIFICATE OF RECOGNITION

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

Andy Dehner, Wheatland — For participating in the Groundhog Job Shadow Day. Senator Tinsman (02/13/02).

REPORTS OF COMMITTEE MEETINGS

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 13, 2002, 10:17 a.m.

Members Present: Sexton, Chair; Fink, Ranking Member; Black, Bolkom, Dearden, Deluhery, Drake, Freeman, Houser, Jensen, Kibbie, Lundby, Miller, and Rittmer.

Members Absent: None.

Committee Business: Approved SSB 3029. Discussion was held with Director of DNR, Jeffrey Vonk.

Adjourned: 11:14 a.m.

RULES AND ADMINISTRATION

Convened: February 13, 2002, 9:20 a.m.

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

Members Absent: None.

Committee Business: Passed SR 107.

Adjourned: 9:21 a.m.

STATE GOVERNMENT

Convened: February 13, 2002, 11:24 a.m.

Members Present: King, Chair; Kibbie, Ranking Member; Bolcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton.

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

Committee Business: Passed SJR 2003 and SFs 2017, 2111, and 2116. Approved SSB 3079 (as amended).

Adjourned: 12:10 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 110, by Houser, a concurrent resolution honoring Dr. William Campbell for more than fifty years of service to the people of Iowa.

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

INTRODUCTION OF BILLS

Senate File 2155, by committee on Human Resources, a bill for an act providing for the issuance of out-of-hospital do-not-resuscitate orders and making penalties applicable.

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

Senate File 2156, by committee on Transportation, a bill for an act authorizing all counties not served by a permanent state department of transportation facility to issue driver's licenses, nonoperator identification cards, and persons with disabilities identification devices under certain conditions.

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

Senate File 2157, by Lundby, a bill for an act providing that city and county civil service commissioners shall not conduct business with the city or county in which the person is a commissioner and providing penalties.

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

Senate File 2158, by Lundby, a bill for an act providing that city or county employees may be represented before civil service commissions by duly authorized agents.

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

Senate File 2159, by Sexton, a bill for an act relating to animal agriculture by establishing an animal agriculture compliance fee for purposes of supporting the administration of the department of natural resources, providing for a fund and the appropriation of moneys, and making penalties applicable and providing an effective date.

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

Senate File 2160, by Greiner, a bill for an act relating to the dry fire hydrant and rural water supply education and demonstration project.

Read first time under Rule 28 and referred to committee on **Small Business, Economic Development, and Tourism.**

Senate File 2161, by Horn, a bill for an act directing the department of human services to request a home and community-based waiver under the medical assistance program from the federal government for individuals with autism spectrum disorder.

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

Senate File 2162, by Zieman, a bill for an act relating to cigarette retailer and manufacturer contract provisions.

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

Senate File 2163, by committee on State Government, a bill for an act relating to the designation of a "Prayer Day."

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 2130

JUDICIARY: Maddox, Chair; Angelo and Fraise

Senate File 2143

STATE GOVERNMENT: King, Chair; Deluhery and Sexton

Senate File 2149

APPROPRIATIONS: Redfern, Chair; Horn and Lamberti

House File 2153

JUDICIARY: Miller, Chair; Fiegen and Tinsman

House File 2191

JUDICIARY: Boettger, Chair; Horn and King

COMMITTEE REPORTS

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2155 (SSB 3103), a bill for an act providing for the issuance of out-of-hospital do-not-resuscitate orders and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Present, 1: Holveck. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE JOINT RESOLUTION 2003, a joint resolution requesting the proposal of an amendment to the Constitution of the United States restricting the ability of the federal judiciary to mandate any state or subdivision of any state to levy or increase taxes.

Recommendation: DO PASS.

Final Vote: Ayes, 9: King, Bolkcom, Drake, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, 4: Kibbie, Dearden, Deluhery, and Fink. Absent or not voting, 2: Lamberti and Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2017, a bill for an act relating to the membership of the commission of veterans affairs.

Recommendation: DO PASS.

Final Vote: Ayes, 13: King, Kibbie, Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, 2: Lamberti and Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2116, a bill for an act relating to the preservation and enhancement of the state capitol.

Recommendation: DO PASS.

Final Vote: Ayes, 13: King, Kibbie, Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, 2: Lamberti and Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2163 (formerly SF 2111), a bill for an act relating to the designation of a "Prayer Day."

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: King, Drake, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, 4: Kibbie, Bolkcom, Dearden, and Fink. Present, 1: Deluhery. Absent or not voting, 2: Lamberti and Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: SENATE FILE 2156 (SSB 3077), a bill for an act authorizing all counties not served by a permanent state department of transportation facility to issue driver's licenses, nonoperator identification cards, and persons with disabilities identification devices under certain conditions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Rittmer, McCoy, Dearden, Fink, Fraise, Freeman, Kibbie, McKinley, Sexton, and Ziemann. Nays, none. Absent or not voting, 3: Drake, Houser, and Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 3:09 p.m., President Kramer presiding.

QUORUM CALL

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

The vote revealed 42 present, 6 absent, and a quorum present.

SPECIAL GUEST

Senator Deluhery welcomed to the Senate chamber the Honorable Arthur A. Small, Jr., former member of the Iowa Senate and House of Representatives from Iowa City.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 108.

Senate Resolution 108

On motion of Senator Iverson, **Senate Resolution 108**, a Senate resolution relating to gubernatorial appointments and other appointments requiring Senate confirmation, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 108, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rittmer, until he returns, on request of Senator Greiner; and Senator McCoy, until he returns, on request of Senator Flynn.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2134.

Senate File 2134

On motion of Senator Freeman, **Senate File 2134**, a bill for an act relating to the transfer of certain deposit and investment accounts upon the death of the decedent, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2134), the vote was:

Ayes, 46:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 2:

McCoy	Rittmer
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Vacant, 2.

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2033.

Senate File 2033

On motion of Senator Fraise, **Senate File 2033**, a bill for an act relating to the compensation of members of county commissions of veteran affairs, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2033), the vote was:

Ayes, 46:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 2:

McCoy	Rittmer
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Vacant, 2.

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2139.

Senate File 2139

On motion of Senator Maddox, **Senate File 2139**, a bill for an act relating to reading a victim impact statement at a criminal sentencing hearing, was taken up for consideration.

Senator Dvorsky asked and received unanimous consent that action on **Senate File 2139** be **deferred**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2033** and **2134** be **immediately messaged** to the House.

The Senate stood at ease at 3:30 p.m. until the fall of the gavel for the purpose of party caucuses.

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

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 February 13, 2002, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2079, a bill for an act eliminating the requirement that a bicycle safety flag be used while operating an all-terrain vehicle or snowmobile on a highway.

Senate File 2134, a bill for an act relating to the transfer of certain deposit and investment accounts upon the death of the decedent.

ALSO: That the House has on February 13, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2082, a bill for an act expanding the time periods within which watercraft must be registered after a sale or transfer and within which watercraft may be operated without an identification number.

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

House File 2229, a bill for an act relating to use of moneys in the strategic investment fund.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2121.

Senate File 2121

On motion of Senator Schuerer, **Senate File 2121**, a bill for an act relating to permitted and prohibited occupations for certain child laborers involving motor vehicle cleaning, washing, and polishing, and providing an effective date, was taken up for consideration.

Senator Schuerer offered amendment S-5038, filed by Senators Schuerer and McCoy from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5038 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2121), the vote was:

Ayes, 45:

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

Nays, 3:

Dearden	Horn	Kibbie
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Absent or not voting, none.

Vacant, 2.

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2032.

Senate File 2032

On motion of Senator Maddox, **Senate File 2032**, a bill for an act relating to the Iowa crime victim compensation program, was taken up for consideration.

Senator Maddox offered amendment S-5030, filed by him on February 12, 2002, to page 1 of the bill, and moved its adoption.

Amendment S-5030 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2032), the vote was:

Ayes, 48:

Angelo	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	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, none.

Vacant, 2.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2032** and **2121** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:17 p.m. until 9:00 a.m. Thursday, February 14, 2002.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: February 13, 2002, 2:05 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Black, Bolkcom, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

Members Absent: Connolly and King (both excused).

Committee Business: Passed HF 2075. Approved SSB 3054.

Adjourned: 2:25 p.m.

COMMERCE

Convened: February 13, 2002, 1:07 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, King, Lundby, Maddox, McCoy, Redfern, Redwine, and Rehberg.

Members Absent: Hansen (excused).

Committee Business: Passed SCR 106 and SF 2084.

Adjourned: 1:39 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 111, by committee on Commerce, a concurrent resolution providing for the establishment of a committee by the legislative council to conduct a study of predatory or subprime lending practices.

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

INTRODUCTION OF BILLS

Senate File 2164, by Dearden, a bill for an act providing that city or county civil service commissions hire legal counsel on a per diem basis.

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

Senate File 2165, by McKibben, a bill for an act relating to the taking of deer during late muzzleloader hunting season.

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

Senate File 2166, by McKinley, a bill for an act relating to business surveys conducted by the department of economic development.

Read first time under Rule 28 and referred to committee on **Small Business, Economic Development, and Tourism**.

Senate File 2167, by committee on State Government, a bill for an act establishing a health insurance administration fund relating to the payment of the administrative costs of state health insurance plans and providing for its prospective repeal.

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

Senate File 2168, by committee on Appropriations, a bill for an act authorizing the state board of regents to issue bonds to construct, improve, remodel, repair, furnish, and equip inpatient and outpatient facilities and patient care facilities at the university of Iowa hospitals and clinics.

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

Senate File 2169, by committee on Natural Resources and Environment, a bill for an act relating to the regulation and protection of wildlife by prohibiting the taking of mussels with a sport fishing license and including black bears and mountain lions as fur-bearing animals.

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

Senate File 2170, by Tinsman, a bill for an act relating to distribution of moneys from the emergency medical services fund.

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

Senate File 2171, by Rehberg, a bill for an act establishing a separate fund in the state treasury for contributions made by individuals who do not pay enough state taxes and including an effective date.

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

Senate File 2172, by Schuerer, a bill for an act relating to the timing for voting on the imposition of the local sales and services tax for school infrastructure purposes.

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

Senate File 2173, by Schuerer, a bill for an act expanding the tuition tax credit to include tutoring expenses for dependents receiving any schooling, textbook expenses paid by taxpayers for dependents receiving competent private instruction, and tuition and textbook expenses paid by taxpayers for dependents attending nonaccredited elementary and secondary private schools.

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

Senate File 2174, by Redfern, a bill for an act providing for agricultural land held by individuals lawfully admitted into the United States for permanent residence, and making penalties applicable.

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

STUDY BILLS RECEIVED

SSB 3123 Natural Resources and Environment

Requiring permits for the construction of unformed manure storage structures that are part of confinement feeding operations, making penalties applicable, and providing an effective date.

SSB 3124 Ways and Means

Phasing out the tax on social security benefits under the state individual income tax.

SSB 3125 Commerce

Relating to financial services business licensing and regulation, providing criminal and civil penalties, and providing an effective date.

SSB 3126 Judiciary

Concerning procedures, duties, and fees related to the judicial branch.

SSB 3127 Judiciary

Requiring contract disclosure statements for certain residential real estate installment contracts, providing for a penalty, and providing an applicability date.

SSB 3128 Judiciary

Relating to offenses involving animals other than livestock and making penalties applicable.

SSB 3129 Judiciary

Relating to the establishment of multicounty jails and making an appropriation.

SSB 3130 State Government

Creating a new category of confidential public records in the custody of certain airports, utilities, or water districts, and allowing a governmental body to hold a closed session to discuss such confidential records.

SSB 3131 State Government

Relating to fire fighter preparedness by creating a fire fighter preparedness fund, by creating an income tax checkoff for fire fighter preparedness, by removing the limitation on income tax checkoffs, and by allocating a certain portion of insurance premiums tax to the fire fighter preparedness fund, and making an appropriation and providing a retroactive applicability date.

SSB 3132 State Government

Requiring an annual report of personnel information regarding the value of public employees' compensation and providing an effective date.

SSB 3133 State Government

Relating to the third-party ballot access.

SSB 3134 State Government

Permitting the board of pharmacy examiners to deliver a controlled substance to a law enforcement agency for training purposes.

SSB 3135 State Government

Providing for contracts with nonauthorized users of the Iowa communications network solely to provide backup or redundant service.

SSB 3136 State Government

Providing for access to the Iowa communications network by homeland security or defense facilities.

SSB 3137 Human Resources

Providing for hospital access to abuse registries for purposes of employment checks.

SSB 3138 Human Resources

Relating to the requirements of the department of human services for certain child welfare services providers.

SSB 3139 Ways and Means

Relating to the utility replacement tax, and providing for the Act's retroactive applicability.

SSB 3140 Appropriations

Relating to departmental duties by transferring certain duties from the department of human services to the department of inspections and appeals and the Iowa department of public health, reorganizing the duties of the department of inspections and appeals, and authorizing elimination of certain department of human services' programs offered at the state mental health institute at Mount Pleasant, and making an appropriation of certain grants and gifts, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS**Senate Concurrent Resolution 110**

RULES AND ADMINISTRATION: Iverson, Chair; Boettger and Harper

Senate File 2055

STATE GOVERNMENT: King, Chair; Jensen and Kibbie

Senate File 2120

STATE GOVERNMENT: King, Chair; Connolly and Drake

Senate File 2127

STATE GOVERNMENT: King, Chair; Bolkcom and Maddox

Senate File 2142

EDUCATION: Boettger, Chair; Fink and McKinley

Senate File 2147

HUMAN RESOURCES: Tinsman, Chair; Harper and Miller

Senate File 2151

STATE GOVERNMENT: Drake, Chair; Kibbie and Rittmer

Senate File 2153

STATE GOVERNMENT: Kibbie, Chair; Drake and Jensen

House File 2035

WAYS AND MEANS: Maddox, Chair; Deluhery and Redwine

House File 2150

STATE GOVERNMENT: Drake, Chair; Bolkcom and Maddox

House File 2190

HUMAN RESOURCES: Behn, Chair; Hammond and Miller

House File 2192

HUMAN RESOURCES: Harper, Chair; Redwine and Schuerer

House File 2201

JUDICIARY: Redfern, Chair; Hammond and Lamberti

SSB 3123

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Fink and Lundby

SSB 3124

WAYS AND MEANS: McKibben, Chair; Deluhery and Drake

SSB 3125

COMMERCE: Schuerer, Chair; Bolkcom and King

SSB 3126

JUDICIARY: Maddox, Chair; Hansen and Lamberti

SSB 3127

JUDICIARY: Lamberti, Chair; Holveck and McKean

SSB 3128

JUDICIARY: Redfern, Chair; Fraise and Miller

SSB 3129

JUDICIARY: Angelo, Chair; Hansen and Redfern

SSB 3130

STATE GOVERNMENT: King, Chair; Dearden and Maddox

SSB 3131

STATE GOVERNMENT: Sexton, Chair; Fink and Rittmer

SSB 3132

STATE GOVERNMENT: McKean, Chair; Kibbie and King

SSB 3133

STATE GOVERNMENT: King, Chair; Bolkcom and Lamberti

SSB 3134

STATE GOVERNMENT: Sexton, Chair; Dearden and Schuerer

SSB 3135

STATE GOVERNMENT: Schuerer, Chair; Connolly and King

SSB 3136

STATE GOVERNMENT: Schuerer, Chair; Connolly and King

SSB 3137

HUMAN RESOURCES: Redwine, Chair; Boettger and Shearer

SSB 3138

HUMAN RESOURCES: Veenstra, Chair; Behn and Hammond

SSB 3139

WAYS AND MEANS: Greiner, Chair; Drake and Flynn

SSB 3140

APPROPRIATIONS: Lundby, Chair; King and Shearer

COMMITTEE REPORTS**APPROPRIATIONS**

Final Bill Action: SENATE FILE 2168 (SSB 3054), a bill for an act authorizing the state board of regents to issue bonds to construct, improve, remodel, repair, furnish, and equip inpatient and outpatient facilities and patient care facilities at the university of Iowa hospitals and clinics.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 23: Lamberti, Kramer, Flynn, Angelo, Black, Bolkcom, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann. Nays, none. Absent or not voting, 2: Connolly and King.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2075, a bill for an act relating to the repayment of moneys appropriated from the endowment for Iowa's health account of the tobacco settlement trust fund for purposes of the student achievement and teacher quality program.

Recommendation: DO PASS.

Final Vote: Ayes, 20: Lamberti, Kramer, Flynn, Angelo, Black, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Jensen, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann. Nays, 3: Bolkcom, Horn, and Lundby. Absent or not voting, 2: Connolly and King.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: SENATE CONCURRENT RESOLUTION 111 (formerly SCR 106), a concurrent resolution providing for the establishment of a committee by the legislative council to conduct a study of predatory or subprime lending practices.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Jensen, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, King, Lundby, Maddox, McCoy, Redfern, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2084, a bill for an act relating to business relationships between persons involved in the sale of certain vehicles, including suppliers and dealers of all-terrain vehicles.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Jensen, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, King, Lundby, Maddox, McCoy, Redfern, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: SENATE FILE 2169 (SSB 3029), a bill for an act relating to the regulation and protection of wildlife by prohibiting the taking of mussels with a sport fishing license and including black bears and mountain lions as fur-bearing animals.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sexton, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Houser, Kibbie, Lundby, Miller, and Rittmer. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: *SENATE FILE 2167 (SSB 3079), a bill for an act establishing a health insurance administration fund relating to the payment of the administrative costs of state health insurance plans and providing for its prospective repeal.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: King, Kibbie, Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, 2: Lamberti and Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 2167, and they were attached to the committee report.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing amendment S-5038 to Senate File 2121, the following correction was made:

1. Page 1, line 5, the figure "25" was changed to the figure "9".

MICHAEL E. MARSHALL
Secretary of the Senate

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 13, 2002, to investigate the appointment and reappointment of the following appointees:

COMMERCE

As Superintendent of Banking:

THOMAS GRONSTAL – Jensen, Chair; Flynn and Redfern

As Consumer Advocate:

JOHN R. PERKINS – Jensen, Chair; Flynn and Redfern

As Chair of the Utilities Board:

DIANE MUNNS – Jensen, Chair; Flynn and Redwine

As members of the Utilities Board:

MARK LAMBERT – Schuerer, Chair; Hansen and King
ELLIOTT SMITH – King, Chair; Bolckcom and Jensen

EDUCATION

As a member of the Board of Educational Examiners:

JOHN ABOUD – Rehberg, Chair; Soukup and Veenstra

HUMAN RESOURCES

As a member of the Board of Athletic Training Examiners:

BRETT RAASCH – Holveck, Chair; Behn and Miller

As members of the Commission on the Deaf:

KATHY MILLER – Boettger, Chair; Hammond and Schuerer
KAREN POTTER-MAXWELL – Boettger, Chair; Hammond and Schuerer

As members of the Commission of Elder Affairs:

HAZEL CHUCK – Tinsman, Chair; Harper and Veenstra
YOGESH SHAH – Holveck, Chair; Behn and Miller

As a member of the Iowa Empowerment Board:

SALLY HARTLEY – Harper, Chair; Tinsman and Veenstra

As a member of the State Citizen Foster Care Review Board:

AMY SARCHET – Harper, Chair; Tinsman and Veenstra

As Chairperson of the Health Facilities Council:

EDWARD NICHOLS – Redwine, Chair; Hammond and Tinsman

As members of the Mental Health and Developmental Disabilities Commission:

JULIE JETTER – Dvorsky, Chair; Behn and Schuerer
DAVID VanNINGEN – Veenstra, Chair; Harper and Tinsman

As a member of the Commission on Tobacco Use Prevention and Control:

M. CHRISTINA SANTOS CRUSE – Behn, Chair; Dvorsky and Schuerer

As a member of the Commission on the Status of Women:

HOLLY MENNEN – Shearer, Chair; Boettger and Veenstra

JUDICIARY

As Chairperson of the Board of Parole:

ELIZABETH ROBINSON-FORD – Angelo, Chair; Holveck and Maddox

As Vice Chairperson of the Board of Parole:

RICHARD BORDWELL – McKean, Chair; Miller and Tinsman

LOCAL GOVERNMENT

As a member of the City Development Board:

BARBARA BROWN – Zieman, Chair; Fraise and Gaskill

STATE GOVERNMENT

As a member of the Commission on the Status of African-Americans:

BEVERLY ALLEN – Sexton, Chair; Fink and McKean

As a member of the Board of Cosmetology Arts and Sciences Examiners:

JACK MORLAN – Maddox, Chair; Dearden and Lamberti

As a member of the Board of Dental Examiners:

DEENA KUEMPEL – Jensen, Chair; Deluhery and Kibbie

As a member of the Iowa Emergency Response Commission:

JULIE BELL – King, Chair; Bolkcom and Fink

As a member of the Information Technology Council:

MARY WEGNER – King, Chair; Deluhery and Rittmer

As Director of the Department of Inspections and Appeals:

STEVEN K. YOUNG – Lamberti, Chair; Kibbie and King

As members of the Board of Medical Examiners:

CAROLE FRIER – Maddox, Chair; Dearden and Lamberti

MARY HOPPA – Deluhery, Chair; McKean and Rittmer

DANA SHAFFER – Sexton, Chair; Connolly and King

As a member of the Board of Mortuary Science Examiners:

MARGARET EICHER – Drake, Chair; Deluhery and McKean

As a member of the Board of Nursing Examiners:

PATRICK GREENWOOD – King, Chair; Bolkcom and Fink

As a member of the Board of Optometry Examiners:

MARIA HADAR – Schuerer, Chair; Kibbie and King

As a member of the Board of Pharmacy Examiners:

BARBARA O'ROAKE – King, Chair; Fink and Sexton

As a member of the Board of Physical and Occupational Therapy Examiners:

ARMANDO ROSALES – King, Chair; Fink and Sexton

As members of the Board of Psychology Examiners:

SUSAN ENZLE – Bolkcom, Chair; Jensen and Maddox
LINDA FERRIS – Drake, Chair; Deluhery and Rittmer

As Executive Director of the Commission of Veterans Affairs:

PATRICK J. PALMERSHEIM – Drake, Chair; Jensen and Kibbie

As a member of the Iowa Board of Veterinary Medicine:

EARL GOERDT – Connolly, Chair; King and Sexton

TRANSPORTATION

As a member of the Iowa Law Enforcement Academy Council:

ANGELA BONAR – Fraise, Chair; Kibbie and McKinley

As Commissioner of Public Safety:

KEVIN W. TECHAU – McCoy, Chair; Fink and Rittmer

WAYS AND MEANS

As a member of the Iowa Finance Authority:

CARMELA BROWN – Connolly, Chair; Lamberti and Maddox

AMENDMENTS FILED

S-5032	S.F.	335	House
S-5033	S.F.	2067	Neal Schuerer Eugene S. Fraise
S-5034	S.F.	2106	Jack Holveck Johnie Hammond
S-5035	S.F.	2106	Jack Holveck Johnie Hammond
S-5036	H.F.	2153	Gene Maddox Robert E. Dvorsky
S-5037	S.F.	2139	Gene Maddox Robert E. Dvorsky
S-5038	S.F.	2121	Neal Schuerer Matt McCoy
S-5039	H.F.	2153	Gene Maddox

JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 14, 2002

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

Prayer was offered by the Reverend Dan Parsch, pastor of the Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Maddox.

The Journal of Wednesday, February 13, 2002, was approved.

RECESS

On motion of Senator Boettger, the Senate recessed at 9:18 a.m. until 4:00 p.m.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Justin Carlson, Council Bluffs — For receiving the Prudential Spirit of Community Award. Senator Gronstal (02/14/02).

Derrick Hess, Sherrill — For achieving the rank of Eagle Scout, Boy Scout Troop 94. Senator Flynn (02/14/02).

Maurice and Leah Keeler, Weldon — For celebrating your 71st wedding anniversary. Senator Angelo (02/14/02).

Kelly Linquist, Fonda — For receiving the Prudential Spirit of Community Award. Senator Sexton (02/14/02).

Brian Matthew Pfeiler, Dyersville — For achieving the rank of Eagle Scout, Boy Scout Troop 60. Senator Flynn (02/14/02).

Jennifer Quinn, Spencer — For receiving the Prudential Spirit of Community Award. Senator Kibbie (02/14/02).

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: February 14, 2002, 10:24 a.m.

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

Members Absent: None.

Committee Business: Approved SSBs 3003 (as amended) and 3121.

Adjourned: 11:15 a.m.

EDUCATION

Convened: February 14, 2002, 10:23 a.m.

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

Members Absent: Kramer (excused).

Committee Business: Passed SF 2091 and HF 2183. Approved SSB 3073 (as amended).

Adjourned: 10:48 a.m.

HUMAN RESOURCES

Convened: February 14, 2002, 11:02 a.m.

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

Members Absent: None.

Committee Business: Passed SF 2097. Approved SSBs 3049 (as amended) and 3104. Approved Governor's appointees.

Adjourned: 12:03 p.m.

JUDICIARY

Convened: February 14, 2002, 2:10 p.m.

Members Present: Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman.

Members Absent: None.

Committee Business: Passed SFs 2041 (as amended) and 2110. Approved SSB 3096 (as amended).

Adjourned: 3:00 p.m.

TRANSPORTATION

Convened: February 14, 2002, 11:22 a.m.

Members Present: Rittmer, Chair; Drake, Vice Chair; McCoy, Ranking Member; Dearden, Fink, Fraise, Freeman, Houser, Kibbie, McKinley, Sexton, and Zieman.

Members Absent: Jensen (excused).

Committee Business: Passed HF 2112. Approved SSB 3122.

Adjourned: 11:56 a.m.

WAYS AND MEANS

Convened: February 14, 2002, 1:05 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's 2035 and 2116 (as amended). Approved SSB 3100 (as amended).

Adjourned: 2:06 p.m.

INTRODUCTION OF BILLS

Senate File 2175, by Lamberti, a bill for an act creating a presumption of owner consent when the child of an owner operates the owner's motor vehicle.

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

Senate File 2176, by Lamberti, a bill for an act relating to the issuance of a free antlerless deer hunting license to landowners and tenants.

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

Senate File 2177, by Lundby, a bill for an act providing an Iowa individual income tax checkoff for deposit in the free health clinic fund, making an appropriation, and providing a retroactive applicability date.

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

Senate File 2178, by committee on Business and Labor Relations, a bill for an act allowing persons under eighteen years of age to work in certain occupations involving the use of chemicals.

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

Senate File 2179, by committee on Human Resources, a bill for an act relating to female genital mutilation and providing a penalty.

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

SUBCOMMITTEE ASSIGNMENTS**Senate File 2117**

STATE GOVERNMENT: King, Chair; Deluhery and Rittmer

Senate File 2157

LOCAL GOVERNMENT: Houser, Chair; McCoy and McKibben

Senate File 2158

LOCAL GOVERNMENT: Houser, Chair; McCoy and McKibben

Senate File 2160

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Greiner, Chair; Dvorsky and Gaskill

Senate File 2164

LOCAL GOVERNMENT: Freeman, Chair; Fraise and McKibben

Senate File 2166

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: McKinley, Chair; Holveck and Veenstra

Senate File 2170

HUMAN RESOURCES: Schuerer, Chair; Behn and Harper

Senate File 2171

WAYS AND MEANS: McKibben, Chair; Bolkcom and Rehberg

Senate File 2172

LOCAL GOVERNMENT: Angelo, Chair; McCoy and Zieman

House File 2229

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Behn, Chair; Rehberg and Shearer

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE FILE 2178 (SSB 3121), a bill for an act allowing persons under eighteen years of age to work in certain occupations involving the use of chemicals.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Freeman, Greiner, Behn, King, McKibben, and Schuerer. Nays, 4: Dearden, Fraise, Hammond, and Horn. Absent or not voting, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: HOUSE FILE 2183, a bill for an act relating to the authority of the board of directors of a school district to change the number of directors or the method of election of directors following a federal decennial census and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2179 (SSB 3104), a bill for an act relating to female genital mutilation and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: HOUSE FILE 2112, a bill for an act requiring motor vehicle operators to take certain precautions when passing stationary authorized emergency, towing, recovery, and highway maintenance vehicles and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rittmer, Drake, McCoy, Dearden, Fink, Fraise, Freeman, Houser, Kibbie, McKinley, Sexton, and Ziemann. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2035, a bill for an act relating to the state historic property rehabilitation tax credit and including effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 14: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Present, 1: Flynn. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:09 p.m., President Kramer presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:12 p.m. until 9:00 a.m. Friday, February 15, 2002.

APPENDIX

INTRODUCTION OF BILLS

Senate File 2180, by Redwine, a bill for an act relating to certifying law enforcement training facilities at institutions of higher education and providing for a fee.

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

Senate File 2181, by Fiegen, a bill for an act creating a private cause of action for certain consumer fraud violations.

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

Senate File 2182, by Fiegen, a bill for an act relating to information to be included on the ballot for partisan offices.

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

Senate File 2183, by Fiegen, a bill for an act providing for the establishment of a voter-approved levy for the operation of a community college.

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

Senate File 2184, by Fiegen, a bill for an act providing for an increase in local funding authorization for the instructional support program in specified school districts.

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

Senate File 2185, by Fiegen, a bill for an act prohibiting a school district or accredited nonpublic school from spending state moneys to pay membership dues or fees to more than one athletic organization.

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

Senate File 2186, by Fiegen, a bill for an act relating to the procedures and practices of collecting taxes by the department of revenue and finance and the rights of persons under the collection procedures and practices and including effective and applicability date provisions.

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

Senate File 2187, by Fiegen, a bill for an act relating to the reemployment of retirees under the Iowa public employees' retirement system as teachers and school administrators.

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

Senate File 2188, by Fiegen, a bill for an act relating to Iowa economic emergency fund restrictions.

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

Senate File 2189, by committee on Education, a bill for an act providing for the establishment and perfection of a security interest in certain education loans.

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

Senate File 2190, by committee on Business and Labor Relations, a bill for an act concerning workers' compensation.

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

Senate File 2191, by committee on Education, a bill for an act creating a registered nurse recruitment program and fund to be administered by the college student aid commission.

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

Senate File 2192, by committee on Transportation, a bill for an act relating to highways and motor vehicles, including condemnation of property by the state department of transportation, registration, sale, and operation of certain vehicles, issuance of driver's licenses and nonoperator's identification cards, regulation of oversize vehicles, and vehicle manufacturers, distributors, and dealers, and providing penalties and effective dates.

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

Senate File 2193, by committee on Ways and Means, a bill for an act creating a tax credit for investments in qualifying businesses and community-based seed capital funds and including effective and retroactive applicability date provisions.

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

STUDY BILL RECEIVED

SSB 3141 Judiciary

Relating to the civil commitment of sexually violent predators.

SUBCOMMITTEE ASSIGNMENT

SSB 3141

JUDICIARY: Angelo, Chair; Hammond and Redfern

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: *SENATE FILE 2190 (SSB 3003), a bill for an act concerning workers' compensation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Freeman, Greiner, Dearden, Behn, Fraise, Hammond, Horn, King, Lundby, McKibben, and Schuerer. 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 Business and Labor Relations Committee on Senate File 2190, and they were attached to the committee report.

EDUCATION

Final Bill Action: *SENATE FILE 2189 (SSB 3073), a bill for an act providing for the establishment and perfection of a security interest in certain education loans.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 2189, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2191 (formerly SF 2091), a bill for an act creating a registered nurse recruitment program and fund to be administered by the college student aid commission.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: *SENATE FILE 2192 (SSB 3122), a bill for an act relating to highways and motor vehicles, including condemnation of property by the state department of transportation, registration, sale, and operation of certain vehicles, issuance of driver's licenses and nonoperator's identification cards, regulation of oversize vehicles, and vehicle manufacturers, distributors, and dealers, and providing penalties and effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rittmer, Drake, McCoy, Dearden, Fink, Fraise, Freeman, Houser, Kibbie, McKinley, Sexton, and Ziemann. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 2192, and they were attached to the committee report.

WAYS AND MEANS

Final Bill Action: *SENATE FILE 2193 (SSB 3100), a bill for an act creating a tax credit for investments in qualifying businesses and community-based seed capital funds and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKibben, McKinley, Harper, Bolckcom, 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.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2193, and they were attached to the committee report.

ALSO:

Final Bill Action: HOUSE FILE 2116, a bill for an act updating the Iowa Code references to the Internal Revenue Code, repealing an adjustment to net income for capital gains from installment sales, relating to an adjustment to income for school district income surtax paid, providing that refunds from the federal rebate are not taxable, correcting a reference in the innocent spouse statute, and providing retroactive applicability dates and an effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5041.

Final Vote: Ayes, 12: McKibben, McKinley, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, 3: Harper, Bolkcom, and Connolly. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5040	H.F.	2075	Neal Schuerer Tom Flynn
S-5041	H.F.	2116	Ways and Means

JOURNAL OF THE SENATE

THIRTY-THIRD CALENDAR DAY
TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, February 15, 2002

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

Prayer was offered by the Honorable Mark Zieman, member of the Senate from Allamakee County, Postville, Iowa.

The Journal of Thursday, February 14, 2002, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 14, 2002, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 101, a concurrent resolution to amend Joint Rule 20 of the joint rules of the Senate and House.

ALSO: That the House has on February 14, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2100, a bill for an act relating to protection from domestic abuse and including protections for persons in an intimate relationship.

ALSO: That the House has on February 14, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2018, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly

for the 2002 Regular Session of the Seventy-ninth General Assembly. (S-5042)

ALSO: That the House has on February 14, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2230, a bill for an act relating to sentences of incarceration for third or subsequent operating-while-intoxicated motor vehicle offenses.

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

House File 2247, a bill for an act relating to the regulation of health care facilities and the duties of resident advocate committees.

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

House File 2249, a bill for an act relating to the administration of the Iowa lottery by providing for criminal history checks of applicants for certain licenses and major vendors contracting with the lottery, marketing materials, and the identification of instant lottery tickets, providing for a fee, and providing for an effective date.

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

House File 2271, a bill for an act creating a tax credit for investments in qualifying businesses and community-based seed capital funds and including effective and retroactive applicability date provisions.

Read first time and **attached to similar Senate File 2193**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Schuerer, until he arrives, on request of Senator Rehberg; and Senator Jensen, for the day, on request of Senator Iverson.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2124** be referred from the Regular Calendar to the committee on **Appropriations**.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:16 a.m. until 12:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 15, 2002, 11:03 a.m.

Members Present: Behn, Chair; Houser, Vice Chair; Angelo, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann.

Members Absent: Fraise, Ranking Member (excused).

Committee Business: Approved SSB 3118 (as amended).

Adjourned: 11:16 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 15, 2002, 10:05 a.m.

Members Present: Sexton, Chair; Fink, Ranking Member; Black, Bolkom, Dearden, Deluhery, Drake, Freeman, Houser, Kibbie, Lundby, Miller, and Rittmer.

Members Absent: Jensen (excused).

Committee Business: Passed SFs 441, 2068, and 2077. Approved SSBs 3102, 3112, and 3123.

Adjourned: 10:45 a.m.

INTRODUCTION OF BILLS

Senate File 2194, by Redwine, a bill for an act requiring mortgagees to place escrow deposits from mortgagors in accounts that pay interest.

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

Senate File 2195, by committee on Human Resources, a bill for an act relating to the uniform anatomical gift Act including the document of gift, the release of identifying information, donors other than the subject of the donation, and immunity provisions.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 390

HUMAN RESOURCES: Schuerer, Chair; Hammond and Redwine

Senate File 2175

TRANSPORTATION: Rittmer, Chair; Fink and Houser

SSB 3046 (Reassignment)

JUDICIARY: Tinsman, Chair; Angelo and Hammond

COMMITTEE REPORT

HUMAN RESOURCES

Final Bill Action: *SENATE FILE 2195 (SSB 3049), a bill for an act relating to the uniform anatomical gift Act including the document of gift, the release of identifying information, donors other than the subject of the donation, and immunity provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2195, and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 12:36 p.m., President Kramer presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Flynn, Fraise, and McCoy, for the day, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2193.

Senate File 2193

On motion of Senator McKinley, **Senate File 2193**, a bill for an act creating a tax credit for investments in qualifying businesses and community-based seed capital funds and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator McKinley offered amendment S-5043, filed by him from the floor to pages 1, 3, and 4 of the bill, and moved its adoption.

Amendment S-5043 was adopted by a voice vote.

Senator McKinley asked and received unanimous consent that **House File 2271** be **substituted** for **Senate File 2193**.

House File 2271

On motion of Senator McKinley, **House File 2271**, a bill for an act creating a tax credit for investments in qualifying businesses and community-based seed capital funds and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator McKinley offered amendment S-5044, filed by him from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment S-5044 was adopted by a voice vote.

Senator McKinley moved that the bill be read the last time now and placed upon 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. 2271), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	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, 4:

Flynn	Fraise	Jensen	McCoy
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Vacant, 2.

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

WITHDRAWN

Senator McKinley asked and received unanimous consent that **Senate File 2193** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2035.

House File 2035

On motion of Senator Maddox, **House File 2035**, a bill for an act relating to the state historic property rehabilitation tax credit and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2035), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	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, 4:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2035** and **2271** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:03 p.m. until 1:00 p.m. Monday, February 18, 2002.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: February 15, 2002, 12:00 p.m.

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

Members Absent: Fraise (excused).

Committee Business: Approved SSB 3117.

Adjourned: 12:15 p.m.

COMMERCE

Convened: February 15, 2002, 2:04 p.m.

Members Present: Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Freeman, Gronstal, King, Lundby, Redfern, Redwine, and Rehberg.

Members Absent: Jensen, Chair; Flynn, Hansen, Maddox, and McCoy (all excused).

Committee Business: Passed SF 2096.

Adjourned: 2:20 p.m.

LOCAL GOVERNMENT

Convened: February 15, 2002, 1:10 p.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Freeman, Gaskill, Horn, Houser, McKibben, and Zieman.

Members Absent: Black, Fraise, and McCoy (all excused).

Committee Business: Passed SF 2150 (as amended) and HF 2135.

Adjourned: 1:20 p.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: February 15, 2002, 10:05 a.m.

Members Present: Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Gaskill, Greiner, Holveck, Lamberti, McKinley, and Veenstra.

Members Absent: Fiegen and Flynn (both excused).

Committee Business: Presentation by C. J. Niles, Director of IDED.

Adjourned: 10:36 a.m.

STATE GOVERNMENT

Convened: February 15, 2002, 1:15 p.m.

Members Present: King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkom, Connolly, Dearden, Deluhery, Drake, Fink, Maddox, McKean, Rittmer, Schuerer, and Sexton.

Members Absent: Jensen (excused).

Committee Business: Passed SF 2153 and approved SSB 3136.

Adjourned: 1:55 p.m.

INTRODUCTION OF BILLS

Senate File 2196, by Miller, Houser, McKean, and King, a bill for an act permitting the clerk of the district court to become a county elective office.

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

Senate File 2197, by committee on Judiciary, a bill for an act prohibiting a registered sex offender from residing near a school or child care facility and providing a penalty.

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

Senate File 2198, by committee on Judiciary, a bill for an act relating to certain cigarettes and tobacco products and accessories, providing penalties, and making penalties applicable.

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

Senate File 2199, by committee on Natural Resources and Environment, a bill for an act requiring permits for the construction of unformed manure storage structures that are part of confinement feeding operations, making penalties applicable, and providing an effective date.

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

Senate File 2200, by committee on Business and Labor Relations, a bill for an act relating to an employer's liability for the payment of workers' compensation benefits to an employee for a permanent partial disability or a permanent total disability based in part upon a preexisting injury or recovery of benefits.

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

Senate File 2201, by committee on Judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions.

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

Senate File 2202, by McKibben, a bill for an act regulating the use of construction management services contracts for public improvements subject to competitive bidding requirements.

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

Senate File 2203, by committee on State Government, a bill for an act providing for access to the Iowa communications network by homeland security or defense facilities.

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

Senate File 2204, by committee on Natural Resources and Environment, a bill for an act relating to the requirements for receiving a property tax exemption for open prairies and wildlife habitats and including an applicability date provision.

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

Senate File 2205, by committee on Human Resources, a bill for an act relating to regulation of child care and child development homes and child care centers and providing effective date and applicability provisions.

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

STUDY BILLS RECEIVED

SSB 3142 Judiciary

Relating to the award of joint physical care of a child.

SSB 3143 State Government

Considering appropriations from the gambling treatment fund.

SSB 3144 Natural Resources and Environment

Relating to the issuance of nonresident turkey and deer hunting licenses to nonresidents owning agricultural land in this state.

SSB 3145 Judiciary

Relating to reorganizing judicial districts and judicial election districts.

SSB 3146 Human Resources

Relating to psychiatric medical institutions for children requirements involving complaint response and behavioral health care coverage.

SUBCOMMITTEE ASSIGNMENTS

Senate File 245
(Reassignment)

TRANSPORTATION: Zieman, Chair; Fraise and Houser

Senate File 2174

JUDICIARY: Redfern, Chair; Fiegen and Maddox

House File 2230

JUDICIARY: Maddox, Chair; Fraise and Tinsman

SSB 3142

JUDICIARY: Lamberti, Chair; Holveck and Tinsman

SSB 3143

STATE GOVERNMENT: Drake, Chair; Kibbie and Maddox

SSB 3144

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Black and Miller

SSB 3145

JUDICIARY: Maddox, Chair; Angelo and Holveck

SSB 3146

HUMAN RESOURCES: Veenstra, Chair; Behn and Shearer

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE FILE 2200 (SSB 3117), a bill for an act relating to an employer's liability for the payment of workers' compensation benefits to an employee for a permanent partial disability or a permanent total disability based in part upon a preexisting injury or recovery of benefits.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Freeman, Greiner, Behn, King, Lundby, McKibben, and Schuerer. Nays, 3: Dearden, Hammond, and Horn. Absent or not voting, 1: Fraise.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: *SENATE FILE 2205 (formerly SF 2097), a bill for an act relating to regulation of child care and child development homes and child care centers and providing effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Shearer, and Veenstra. Nays, 1: Schuerer. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2205, and they were attached to the committee report.

JUDICIARY

Final Bill Action: SENATE FILE 2197 (formerly SF 2110), a bill for an act prohibiting a registered sex offender from residing near a school or child care facility and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2198 (formerly SF 2041), a bill for an act relating to certain cigarettes and tobacco products and accessories, providing penalties, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2198, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2201 (SSB 3096), a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2201, and they were attached to the committee report.

LOCAL GOVERNMENT

Final Bill Action: HOUSE FILE 2135, a bill for an act relating to the membership of the planning and zoning commission in certain cities.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Miller, Angelo, Hansen, Freeman, Gaskill, Horn, Houser, McKibben, and Zieman. Nays, none. Absent or not voting, 3: Black, Fraise, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: SENATE FILE 2199 (SSB 3123), a bill for an act requiring permits for the construction of unformed manure storage structures that are part of confinement feeding operations, making penalties applicable, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sexton, Fink, Black, Bolkom, Dearden, Deluhery, Drake, Freeman, Houser, Kibbie, Lundby, Miller, and Rittmer. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2204 (SSB 3112), a bill for an act relating to the requirements for receiving a property tax exemption for open prairies and wildlife habitats and including an applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sexton, Fink, Black, Bolkom, Dearden, Deluhery, Drake, Freeman, Houser, Kibbie, Lundby, Miller, and Rittmer. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2153, a bill for an act relating to military service compensation for certain veterans of the Vietnam service era, including the creation of a bonus fund and provision of a tax exemption, and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2203 (SSB 3136), a bill for an act providing for access to the Iowa communications network by homeland security or defense facilities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5042	S.F.	2018	House
S-5043	S.F.	2193	Paul McKinley
S-5044	H.F.	2271	Paul McKinley

JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 18, 2002

The Senate met in regular session at 1:10 p.m., President Kramer presiding.

Prayer was offered by Father Dennis Cain of St. Clement's Catholic Church in Bankston, Iowa. He was the guest of Senator Flynn.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Jessi Fisher and Wendy Walker.

The Journal of Friday, February 15, 2002, was approved.

Senator Angelo took the chair at 1:25 p.m.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:48 p.m. until 9:00 a.m. Tuesday, February 19, 2002.

APPENDIX

COMMUNICATIONS RECEIVED

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

February 18, 2002

DEPARTMENT OF ECONOMIC DEVELOPMENT

Community Economic Betterment Account (CEBA) Annual Report for FY 2001.

IOWA HIGHER EDUCATION LOAN AUTHORITY

2001 Annual Report, pursuant to Iowa Code section 261A.21.

CERTIFICATE OF RECOGNITION

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

Terry Buss, Hampton — For receiving the Iowa Sports Turf Manager of the Year Award. Senator Iverson (02/18/02).

COMMITTEE CHANGES

Senator Iverson announced the following changes in committee assignments to fill vacancies created by Senator Bartz's resignation from the Senate:

Senator **Boettger** will be added to the Agriculture Committee.

Senator **McKibben** will be added to the Human Resources Committee.

Senator **Tinsman** will be added to the Local Government Committee.

Senator **Freeman** will serve as Vice Chair on the Natural Resources and Environment Committee.

Senator **McKean** will be added to the Natural Resources and Environment Committee.

Senator **Zieman** will serve as Vice Chair on the Administration and Regulation Appropriations Subcommittee.

Senator **Drake** will be added to the Administration and Regulation Appropriations Subcommittee.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: February 18, 2002, 1:55 p.m.

Members Present: Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Fink, Harper, McKinley, Redwine, Soukup, Tinsman, and Veenstra.

Members Absent: Dvorsky, Kramer, Redfern, and Shearer (all excused).

Committee Business: Approved SSB 3115 (as amended).

Adjourned: 2:05 p.m.

HUMAN RESOURCES

Convened: February 18, 2002, 2:34 p.m.

Members Present: Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Behn, Boettger, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra.

Members Absent: Dvorsky (excused).

Committee Business: Passed SF 2147 (as amended). Approved SSBs 3106, 3137, and 3146. Approved Governor's appointee.

Adjourned: 2:55 p.m.

JUDICIARY

Convened: February 18, 2002, 3:40 p.m.

Members Present: Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Boettger, Fiegen, Fraise, Hammond, Horn, King, Miller, and Tinsman.

Members Absent: Angelo, Hansen, Lamberti, and McKean (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 4:00 p.m.

TRANSPORTATION

Convened: February 18, 2002, 2:38 p.m.

Members Present: Rittmer, Chair; Drake, Vice Chair; Fink, Fraise, Freeman, Houser, Jensen, McKinley, and Ziemann.

Members Absent: McCoy, Ranking Member; Dearden, Kibbie, and Sexton (all excused).

Committee Business: Passed HF 2193. Approved Governor's appointee.

Adjourned: 2:50 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 109, by Jensen and Horn, a Senate resolution thanking the contractors, subcontractors, artisans, skilled workers, and state employees who have contributed to the effort to restore the Iowa State Capitol.

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

INTRODUCTION OF BILLS

Senate File 2206, by committee on Natural Resources and Environment, a bill for an act relating to the issuance or renewal of sanitary disposal project permits.

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

Senate File 2207, by committee on Natural Resources and Environment, a bill for an act relating to the acquisition, enforceability, and purpose of conservation easements.

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

Senate File 2208, by committee on Natural Resources and Environment, a bill for an act relating to property tax exemptions for pollution-control property associated with confinement feeding operations.

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

Senate File 2209, by committee on Natural Resources and Environment, a bill for an act prohibiting actions involving the sale or long-term use of state resource center real estate that includes native American burial sites and deep loess soils and other significant natural resources and providing an immediate effective date.

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

Senate File 2210, by committee on Agriculture, a bill for an act relating to the acquisition and holding of agricultural land by qualified enterprises, by providing for activities related to baby chicks and fertilized chicken eggs, providing penalties, and providing an effective date.

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

Senate File 2211, by Veenstra, a bill for an act providing for the mental health and developmental disabilities commission to assume the duties of the state-county management committee and provides new rulemaking authority associated with those duties.

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

Senate File 2212, by committee on Commerce, a bill for an act relating to secured transactions, by providing for landlord liens.

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

STUDY BILLS RECEIVED

SSB 3147 Education

Relating to the operations of the state board of education, the department of education, school districts, accredited nonpublic schools, and other state and local agencies with regard to attendance and truancy, academic standards, and related matters.

SSB 3148 Education

Relating to the board of educational examiners' authority to determine whether an applicant for licensure or certification or for renewal of a license is qualified for the license sought.

SSB 3149 Education

Relating to the reception or dissolution of area education agencies and providing an effective date.

SSB 3150 Education

Amending Code provisions administered by the department of education, including provisions related to participation in extracurricular activities, tuition reimbursement payment by school districts under the postsecondary enrollment options Act, interscholastic activities agreements, school infrastructure program calculations, phase I payment calculations, and the use of phase III balances by school districts and area education agencies.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2124**

APPROPRIATIONS: Jensen, Chair; Deluhery and Lundby

Senate File 2154

AGRICULTURE: Angelo, Chair; Fiegen and Houser

Senate File 2159

AGRICULTURE: Angelo, Chair; Fiegen and Houser

Senate File 2165

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Black and Miller

Senate File 2173

EDUCATION: McKinley, Chair; Boettger and Dvorsky

Senate File 2176

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Black and Miller

Senate File 2180

EDUCATION: Boettger, Chair; Kramer and Soukup

Senate File 2182

STATE GOVERNMENT: King, Chair; Dearden and McKean

Senate File 2184

EDUCATION: Rehberg, Chair; Redwine and Soukup

Senate File 2185

EDUCATION: Veenstra, Chair; Fink and Tinsman

Senate File 2187

STATE GOVERNMENT: Rittmer, Chair; Kibbie and King

Senate File 2188

STATE GOVERNMENT: King, Chair; Deluhery and Lamberti

Senate File 2196

LOCAL GOVERNMENT: Miller, Chair; Fraise and Houser

House File 2082

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

House File 2249

STATE GOVERNMENT: McKean, Chair; Fink and King

SSB 3032
(Reassignment)

STATE GOVERNMENT: King, Chair; Kibbie and Schuerer

SSB 3065
(Reassignment)

STATE GOVERNMENT: King, Chair; Bolkcom and Schuerer

SSB 3067
(Reassignment)

STATE GOVERNMENT: King, Chair; Bolkcom and McKean

SSB 3099
(Reassignment)

JUDICIARY: Redfern, Chair; Fraise and King

SSB 3135
(Reassignment)

STATE GOVERNMENT: Maddox, Chair; Drake and Kibbie

SSB 3147

EDUCATION: McKinley, Chair; Harper and Rehberg

SSB 3148

EDUCATION: Angelo, Chair; Boettger and Harper

SSB 3149

EDUCATION: Connolly, Chair; Boettger and Rehberg

SSB 3150

EDUCATION: Connolly, Chair; McKinley and Rehberg

COMMITTEE REPORTS**AGRICULTURE**

Final Bill Action: *SENATE FILE 2210 (SSB 3118), a bill for an act relating to the acquisition and holding of agricultural land by qualified enterprises, by providing for activities related to baby chicks and fertilized chicken eggs, providing penalties, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Behn, Houser, Angelo, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Fraise.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 2210, and they were attached to the committee report.

COMMERCE

Final Bill Action: *SENATE FILE 2212 (formerly SF 2096), a bill for an act relating to secured transactions, by providing for landlord liens.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Schuerer, Deluhery, Bolkom, Freeman, Gronstal, King, Lundby, Redfern, Redwine, and Rehberg. Nays, none. Absent or not voting, 5: Jensen, Flynn, Hansen, Maddox, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2212, and they were attached to the committee report.

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2150, a bill for an act relating to the establishment of multicounty jails and making an appropriation.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5045.

Final Vote: Ayes, 8: Miller, Angelo, Hansen, Freeman, Gaskill, Houser, McKibben, and Ziemann. Nays, 1: Horn. Absent or not voting, 3: Black, Fraise, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: *SENATE FILE 2206 (formerly SF 441), a bill for an act relating to the issuance or renewal of sanitary disposal project permits.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sexton, Fink, Black, Bolkom, Dearden, Deluhery, Drake, Freeman, Houser, Kibbie, Lundby, Miller, and Rittmer. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2206, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2207 (formerly SF 2068), a bill for an act relating to the acquisition, enforceability, and purpose of conservation easements.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sexton, Fink, Black, Bolkom, Dearden, Deluhery, Drake, Freeman, Houser, Kibbie, Lundby, Miller, and Rittmer. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2207, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2208 (SSB 3102), a bill for an act relating to property tax exemptions for pollution-control property associated with confinement feeding operations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sexton, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Houser, Kibbie, Lundby, Miller, and Rittmer. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2208, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2209 (formerly SF 2077), a bill for an act prohibiting actions involving the sale or long-term use of state resource center real estate that includes native American burial sites and deep loess soils and other significant natural resources and providing an immediate effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sexton, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Houser, Kibbie, Lundby, Miller, and Rittmer. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2209, and they were attached to the committee report.

TRANSPORTATION

Final Bill Action: HOUSE FILE 2193, a bill for an act relating to modal transportation, including changes in transit coordination requirements, elimination of the Iowa railway finance authority, and changes in the aircraft registration process.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Rittmer, Drake, Fink, Fraise, Freeman, Houser, Jensen, McKinley, and Ziemann. Nays, none. Absent or not voting, 4: McCoy, Dearden, Kibbie, and Sexton.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 15, 2002, when the votes were taken on House Files 2035 and 2271. Had I been present, I would have voted "Aye" on both.

TOM FLYNN

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

TRANSPORTATION

Angela Bonar – Iowa Law Enforcement Academy Council

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 18th day of February, 2002:

Senate Files 2079 and 2134.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5045	S.F.	2150	Local Government
S-5046	S.F.	2201	Johnie Hammond
S-5047	S.F.	2197	Steve King
S-5048	S.F.	2029	Neal Schuerer

JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 19, 2002

The Senate met in regular session at 9:09 a.m., President Kramer presiding.

Prayer was offered by the Honorable Andrew J. McKean, member of the Senate from Jones County, Anamosa, Iowa.

The Journal of Monday, February 18, 2002, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 18, 2002, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2271, a bill for an act creating a tax credit for investments in qualifying businesses and community-based seed capital funds and including effective and retroactive applicability date provisions.

ALSO: That the House has on February 18, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2051, a bill for an act relating to the creation of a state interagency Missouri river authority and specifying its powers and duties. (S-5049)

ALSO: That the House has on February 18, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2009, a bill for an act allowing an assessor to be a candidate for elective public office and providing an effective date.

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

House File 2152, a bill for an act eliminating the prospective repeal of the volunteer emergency services provider death benefit and providing an effective date.

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

House File 2248, a bill for an act relating to the designation of a Bill of Rights Day.

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

House File 2289, a bill for an act relating to the preparation and filing of an assessment schedule for abatement of a nuisance by a city.

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

House File 2291, a bill for an act relating to judgment liens attaching to city real estate.

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

House File 2310, a bill for an act relating to vendor contracts for the statewide underground facility notification center.

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

House File 2317, a bill for an act relating to restrictions on advertising devices placed along interstate highways and providing a delayed effective date.

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

BILL REREFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2150** be rereferred from the Regular Calendar to the committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:16 a.m. until 9:00 a.m. Wednesday, February 20, 2002.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: February 19, 2002, 2:06 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, Hansen, King, Lundby, Maddox, Redfern, Redwine, and Rehberg.

Members Absent: McCoy (excused).

Committee Business: Passed SF 2194. Approved SSBs 3050, 3088 (as amended), 3119 (as amended), and 3120 (as amended).

Adjourned: 2:35 p.m.

JUDICIARY

Convened: February 19, 2002, 3:05 p.m.

Members Present: Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman.

Members Absent: Fiegen (excused).

Committee Business: Passed SF 2174. Approved SSB 3099 (as amended).

Adjourned: 4:15 p.m.

LOCAL GOVERNMENT

Convened: February 19, 2002, 11:13 a.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Black, Fraise, Freeman, Gaskill, Horn, Houser, McKibben, Tinsman, and Zieman.

Members Absent: McCoy (excused).

Committee Business: Passed SF 2196.

Adjourned: 11:36 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 19, 2002, 10:16 a.m.

Members Present: Sexton, Chair; Freeman, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Houser, Jensen, Kibbie, Lundby, McKean, Miller, and Rittmer.

Members Absent: None.

Committee Business: Approved SSBs 3028, 3031 (as amended), and 3144. Presentation by DNR Director Jeffrey Vonk on fish kill.

Adjourned: 11:06 a.m.

RULES AND ADMINISTRATION

Convened: February 19, 2002, 9:15 a.m.

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

Members Absent: Gronstal, Ranking Member; and Behn (both excused).

Committee Business: Passed SR 109.

Adjourned: 9:17 a.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: February 19, 2002, 10:18 a.m.

Members Present: Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Flynn, Gaskill, Greiner, Holveck, Lamberti, McKinley, and Veenstra.

Members Absent: Fiegen (excused).

Committee Business: Presentations by representatives of the Decision Making Institute and Universal Technologies Associates, Inc.

Adjourned: 11:02 a.m.

STATE GOVERNMENT

Convened: February 19, 2002, 11:25 a.m.

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

Members Absent: None.

Committee Business: Discussion on SSB 3037.

Adjourned: 11:40 a.m.

INTRODUCTION OF BILLS

Senate File 2213, by Gronstal, Kibbie, Black, Shearer, Deluhery, Fink, Harper, Dvorsky, and Hammond, a bill for an act relating to terminology and eligibility for assistance under the sewage treatment and drinking water facilities financing program and other water pollution control funds.

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

Senate File 2214, by Lundby, a bill for an act relating to dependent adult abuse and making penalties applicable.

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

Senate File 2215, by Schuerer, a bill for an act relating to farm aid associations, by providing for the future termination of such associations and election procedures to become governed under the Iowa nonprofit corporation Act.

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

Senate File 2216, by Fink, a bill for an act relating to the establishment of a dean of students or headmaster practitioner license by the board of educational examiners.

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

Senate File 2217, by Boettger, a bill for an act relating to the establishment of renaissance zones, providing certain tax exemptions, refunds, and credits to persons located in the renaissance zones, reimbursing school districts for lost property tax due to renaissance zone designation, and providing an applicability date.

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

Senate File 2218, by Lundby, a bill for an act relating to transportation by a school district outside of its boundaries.

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

Senate File 2219, by Fiegen, a bill for an act allowing the clerk of the district court to become a county elective office.

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

Senate File 2220, by Shearer, Gronstal, Fiegen, Bolkcom, Soukup, Flynn, Fraise, Dearden, Horn, Black, Holveck, Kibbie, Hammond, Dvorsky, Harper, Fink, Connolly, McCoy, Deluhery, and Hansen, a bill for an act relating to mental health and substance abuse treatment coverage, and providing for applicability.

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

Senate File 2221, by Fiegen, a bill for an act relating to agricultural seed, by restricting certain pricing practices, making penalties applicable, and providing an effective date.

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

Senate File 2222, by Fiegen, a bill for an act relating to agricultural seed, by prohibiting certain persons from requiring seed to be saved for future planting, making penalties applicable, and providing an effective date.

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

Senate File 2223, by Fiegen, a bill for an act relating to contamination arising from genetically engineered plants and plant parts, by providing for limitations on liability, and providing an effective date.

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

Senate File 2224, by Fiegen, a bill for an act changing the amounts of appropriations available for the agricultural land credit fund and the family farm tax credit fund and including effective and applicability date provisions.

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

Senate File 2225, by Lundby, a bill for an act relating to the public records law by increasing the amount of damages assessed for violations of the law and by making the results of nationally recognized standardized achievement evaluations administered by a school district a public record in certain circumstances.

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

Senate File 2226, by Holveck, a bill for an act expanding the jurisdiction of the juvenile court to include modifying certain child support orders.

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

Senate File 2227, by Bolkcom, a bill for an act creating a wetlands program and providing penalties.

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

Senate File 2228, by committee on Education, a bill for an act relating to utilization of school district moneys for physical plant and equipment levy purposes.

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

Senate File 2229, by committee on Human Resources, a bill for an act relating to psychiatric medical institutions for children

requirements involving complaint response and behavioral health care coverage.

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

Senate File 2230, by committee on Human Resources, a bill for an act providing for a well-being visit to be conducted on an optional basis under a family investment program limited benefit plan and providing an effective date.

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

Senate File 2231, by committee on Human Resources, a bill for an act providing for hospital access to abuse registries for purposes of employment checks.

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

Senate File 2232, by committee on Human Resources, a bill for an act relating to administrative sanctions for fraudulent acts involving publicly funded child care.

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

Senate File 2233, by Lundby, a bill for an act relating to the marketing of motor fuel and providing an effective date.

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

Senate File 2234, by Hammond, a bill for an act relating to the inmate telephone rebate fund established in the department of corrections.

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

Senate File 2235, by Fink, Gronstal, Harper, Dvorsky, Hammond, Flynn, Soukup, Bolckcom, Connolly, Shearer, Horn, and Fraise, a bill for an act relating to individual income tax credits for individuals who graduate from Iowa higher educational institutions

and community colleges and are employed in Iowa after graduation and including an applicability date provision.

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

Senate File 2236, by Hansen and Redwine, a bill for an act implementing the federal Indian Child Welfare Act and providing for civil liability and criminal penalties.

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

Senate File 2237, by Holveck, a bill for an act relating to manufactured and mobile homes.

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

Senate File 2238, by Schuerer, a bill for an act relating to discount charges and other fees for payments remitted to the state by credit card and providing a standing appropriation.

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

Senate File 2239, by King, Miller, and Schuerer, a bill for an act relating to ensuring equal opportunity in state employment, contracts, and services.

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

Senate File 2240, by King, Schuerer, Behn, Rehberg, McKinley, Angelo, and Veenstra, a bill for an act relating to education standards, family support program guidelines, and the regents' minority and women educators enhancement program.

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

Senate File 2241, by Kibbie, a bill for an act exempting from state individual income tax the active duty pay of a member of the Iowa national guard or the armed forces of the United States and including effective and retroactive applicability dates.

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

Senate File 2242, by Angelo, a bill for an act requiring city utilities and enterprises to refund deposits for water service to account holders under certain circumstances.

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

Senate File 2243, by committee on Local Government, a bill for an act permitting the clerk of the district court to become a county elective office.

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

STUDY BILLS RECEIVED

SSB 3151 State Government

Relating to the designation of a Juneteenth National Freedom Day.

SSB 3152 Appropriations

Relating to the reorganization of the administrative structure of the department of natural resources.

SSB 3153 Judiciary

Making certain amendments to the Iowa trust code.

SSB 3154 Judiciary

Relating to the commutation procedures for a class "A" felon.

SSB 3155 Judiciary

Relating to trusts and estates and their relationship to medical assistance benefits, the right to disclaim on behalf of a ward, the creation of total return unitrusts, and providing an effective date.

**SSB 3156 Small Business, Economic Development, and
Tourism**

Relating to a study of the efficiency and effectiveness of economic-development-related, workforce-development-related, and business-inspection-related programs administered by the state.

SSB 3157 Commerce

Relating to the provision of construction management services on public works projects.

SSB 3158 Ways and Means

Relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, sales and use, property, motor fuel, and special fuel.

**SSB 3159 Small Business, Economic Development, and
Tourism**

Identifying issues to be addressed in order to stimulate and strengthen Iowa's economy.

SSB 3160 Transportation

Increasing the scheduled fine for violations of certain rules of the road relating to school buses.

SSB 3161 Judiciary

Relating to the continuance of stays or other temporary remedies during the pendency of appeals of final judgments of judicial review proceedings.

SSB 3162 Judiciary

Relating to the provision of tobacco, tobacco products, or cigarettes to minors, and providing penalties.

SSB 3163 Commerce

Regarding business corporations and providing an effective date.

SSB 3164 Business and Labor Relations

Prohibiting extreme fighting contests and providing penalties.

SSB 3165 Agriculture

Relating to animal agriculture, providing for fees and appropriations, and providing for penalties.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 109**

RULES AND ADMINISTRATION: Iverson, Chair; Boettger and Harper

Senate File 2150

APPROPRIATIONS: Jensen, Chair; Lamberti and Soukup

Senate File 2162

COMMERCE: Jensen, Chair; Bolkcom and Redfern

Senate File 2183

EDUCATION: Rehberg, Chair; Dvorsky and Kramer

Senate File 2194

COMMERCE: Redwine, Chair; Flynn and Jensen

Senate File 2211

HUMAN RESOURCES: Veenstra, Chair; Behn and Dvorsky

Senate File 2213

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Fink and Freeman

Senate File 2215

AGRICULTURE: Angelo, Chair; Fiegen and Zieman

Senate File 2216

EDUCATION: Boettger, Chair; Fink and Rehberg

Senate File 2217

WAYS AND MEANS: McKinley, Chair; Harper and Rehberg

Senate File 2218

EDUCATION: Kramer, Chair; Dvorsky and Redwine

Senate File 2221

AGRICULTURE: Behn, Chair; Gaskill and Kibbie

Senate File 2222

AGRICULTURE: Behn, Chair; Gaskill and Kibbie

Senate File 2225

EDUCATION: McKinley, Chair; Boettger and Connolly

Senate File 2227

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Bolkcom and Freeman

House File 2009

LOCAL GOVERNMENT: Tinsman, Chair; Hansen and Zieman

House File 2247

HUMAN RESOURCES: Boettger, Chair; Holveck and Veenstra

House File 2289

LOCAL GOVERNMENT: Houser, Chair; Black and Gaskill

House File 2291

LOCAL GOVERNMENT: Freeman, Chair; Angelo and Horn

SSB 3151

STATE GOVERNMENT: King, Chair; Bolkcom and Connolly

SSB 3152

APPROPRIATIONS: Lundby, Chair; Deluhery, Freeman, King, and Shearer

SSB 3153

JUDICIARY: Miller, Chair; Horn and King

SSB 3154

JUDICIARY: Lamberti, Chair; Hammond and McKean

SSB 3155

JUDICIARY: Miller, Chair; Boettger and Redfern

SSB 3156

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Rehberg, Chair; Shearer and Ziemann

SSB 3157

COMMERCE: Jensen, Chair; Flynn and Redwine

SSB 3158

WAYS AND MEANS: Harper, Chair; McKibben and Miller

SSB 3159

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: McKinley, Chair; Fiegen, Holveck, Rehberg, and Ziemann

SSB 3160

TRANSPORTATION: Rittmer, Chair; Houser and Kibbie

SSB 3161

JUDICIARY: Lamberti, Chair; Holveck and King

SSB 3162

JUDICIARY: Boettger, Chair; Hammond and Lamberti

SSB 3163

COMMERCE: Schuerer, Chair; Hansen and Jensen

SSB 3164

BUSINESS AND LABOR RELATIONS: Freeman, Chair; Behn and Hammond

SSB 3165

AGRICULTURE: Angelo, Chair; Behn, Fraise, Gaskill, and Kibbie

COMMITTEE REPORTS**EDUCATION**

Final Bill Action: *SENATE FILE 2228 (SSB 3115), a bill for an act relating to utilization of school district moneys for physical plant and equipment levy purposes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Boettger, Rehberg, Connolly, Angelo, Fink, Harper, McKinley, Redwine, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 4: Dvorsky, Kramer, Redfern, and Shearer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 2228, and they were attached to the committee report.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2229 (SSB 3146), a bill for an act relating to psychiatric medical institutions for children requirements involving complaint response and behavioral health care coverage.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Redwine, Tinsman, Hammond, Behn, Boettger, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2230 (SSB 3106), a bill for an act providing for a well-being visit to be conducted on an optional basis under a family investment program limited benefit plan and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Redwine, Tinsman, Hammond, Behn, Boettger, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2231 (SSB 3137), a bill for an act providing for hospital access to abuse registries for purposes of employment checks.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Redwine, Tinsman, Hammond, Behn, Boettger, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2232 (formerly SF 2147), a bill for an act relating to administrative sanctions for fraudulent acts involving publicly funded child care.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Redwine, Tinsman, Hammond, Behn, Boettger, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2232, and they were attached to the committee report.

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2243 (formerly SF 2196), a bill for an act permitting the clerk of the district court to become a county elective office.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Miller, Angelo, Freeman, Gaskill, Horn, Houser, McKibben, and Zieman. Nays, 3: Hansen, Black, and Fraise. Present, 1: Tinsman. Absent or not voting, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 109, a Senate resolution thanking the contractors, subcontractors, artisans, skilled workers, and state employees who have contributed to the effort to restore the Iowa State Capitol.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Boettger, Dvorsky, Fink, Gaskill, Harper, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Gronstal and Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation on February 19, 2002:

HUMAN RESOURCES

Edward Nichols – Chairperson of the Health Facilities Council

David VanNingen – Mental Health and Developmental Disabilities Commission

Holly Mennen – Commission on the Status of Women

AMENDMENTS FILED

S-5049	S.F.	2051	House
S-5050	S.F.	2198	Gene Maddox
S-5051	S.F.	2206	Mary A. Lundby Joe Bolkcom

JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 20, 2002

The Senate met in regular session at 9:07 a.m., President Kramer presiding.

Prayer was offered by the Reverend Kerry Jech, pastor of the New Hope Christian Church in Marshalltown, Iowa. He was the guest of Senator McKibben.

The Journal of Tuesday, February 19, 2002, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 19, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 437, a bill for an act relating to the registration and titling of all-terrain vehicles and snowmobiles, and subjecting violators to a penalty. (S-5052)

ALSO: That the House has on February 19, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2338, a bill for an act relating to a person registering as a sex offender in a county where an institution of higher education is located, and providing penalties.

Read first time and **attached to similar Senate File 2095**.

House File 2339, a bill for an act relating to the filing of a supersedeas bond.

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

House File 2341, a bill for an act relating to electric transmission lines.

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

House File 2344, a bill for an act relating to the retention of unemployment benefits contested case hearing records.

Read first time and referred to committee on **Business and Labor Relations**.

House File 2345, a bill for an act authorizing the department of justice to administer the violence against women program.

Read first time and **attached to companion Senate File 2138**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Sexton, until he arrives, on request of Senator Gaskill; and Senator Houser, until he arrives, on request of Senator Freeman.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2208** be referred and **Senate File 2153** be rereferred from the Regular Calendar to the committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:18 a.m. until 9:00 a.m. Thursday, February 21, 2002.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Thomas D. Morrison, Muscatine — For achieving the rank of Eagle Scout, Boy Scout Troop 127. Senator Drake (02/20/02).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 20, 2002, 8:35 a.m.

Members Present: Behn, Chair; Fraise, Ranking Member; Angelo, Boettger, Fiegen, Gaskill, Greiner, Kibbie, Shearer, Veenstra, and Zieman.

Members Absent: Houser, Vice Chair; Black, Sexton, and Soukup (all excused).

Committee Business: Passed SF 2154 (as amended).

Adjourned: 8:55 a.m.

BUSINESS AND LABOR RELATIONS

Convened: February 20, 2002, 10:09 a.m.

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

Members Absent: None.

Committee Business: Discussion on SSB 3164.

Adjourned: 10:30 a.m.

EDUCATION

Convened: February 20, 2002, 10:08 a.m.

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

Members Absent: Kramer (excused).

Committee Business: Passed SF 2113 (as amended). Approved SSBs 3148, 3149, and 3150.

Adjourned: 10:40 a.m.

HUMAN RESOURCES

Convened: February 20, 2002, 11:06 a.m.

Members Present: Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Behn, Boettger, Dvorsky, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra.

Members Absent: None.

Committee Business: Approved SSBs 3105 (as amended) and 3138 (as amended). Approved Governor's appointees.

Adjourned: 11:31 a.m.

JUDICIARY

Convened: February 20, 2002, 1:10 p.m.

Members Present: Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman.

Members Absent: None.

Committee Business: Passed SFs 2038 (as amended) and 2130. Approved SSBs 3011 (as amended), 3046, 3108, 3114 (as amended), 3126 (as amended), 3141 (as amended), and 3145. SSB 3162 failed.

Adjourned: 3:45 p.m.

TRANSPORTATION

Convened: February 20, 2002, 11:05 a.m.

Members Present: Rittmer, Chair; Drake, Vice Chair; McCoy, Ranking Member; Dearden, Fink, Fraise, Freeman, Houser, Jensen, Kibbie, McKinley, and Zieman.

Members Absent: Sexton (excused).

Committee Business: Approved SSB 3160. Subcommittees assigned.

Adjourned: 11:35 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2004, by Soukup, a joint resolution requesting the placement of a statue of Henry Agard Wallace in the national statuary hall.

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

Senate Concurrent Resolution 112, by Rehberg, a concurrent resolution to request a legislative interim study committee on condemnation of land in Iowa.

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

INTRODUCTION OF BILLS

Senate File 2244, by Redfern, a bill for an act eliminating teacher licensure of community college faculty; requiring community colleges to develop, approve, and implement a quality faculty and staff plan; and providing for related matters and an effective date.

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

Senate File 2245, by Zieman, a bill for an act requiring proof of financial liability coverage for the registration or renewal of registration of a motor vehicle.

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

Senate File 2246, by Lamberti, a bill for an act relating to agreements for purses and supplements for pari-mutuel horse racing.

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

Senate File 2247, by committee on Commerce, a bill for an act relating to vendor contracts for the statewide underground facility notification center.

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

Senate File 2248, by committee on Natural Resources and Environment, a bill for an act relating to an increase in the number of nonresident deer hunting licenses and providing for the allocation of the nonresident deer hunting licenses.

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

Senate File 2249, by committee on Natural Resources and Environment, a bill for an act relating to the issuance of nonresident turkey and deer hunting licenses to nonresidents owning agricultural land in this state.

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

Senate File 2250, by committee on Natural Resources and Environment, a bill for an act relating to the operation and regulation of personal watercraft or motorboats, and to watercraft safety courses and certificates, and subjecting violators to a penalty.

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

Senate File 2251, by committee on Commerce, a bill for an act relating to the establishment of rates for credit life or credit accident and health insurance.

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

Senate File 2252, by committee on Commerce, a bill for an act relating to electric transmission lines.

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

Senate File 2253, by McCoy, a bill for an act relating to the establishment of enforcement actions relating to assisted living programs.

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

Senate File 2254, by Kibbie, a bill for an act requiring every insurer offering group health insurance to provide coverage for certain enteral formulas.

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

Senate File 2255, by McCoy, a bill for an act establishing a child immunization reporting system for all minor children in the state and making penalties applicable.

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

Senate File 2256, by McCoy, a bill for an act relating to telephone solicitations, and providing for a civil penalty.

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

Senate File 2257, by Redwine, a bill for an act allowing qualified off-duty and qualified retired peace officers to carry weapons.

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

Senate File 2258, by committee on Education, a bill for an act relating to the board of educational examiners' authority to determine whether an applicant for licensure or certification or for renewal of a license is qualified for the license sought.

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

Senate File 2259, by committee on Education, a bill for an act amending Code provisions administered by the department of education, including provisions related to participation in extracurricular activities, tuition reimbursement payment by school districts under the postsecondary enrollment options Act, interscholastic activities agreements, school infrastructure program calculations, phase I payment calculations, and the use of phase III balances by school districts and area education agencies.

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

Senate File 2260, by committee on Education, a bill for an act relating to the reorganization or dissolution of area education agencies and providing an effective date.

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

Senate File 2261, by McCoy, a bill for an act relating to the amount and use of fees for the registration of a birth certificate.

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

Senate File 2262, by King, Behn, Rehberg, and Schuerer, a bill for an act applying the death penalty or life imprisonment for the offense of first degree murder, by establishing circumstances under which the death penalty will be applied, by providing a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing an effective date and for the Act's applicability.

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

Senate File 2263, by McCoy, a bill for an act creating a criminal offense for leaving an unattended or not properly supervised child in a motor vehicle, and publicizing the hazards of leaving a child in a motor vehicle and providing a penalty.

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

STUDY BILLS RECEIVED

SSB 3166 State Government

Relating to the Iowa public employees' retirement system and providing a retroactive applicability date.

**SSB 3167 Small Business, Economic Development, and
Tourism**

Relating to orders imposing a penalty or compelling a specific action issued by an agency after an inspection.

SSB 3168 Education

Relating to school funding by providing additional supplementary weighting for pupils enrolled in advanced-level classes on a district-to-district sharing basis.

SSB 3169 State Government

Relating to voter registration, including information required on voter registration forms, voter identification numbers, and voter registration lists.

SSB 3170 State Government

Providing for an operational revolving fund for the department of commerce and providing for the deposit of moneys in the fund.

SSB 3171 State Government

Providing for miscellaneous substantive and technical changes relating to the operations and functions of the information technology department.

SSB 3172 State Government

Relating to procedure for ethics complaints.

SSB 3173 State Government

Relating to the dates of special elections on public measures for counties, cities, merged areas, and school districts.

SSB 3174 Agriculture

Relating to animal agriculture.

SSB 3175 Local Government

Relating to property taxation by requiring funding for state mandates, amending the regular program school foundation base percentage, limiting certain school district property tax levies, establishing an ending fund balance limitation for counties, excepting school district revenue from taxes collected for tax increment financing districts, repealing certain property tax credits, amending provisions relating to certain property tax credits, amending provisions relating to certain property tax exemptions, providing for an ad valorem tax on mobile homes and manufactured homes, making changes to the method of assessment of property, establishing limits on taxes collectible by class of property and by tax payer, and lowering the rate on interest charged on delinquent taxes, and providing for other properly related matters and including effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2202**

STATE GOVERNMENT: King, Chair; Dearden and Jensen

**Senate File 2215
(Reassignment)**

AGRICULTURE: Gaskill, Chair; Black and Greiner

Senate File 2219

LOCAL GOVERNMENT: Miller, Chair; Fraise and Houser

Senate File 2236

STATE GOVERNMENT: Sexton, Chair; Kibbie and Rittmer

Senate File 2238

STATE GOVERNMENT: Schuerer, Chair; Connolly and Jensen

Senate File 2239

STATE GOVERNMENT: King, Chair; Bolkcom and Schuerer

Senate File 2244

EDUCATION: Redfern, Chair; Boettger and Connolly

House File 2317

TRANSPORTATION: Freeman, Chair; Fraise and Jensen

SSB 3166

STATE GOVERNMENT: Rittmer, Chair; Kibbie and King

SSB 3167

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Zieman, Chair; Flynn and Rehberg

SSB 3168

EDUCATION: Boettger, Chair; Rehberg and Soukup

SSB 3169

STATE GOVERNMENT: King, Chair; Kibbie and Lamberti

SSB 3170

STATE GOVERNMENT: Jensen, Chair; Deluhery and Schuerer

SSB 3171

STATE GOVERNMENT: King, Chair; Deluhery and Rittmer

SSB 3172

STATE GOVERNMENT: Drake, Chair; Kibbie and McKean

SSB 3173

STATE GOVERNMENT: McKean, Chair; Fink and Maddox

SSB 3174

AGRICULTURE: Angelo, Chair; Behn, Fraise, Gaskill, and Kibbie

SSB 3175

LOCAL GOVERNMENT: Miller, Chair; Houser and Horn

COMMITTEE REPORTS

COMMERCE

Final Bill Action: SENATE FILE 2194, a bill for an act requiring mortgagees to place escrow deposits from mortgagors in accounts that pay interest.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Jensen, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, King, Lundby, Maddox, Redfern, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2247 (SSB 3050), a bill for an act relating to vendor contracts for the statewide underground facility notification center.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Jensen, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, King, Lundby, Maddox, Redfern, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2251 (SSB 3119), a bill for an act relating to the establishment of rates for credit life or credit accident and health insurance.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Jensen, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, King, Lundby, Maddox, Redfern, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2251, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2252 (SSB 3088), a bill for an act relating to electric transmission lines.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Jensen, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, King, Lundby, Maddox, Redfern, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2252, and they were attached to the committee report.

EDUCATION

Final Bill Action: SENATE FILE 2258 (SSB 3148), a bill for an act relating to the board of educational examiners' authority to determine whether an applicant for licensure or certification or for renewal of a license is qualified for the license sought.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2259 (SSB 3150), a bill for an act amending Code provisions administered by the department of education, including provisions related to participation in extracurricular activities, tuition reimbursement payment by school districts under the postsecondary enrollment options Act, interscholastic activities agreements, school infrastructure program calculations, phase I payment calculations, and the use of phase III balances by school districts and area education agencies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2260 (SSB 3149), a bill for an act relating to the reorganization or dissolution of area education agencies and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: SENATE FILE 2248 (SSB 3028), a bill for an act relating to an increase in the number of nonresident deer hunting licenses and providing for the allocation of the nonresident deer hunting licenses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Sexton, Freeman, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Houser, Jensen, Kibbie, Lundby, McKean, Miller, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2249 (SSB 3144), a bill for an act relating to the issuance of nonresident turkey and deer hunting licenses to nonresidents owning agricultural land in this state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Sexton, Freeman, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Houser, Jensen, Kibbie, Lundby, McKean, Miller, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2250 (SSB 3031), a bill for an act relating to the operation and regulation of personal watercraft or motorboats, and to watercraft safety courses and certificates, and subjecting violators to a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Sexton, Freeman, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Houser, Jensen, Kibbie, Lundby, McKean, Miller, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2250, and they were attached to the committee report.

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 20th day of February, 2002:

Senate File 2100.

MICHAEL E. MARSHALL
Secretary of the Senate

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation on February 20, 2002:

HUMAN RESOURCES

Brett Raasch – Board of Athletic Training Examiners

Kathy Miller – Commission on the Deaf
Karen Potter-Maxwell – Commission on the Deaf

Hazel Chuck – Commission of Elder Affairs
Yogesh Shah – Commission of Elder Affairs

Sally Hartley – Iowa Empowerment Board

Amy Sarchet – State Citizen Foster Care Review Board

Julie Jetter – Mental Health and Developmental Disabilities Commission

M. Christina Santos Cruse – Commission on Tobacco Use Prevention and Control

JUDICIARY

Elizabeth Robinson-Ford – Chairperson of the Board of Parole

Richard Bordwell – Vice Chairperson of the Board of Parole

AMENDMENT FILED

S-5052 S.F. 437 House

JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY
TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 21, 2002

The Senate met in regular session at 9:01 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend Dennis St. Lawrence, pastor of the Grace Baptist Church in Chariton, Iowa. He was the guest of Senator McKinley.

The Journal of Wednesday, February 20, 2002, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 20, 2002, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 104, a concurrent resolution urging the United States Congress provide funding for the modernization of lock and dam infrastructure on the Upper Mississippi and Illinois Rivers Inland Waterways Transportation System.

ALSO: That the House has on February 20, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2121, a bill for an act relating to permitted and prohibited occupations for certain child laborers involving motor vehicle cleaning, washing, and polishing, and providing an effective date.

ALSO: That the House has on February 20, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2054, a bill for an act relating to the posting of close-clearance warning devices by railroads and providing a penalty.

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

House File 2246, a bill for an act relating to administrative procedures of county treasurers for property taxation and vehicle registration.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sexton, until he arrives, on request of Senator Gaskill.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 109.

Senate Resolution 109

On motion of Senator Jensen, **Senate Resolution 109**, a Senate resolution thanking the contractors, subcontractors, artisans, skilled workers, and state employees who have contributed to the effort to restore the Iowa State Capitol, with report of committee recommending passage, was taken up for consideration.

Senator Jensen moved the adoption of Senate Resolution 109, which motion prevailed by a voice vote.

BILL REASSIGNED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2233** be reassigned from the committee on Transportation to the committee on **Commerce**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:22 a.m. until 1:00 p.m. Monday, February 25, 2002.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Belmond-Klemme Girls Basketball Team, Belmond — For winning the district championship. Senator Iverson (02/21/02).

Iva Marvin, Leon — For celebrating your 100th birthday. Senator Angelo (02/21/02).

Dirk and Lee van der Linden, Belmond — For being honored as Master Editor Publishers. Senator Iverson (02/21/02).

REPORTS OF COMMITTEE MEETINGS

STATE GOVERNMENT

Convened: February 20, 2002, 4:05 p.m.

Members Present: King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Schuerer.

Members Absent: Sexton (excused).

Committee Business: Passed SF 2151. Approved SSBs 3037, 3087, 3130, 3151, and 3172.

Recessed: 4:58 p.m.

Reconvened: 5:10 p.m.

Adjourned: 5:35 p.m.

AGRICULTURE

Convened: February 21, 2002, 1:10 p.m.

Members Present: Behn, Chair; Houser, Vice Chair; Fraise, Ranking Member; Angelo, Black, Boettger, Fiegen, Gaskill, Greiner, Kibbie, Shearer, Soukup, Veenstra, and Ziemán.

Members Absent: Sexton (excused).

Committee Business: Passed SF 2215. Approved SSB 3174.

Adjourned: 1:30 p.m.

COMMERCE

Convened: February 21, 2002, 2:10 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolcom, Flynn, Freeman, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Redfern, Redwine, and Rehberg.

Members Absent: None.

Committee Business: Passed SFs 2029, 2233, and 2254. Approved SSBs 3080, 3157, and 3163. SF 440 failed.

Recessed: 3:40 p.m.

Reconvened: 3:52 p.m.

Adjourned: 3:55 p.m.

LOCAL GOVERNMENT

Convened: February 21, 2002, 11:04 a.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Black, Fraise, Freeman, Gaskill, Horn, Houser, McCoy, McKibben, Tinsman, and Ziemán.

Members Absent: None.

Committee Business: Passed SFs 260 (as amended) and 2019 (as amended). Approved SSB 3175 (as amended).

Adjourned: 11:41 a.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: February 21, 2002, 8:06 a.m.

Members Present: Rehberg, Chair; Ziemán, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Lamberti, and McKinley.

Members Absent: Holveck and Veenstra (both excused).

Committee Business: Passed SFs 2160 and 2166 (as amended). Approved SSBs 3156 and 3159 (as amended).

Recessed: 8:50 a.m.

Reconvened: 10:05 a.m.

Adjourned: 10:50 a.m.

STATE GOVERNMENT

Convened: February 21, 2002, 11:10 a.m.

Members Present: King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Schuerer.

Members Absent: Dearden and Sexton (both excused).

Committee Business: Passed SF 2007 and LSBs 5883sc and 6538sc. Approved SSBs 3131 and 3171.

Adjourned: 12:00 p.m.

INTRODUCTION OF BILLS

Senate File 2264, by Harper, a bill for an act relating to inheritance taxes on property or any interest in property, or income from property, passing to a niece or a nephew.

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

Senate File 2265, by committee on Judiciary, a bill for an act relating to child restraint systems and imposing penalties.

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

Senate File 2266, by committee on Judiciary, a bill for an act relating to state purchasing of products from Iowa state industries.

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

Senate File 2267, by committee on Judiciary, a bill for an act relating to reorganizing judicial districts and judicial election districts.

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

Senate File 2268, by committee on Judiciary, a bill for an act relating to animals other than livestock, including the taking of such animals, providing for their disposition, and providing for the reimbursement of dispositional expenses.

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

Senate File 2269, by committee on Transportation, a bill for an act increasing the scheduled fine for violations of certain rules of the road relating to school buses.

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

Senate File 2270, by committee on Human Resources, a bill for an act relating to child support including provisions relating to medical support and the calculation of the child support amount relative to receipt of federal social security benefits.

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

Senate File 2271, by committee on Education, a bill for an act relating to the amount of state assistance provided to each school district to purchase textbooks for accredited nonpublic school pupils.

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

Senate File 2272, by committee on Judiciary, a bill for an act providing for agricultural land held by individuals lawfully admitted into the United States for permanent residence and making penalties applicable.

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

Senate File 2273, by committee on State Government, a bill for an act relating to the designation of a Juneteenth National Freedom Day.

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

Senate File 2274, by committee on State Government, a bill for an act relating to the use of sick leave by certain members of the Iowa department of public safety peace officers' retirement, accident, and disability system who are temporarily incapacitated for duty.

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

Senate File 2275, by committee on Judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and including effective and retroactive applicability date provisions.

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

Senate File 2276, by Gronstal, Harper, Dvorsky, Black, Soukup, Holveck, Fiegen, Connolly, Deluhery, Flynn, Bolkom, Fraise, Dearden, Kibbie, and Fink, a bill for an act creating an early childhood programs endowment fund.

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

Senate File 2277, by committee on State Government, a bill for an act creating a new category of confidential public records in the custody of certain airports, municipal corporations, utilities, or water districts, and allowing a governmental body to hold a closed session to discuss such confidential records.

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

Senate File 2278, by committee on Judiciary, a bill for an act relating to analyzing the confinement and detention needs of jails, and other local or regional confinement facilities, prohibiting certain financial interests in the construction of a jail or facility, and providing an effective date.

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

Senate File 2279, by committee on Commerce, a bill for an act relating to the regulated commercial activities of insurance and security sales, including rate adjustments for small group coverage, provisions pertaining to state and county mutual insurance associations, termination dates and licensed health care providers for emergency medical malpractice insurance, suspension of an insurer's certificate of authority for delinquency, exceptions to the right of a notice of intent not to renew, coverage requirements in a medical expense policy, tort immunity related to viatical settlement contracts, confidentiality of certain personal information in securities and insurance filings, postponement or suspension of registration under the blue sky law, reporting related to professional liability insurance, annual percentage rate used in calculations of the minimum nonforfeiture amount relating to individual deferred annuities, and providing for a future repeal.

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

Senate File 2280, by committee on Human Resources, a bill for an act relating to the requirements of the department of human services for certain child welfare services providers.

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

Senate File 2281, by committee on State Government, a bill for an act relating to procedure for ethics complaints.

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

Senate File 2282, by committee on Small Business, Economic Development, and Tourism, a bill for an act relating to a study of the efficiency and effectiveness of economic-development-related, workforce-development-related, and business-inspection-related programs administered by the state.

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

STUDY BILLS RECEIVED**SSB 3176 Agriculture**

Relating to secured transactions by providing for agricultural liens.

SSB 3177 Appropriations

Providing for the transfer of the professional licensing division of the department of commerce to the secretary of state's office, appropriating certain fees, and providing an effective date.

SSB 3178 Appropriations

Providing for the reorganization of certain state departments by establishing a department of administrative services and abolishing the executive council and transferring or eliminating its duties.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2004**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Concurrent Resolution 112

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 2233

COMMERCE: Lundby, Chair; Hansen and Jensen

Senate File 2240

EDUCATION: McKinley, Chair; Dvorsky and Rehberg

Senate File 2246

STATE GOVERNMENT: King, Chair; Kibbie and Lamberti

Senate File 2254

COMMERCE: Gronstal, Chair; Jensen and Redwine

Senate File 2256

COMMERCE: McCoy, Chair; King and Maddox

House File 2341

COMMERCE: Freeman, Chair; Flynn and Jensen

SSB 3131
(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Drake and Fink

SSB 3176

AGRICULTURE: Zieman, Chair; Fiegen and Houser

SSB 3177

APPROPRIATIONS: Lundby, Chair; Deluhery, Freeman, King, and Shearer

SSB 3178

APPROPRIATIONS: Lundby, Chair; Deluhery, Freeman, King, and Shearer

LSB 5883sc

STATE GOVERNMENT: King, Chair; Bolkcom and Schuerer

COMMITTEE REPORTS**AGRICULTURE**

Final Bill Action: SENATE FILE 2215, a bill for an act relating to farm aid associations, by providing for the future termination of such associations and election procedures to become governed under the Iowa nonprofit corporation Act.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Behn, Houser, Fraise, Angelo, Black, Boettger, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: *SENATE FILE 2279 (SSB 3120), a bill for an act relating to the regulated commercial activities of insurance and security sales, including rate adjustments for small group coverage, provisions pertaining to state and county mutual insurance associations, termination dates and licensed health care providers

for emergency medical malpractice insurance, suspension of an insurer's certificate of authority for delinquency, exceptions to the right of a notice of intent not to renew, coverage requirements in a medical expense policy, tort immunity related to viatical settlement contracts, confidentiality of certain personal information in securities and insurance filings, postponement or suspension of registration under the blue sky law, reporting related to professional liability insurance, annual percentage rate used in calculations of the minimum nonforfeiture amount relating to individual deferred annuities, and providing for a future repeal.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Jensen, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, King, Lundby, Maddox, Redfern, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2279, and they were attached to the committee report.

EDUCATION

Final Bill Action: *SENATE FILE 2271 (formerly SF 2113), a bill for an act relating to the amount of state assistance provided to each school district to purchase textbooks for accredited nonpublic school pupils.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 2271, and they were attached to the committee report.

HUMAN RESOURCES

Final Bill Action: *SENATE FILE 2270 (SSB 3105), a bill for an act relating to child support including provisions relating to medical support and the calculation of the child support amount relative to receipt of federal social security benefits.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2270, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2280 (SSB 3138), a bill for an act relating to the requirements of the department of human services for certain child welfare services providers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2280, and they were attached to the committee report.

JUDICIARY

Final Bill Action: SENATE FILE 2265 (SSB 3046), a bill for an act relating to child restraint systems and imposing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Maddox, Redfern, Holveck, Angelo, Fiegen, Fraise, Hammond, Hansen, Horn, Lamberti, McKean, and Tinsman. Nays, 3: Boettger, King, and Miller. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2266 (formerly SF 2130), a bill for an act relating to state purchasing of products from Iowa state industries.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, 1: Fiegen. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2267 (SSB 3145), a bill for an act relating to reorganizing judicial districts and judicial election districts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2268 (SSB 3108), a bill for an act relating to animals other than livestock, including the taking of such animals, providing for their disposition, and providing for the reimbursement of dispositional expenses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2272 (formerly SF 2174), a bill for an act providing for agricultural land held by individuals lawfully admitted into the United States for permanent residence and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Fiegen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2275 (SSB 3099), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Fiegen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2275, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2278 (formerly SF 2038), a bill for an act relating to analyzing the confinement and detention needs of jails, and other local or regional confinement facilities, prohibiting certain financial interests in the construction of a jail or facility, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2278, and they were attached to the committee report.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Final Bill Action: SENATE FILE 2160, a bill for an act relating to the dry fire hydrant and rural water supply education and demonstration project.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rehberg, Zieman, Shearer, Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Lamberti, and McKinley. Nays, none. Absent or not voting, 2: Holveck and Veenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2282 (SSB 3156), a bill for an act relating to a study of the efficiency and effectiveness of economic-development-related, workforce-development-related, and business-inspection-related programs administered by the state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rehberg, Zieman, Shearer, Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Lamberti, and McKinley. Nays, none. Absent or not voting, 2: Holveck and Veenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2007, a bill for an act reducing the number of days of payment for the expenses of office for members of the general assembly during a regular legislative session.

Recommendation: DO PASS.

Final Vote: Ayes, 8: King, Lamberti, Drake, Jensen, Maddox, McKean, Rittmer, and Schuerer. Nays, 4: Kibbie, Bolcom, Connolly, and Fink. Absent or not voting, 3: Dearden, Deluhery, and Sexton.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2273 (SSB 3151), a bill for an act relating to the designation of a Juneteenth National Freedom Day.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: King, Lamberti, Kibbie, Bolcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Schuerer. Nays, none. Absent or not voting, 1: Sexton.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2274 (formerly SF 2151), a bill for an act relating to the use of sick leave by certain members of the Iowa department of public safety peace officers' retirement, accident, and disability system who are temporarily incapacitated for duty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: King, Lamberti, Kibbie, Bolcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Schuerer. Nays, none. Absent or not voting, 1: Sexton.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: *SENATE FILE 2269 (SSB 3160), a bill for an act increasing the scheduled fine for violations of certain rules of the road relating to school buses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rittmer, Drake, McCoy, Dearden, Fink, Fraise, Freeman, Houser, Jensen, Kibbie, and McKinley. Nays, none. Absent or not voting, 2: Sexton and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 2269, and they were attached to the committee report.

STATE GOVERNMENT

Final Bill Action: *SENATE FILE 2277 (SSB 3130), a bill for an act creating a new category of confidential public records in the custody of certain airports, municipal corporations, utilities, or water districts, and allowing a governmental body to hold a closed session to discuss such confidential records.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: King, Lamberti, Kibbie, Bolcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Schuerer. Nays, none. Absent or not voting, 1: Sexton.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 2277, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2281 (SSB 3172), a bill for an act relating to procedure for ethics complaints.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: King, Lamberti, Kibbie, Bolcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Schuerer. Nays, none. Absent or not voting, 1: Sexton.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 21, 2002, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2079 – Eliminating the requirement that a bicycle safety flag be used while operating an all-terrain vehicle or snowmobile on a highway.

S.F. 2134 – Relating to the transfer of certain deposit and investment accounts upon the death of the decedent.

JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 25, 2002

The Senate met in regular session at 1:10 p.m., President Kramer presiding.

The Brown Family from Merrill, Iowa, sang "God Bless America" and offered prayer. They were the guests of Senator Redwine.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Alyssa Beaman and Wendy Walker.

The Journal of Thursday, February 21, 2002, was approved.

ANNOUNCEMENT OF VACANCY

President Kramer announced the following vacancy had occurred in a senatorial district since the commencement of the 2002 Regular Session:

District 39 – JoAnn Johnson, resignation effective January 22, 2002.

COMMITTEE ON CREDENTIALS

Senator Iverson moved that a committee on credentials be appointed to examine and report on the election in Senate District 39.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 1:14 p.m.

RECONVENED

The Senate reconvened at 1:17 p.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 remainder of the 2002 Session of the Seventy-ninth General Assembly.

JERRY BEHN, Chair
 KITTY REHBERG
 RICHARD F. DRAKE
 JOHNIE HAMMOND
 STEVE HANSEN

CERTIFICATION — STATE OF IOWA
 OFFICE OF THE SECRETARY OF THE 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 February 19, 2002, David G. Lord was elected to fill a vacancy in the office of State Senator of the Thirty-ninth District, for the balance of the term that began on January 2, 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 Twenty-fifth day of February, 2002.

CHESTER J. CULVER
 Secretary of State

I hereby acknowledge receipt of the original copy of this document on this Twenty-fifth day of February, 2002.

MICHAEL E. MARSHALL
 Secretary of the Senate

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

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

SELECTION OF SEATS

The Chair announced the next order of business would be the selection of seats.

Senator Iverson moved that the senators who participated in seat selection in January be granted the privilege of selecting new seats in order of seniority from unassigned seats; and that first, the Majority Floor Leader and the Minority Floor Leader be permitted to select their seats.

The motion prevailed by a voice vote.

The Secretary of the Senate called the roll, and seat selections were made as follows:

<u>NAME</u>	<u>SEAT NO.</u>
Angelo of Union.....	32
Behn of Boone	22
Black of Jasper.....	31
Boettger of Shelby.....	14
Bolkcom of Johnson	25
Connolly of Dubuque.....	47
Dearden of Polk.....	21
Deluhery of Scott.....	45
Drake of Muscatine.....	40
Dvorsky of Johnson.....	29
Fiegen of Cedar	13
Fink of Warren.....	33
Flynn of Dubuque	9
Fraise of Lee.....	39
Freeman of Buena Vista	8
Gaskill of Hancock	10
Greiner of Washington.....	48
Gronstal of Pottawattamie.....	37
Hammond of Story	27
Hansen of Woodbury	35
Harper of Black Hawk	5
Holveck of Polk.....	23

Horn of Linn.....	43
Houser of Pottawattamie.....	6
Iverson of Wright.....	38
Jensen of Bremer.....	44
Kibbie of Palo Alto.....	41
King of Sac.....	24
Kramer of Polk.....	36
Lamberti of Polk.....	16
Lord of Dallas.....	1
Lundby of Linn.....	49
Maddox of Polk.....	34
McCoy of Polk.....	15
McKean of Jones.....	42
McKibben of Marshall.....	19
McKinley of Lucas.....	26
Miller of Jefferson.....	17
Redfern of Black Hawk.....	30
Redwine of Plymouth.....	2
Rehberg of Buchanan.....	20
Rittmer of Clinton.....	46
Schuerer of Iowa.....	4
Sexton of Calhoun.....	12
Shearer of Washington.....	11
Soukup of Chickasaw.....	7
Tinsman of Scott.....	50
Veenstra of Sioux.....	28
Zieman of Allamakee.....	18

BILLS REFERRED TO COMMITTEE

Senator Boettger asked and received unanimous consent that **Senate File 2191** be referred from the Regular Calendar to the committee on **Appropriations** and that **Senate File 2204** be referred from the Regular Calendar to the committee on **Ways and Means**.

BILL PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Boettger asked and received unanimous consent that **House File 681** be placed on the Unfinished Business Calendar.

HOUSE AMENDMENT CONSIDERED

Senate File 2051

Senator Houser called up for consideration **Senate File 2051**, a bill for an act relating to the creation of a state interagency Missouri

river authority and specifying its powers and duties, amended by the House, and moved that the Senate concur in House amendment S-5049, filed February 19, 2002.

Senator Hansen asked and received unanimous consent that action on House amendment S-5049 and **Senate File 2051** be **deferred**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Flynn, until he arrives, on request of Senator Fink; and Senators Redfern and Rittmer, until they arrive, on request of Senator Houser.

CONSIDERATION OF BILL (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 2116.

Senate File 2116

On motion of Senator Jensen, **Senate File 2116**, a bill for an act relating to the preservation and enhancement of the state capitol, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2116), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox

McCoy	McKean	McKibben	McKinley
Miller	Redwine	Rehberg	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 3:

Flynn	Redfern	Rittmer
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Vacant, 1.

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

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 2140.

Senate File 2140

On motion of Senator Black, **Senate File 2140**, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2140), the vote was:

Ayes, 46:

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

Nays, none.

Absent or not voting, 3:

Flynn Redfern Rittmer

Vacant, 1.

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

BUSINESS PENDING

Senate File 2051

The Senate resumed consideration of **Senate File 2051**, a bill for an act relating to the creation of a state interagency Missouri river authority and specifying its powers and duties, and House amendment S-5049, previously deferred.

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

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

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

On the question "Shall the bill pass?" (S.F. 2051), the vote was:

Ayes, 46:

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

Sexton
Veenstra

Shearer
Zieman

Soukup

Tinsman

Nays, none.

Absent or not voting, 3:

Flynn

Redfern

Rittmer

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2051, 2116, and 2140** be **immediately messaged** to the House.

The Senate stood at ease at 2:15 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:28 p.m., President Kramer presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 2018

Senator Iverson called up for consideration **Senate File 2018**, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2002 Regular Session of the Seventy-ninth General Assembly, amended by the House, and moved that the Senate concur in House amendment S-5042, filed February 15, 2002.

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

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

On the question "Shall the bill pass?" (S.F. 2018), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	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:

Flynn

Vacant, 1.

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

HOUSE AMENDMENT CONSIDERED

Senate File 335

Senator Greiner called up for consideration **Senate File 335**, a bill for an act relating to species of animals by classifying certain species as livestock and providing exemptions from the sales and use tax for feed used to support the species, amended by the House, and moved that the Senate concur in House amendment S-5032, filed February 13, 2002.

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

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

On the question "Shall the bill pass?" (S.F. 335), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	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:

Flynn

Vacant, 1.

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2203.

Senate File 2203

On motion of Senator Schuerer, **Senate File 2203**, a bill for an act providing for access to the Iowa communications network by homeland security or defense facilities, was taken up for consideration.

Senator Dvorsky asked and received unanimous consent that action on **Senate File 2203** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Boettger, until she returns, on request of Senator Angelo.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2206.

Senate File 2206

On motion of Senator Lundby, **Senate File 2206**, a bill for an act relating to the issuance or renewal of sanitary disposal project permits, was taken up for consideration.

Senator Lundby asked and received unanimous consent to withdraw amendment S-5051, filed by Senators Lundby and Bolkcom on February 19, 2002, to page 1 and to the title page of the bill.

Senator Lundby offered amendment S-5055, filed by Senators Lundby and Bolkcom from the floor to pages 1, 2, and to the title page of the bill, and moved its adoption.

Amendment S-5055 was adopted by a voice vote.

President Pro Tempore McKean took the chair at 4:01 p.m.

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

On the question "Shall the bill pass?" (S.F. 2206), the vote was:

Ayes, 41:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Horn	Houser	Iverson	Jensen

Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKibben	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Veenstra
Zieman			

Nays, 6:

Angelo	Behn	Fraise	Holveck
McKinley	Tinsman		

Absent or not voting, 2:

Boettger	Flynn
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Vacant, 1.

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 Angelo asked and received unanimous consent that **Senate Files 335, 2018, and 2206** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration Senate Files 2231, 2210, 2141, and 2197.

Senate File 2231

On motion of Senator Redwine, **Senate File 2231**, a bill for an act providing for hospital access to abuse registries for purposes of employment checks, was taken up for consideration.

Senator Redwine offered amendment S-5053, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5053 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2231), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	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:

Flynn	Gronstal
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Vacant, 1.

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

Senate File 2210

On motion of Senator Behn, **Senate File 2210**, a bill for an act relating to the acquisition and holding of agricultural land by qualified enterprises, by providing for activities related to baby chicks and fertilized chicken eggs, providing penalties, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2210), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	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:

Flynn

Vacant, 1.

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

Senate File 2141

On motion of Senator Angelo, **Senate File 2141**, a bill for an act authorizing sheriffs to appoint civil process servers, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2141), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	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:

Flynn

Vacant, 1.

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

Senate File 2197

On motion of Senator Maddox, **Senate File 2197**, a bill for an act prohibiting a registered sex offender from residing near a school or child care facility, and providing a penalty, was taken up for consideration.

Senator King offered amendment S-5047, filed by him on February 18, 2002, to page 1 of the bill, and moved its adoption.

Amendment S-5047 was adopted by a voice vote.

Senator Maddox asked and received unanimous consent that action on **Senate File 2197** be **deferred**.

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **Senate Files 2141, 2210, and 2231** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Files 2156, 2260, 2207, and 2084.

Senate File 2156

On motion of Senator Zieman, **Senate File 2156**, a bill for an act authorizing all counties not served by a permanent state department of transportation facility to issue driver's licenses, nonoperator identification cards, and persons with disabilities identification devices under certain conditions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2156), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	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:

Flynn

Vacant, 1.

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

Senate File 2260

On motion of Senator Connolly, **Senate File 2260**, a bill for an act relating to the reorganization or dissolution of area education agencies and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2260), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	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:

Flynn

Vacant, 1.

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

Senate File 2207

On motion of Senator Lundby, **Senate File 2207**, a bill for an act relating to the acquisition, enforceability, and purpose of conservation easements, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2207), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	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:

Flynn

Vacant, 1.

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

Senate File 2084

On motion of Senator Jensen, **Senate File 2084**, a bill for an act relating to business relationships between persons involved in the sale of certain vehicles, including suppliers and dealers of all-terrain vehicles, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2084), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	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:

Flynn

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **Senate Files 2084, 2156, 2207, and 2260** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Veenstra, the Senate adjourned at 4:55 p.m. until 9:00 a.m. Tuesday, February 26, 2002.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Jason Bollman, Waukon — For achieving the rank of Eagle Scout, Boy Scout Troop 64. Senator Zieman (02/25/02).

Justin Carlson, Council Bluffs — For receiving the Prudential Spirit of Community Award. Senator Boettger (02/25/02).

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 113, by Lundby, a concurrent resolution requesting the legislative council to authorize the personal privacy issues study committee to continue deliberations during the 2002 legislative interim.

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

Senate Resolution 110, by committee on Small Business, Economic Development, and Tourism, a Senate resolution identifying issues to be addressed in order to stimulate and strengthen Iowa's economy.

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

Senate Resolution 111, by McKibben, Angelo, McKinley, Behn, Veenstra, Boettger, Kramer, Gaskill, Freeman, Jensen, Lamberti, Greiner, McKean, Sexton, Zieman, Schuerer, Tinsman, King, Iverson, Holveck, Harper, Soukup, Flynn, Shearer, Hansen, Connolly, Redfern, Maddox, Dvorsky, Black, Kibbie, Fraise, Redwine, Rehberg, Miller, Dearden, Gronstal, Rittmer, and Drake, a Senate resolution honoring Commandant Jack Dack of the Iowa Veterans Home upon his retirement.

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

INTRODUCTION OF BILLS

Senate File 2283, by committee on Judiciary, a bill for an act concerning procedures, duties, and fees related to the judicial branch, and providing for a study.

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

Senate File 2284, by committee on Local Government, a bill for an act relating to property taxation by requiring funding for state mandates, amending the regular program school foundation base percentage, limiting certain school district property tax levies, establishing an ending fund balance limitation for counties, excepting school district revenue from taxes collected for tax increment financing districts, repealing certain property tax credits, amending provisions relating to certain property tax exemptions, providing for an ad valorem tax on mobile homes and manufactured homes, making changes to the method of assessment of property, establishing limits on taxes collectible by class of property and by taxpayer, and lowering the rate on interest charged on delinquent taxes, and providing for other properly related matters and including effective and applicability date provisions.

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

Senate File 2285, by committee on Commerce, a bill for an act regarding business corporations and providing an effective date.

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

Senate File 2286, by committee on Judiciary, a bill for an act relating to the civil commitment of sexually violent predators.

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

Senate File 2287, by committee on State Government, a bill for an act relating to the imposition of the local sales and services tax by a county and including an effective and applicability date provision.

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

Senate File 2288, by committee on Local Government, a bill for an act relating to the appointment of an acting or a temporary county attorney.

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

Senate File 2289, by committee on Commerce, a bill for an act relating to health care benefits coverage for treatment for neurobiological disorders and underlying co-morbidity.

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

Senate File 2290, by committee on Local Government, a bill for an act relating to recycling requirements in solid waste comprehensive plans.

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

Senate File 2291, by committee on Small Business, Economic Development, and Tourism, a bill for an act relating to business surveys conducted by the department of economic development.

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

Senate File 2292, by committee on Commerce, a bill for an act relating to the provision of construction management services on public works projects.

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

Senate File 2293, by committee on Agriculture, a bill for an act relating to animal agriculture.

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

Senate File 2294, by committee on Agriculture, a bill for an act relating to grain, by providing for its regulation, including the regulation of credit sale contracts, and making penalties applicable.

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

Senate File 2295, by committee on State Government, a bill for an act authorizing the performance of a comprehensive internal assessment and evaluation to be conducted by the information technology department.

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

Senate File 2296, by committee on State Government, a bill for an act relating to voter registration forms, registered voter identification numbers, and voter registration lists.

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

Senate File 2297, by committee on State Government, a bill for an act relating to elementary and secondary education standards, family support program guidelines, and the regents' minority and women educators enhancement program.

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

Senate File 2298, by committee on State Government, a bill for an act relating to fire fighter preparedness by creating a fire fighter preparedness fund, by creating an income tax checkoff for fire fighter preparedness, by removing the limitation on income tax checkoffs, and by allocating a certain portion of insurance premiums tax to the fire fighter preparedness fund, and making an appropriation and providing a retroactive applicability date.

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

Senate File 2299, by committee on State Government, a bill for an act relating to the review by the ethics and campaign disclosure board of county supervisor redistricting plans.

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

Senate File 2300, by committee on Judiciary, a bill for an act relating to criminal sentencing by permitting a conditional discharge for certain second or subsequent offenses, creating different penalties for crimes against a person, and reopening a sentence that requires a

maximum accumulation of earned time credits of fifteen percent of the total term of confinement.

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

Senate File 2301, by committee on Judiciary, a bill for an act relating to representation of indigent persons and the duties of the state public defender.

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

Senate File 2302, by Connolly, a bill for an act relating to issuance of driver's licenses and nonoperator's identification cards to foreign nationals.

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

Senate File 2303, by Gronstal, Connolly, Flynn, Soukup, Fink, Bolkcom, Harper, Hammond, Kibbie, Dvorsky, and Deluhery, a bill for an act relating to the establishment of an Iowa cultural trust, an Iowa cultural trust fund, and an Iowa cultural trust grant account, providing for the issuance of trust fund credits, and providing for related matters.

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

Senate File 2304, by committee on Appropriations, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations for the fiscal year beginning July 1, 2001, and including an effective date.

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

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: February 25, 2002, 5:35 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Angelo, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann.

Members Absent: Flynn, Ranking Member (excused).

Committee Business: Approved SSB 3179 (as amended).

Adjourned: 6:42 p.m.

STUDY BILL RECEIVED

SSB 3179 Appropriations

Relating to public funding and regulatory matters and marking, reducing, and transferring appropriations for the fiscal year beginning July 1, 2001, and including an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2153

WAYS AND MEANS: Drake, Chair; Deluhery and Lamberti

Senate File 2208

WAYS AND MEANS: Drake, Chair; Deluhery and Miller

Senate File 2224

WAYS AND MEANS: Maddox, Chair; Connolly and Lamberti

Senate File 2235

WAYS AND MEANS: McKinley, Chair; Greiner and Holveck

Senate File 2241

WAYS AND MEANS: McKinley, Chair; Bolkcom and Rehberg

Senate File 2264

WAYS AND MEANS: McKibben, Chair; Harper and McKinley

Senate File 2276

APPROPRIATIONS: Lamberti, Chair; Flynn and Kramer

House File 2152

STATE GOVERNMENT: Kibbie, Chair; Rittmer and Sexton

House File 2246

LOCAL GOVERNMENT: Angelo, Chair; Gaskill and Hansen

House File 2248

STATE GOVERNMENT: Schuerer, Chair; Connolly and McKean

House File 2339

JUDICIARY: Angelo, Chair; Horn and McKean

House File 2344

BUSINESS AND LABOR RELATIONS: King, Chair; Horn and Schuerer

SSB 3179

APPROPRIATIONS: Lamberti, Chair; Connolly and Kramer

COMMITTEE REPORTS**AGRICULTURE**

Final Bill Action: SENATE FILE 2293 (SSB 3174), a bill for an act relating to animal agriculture.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Behn, Houser, Fraise, Angelo, Black, Boettger, Fiegen, Gaskill, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, 1: Greiner. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2294 (formerly SF 2154), a bill for an act relating to grain, by providing for its regulation, including the regulation of credit sale contracts, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Houser, Fraise, Angelo, Black, Boettger, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, 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 Agriculture Committee on Senate File 2294, and they were attached to the committee report.

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2304 (SSB 3179), a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations for the fiscal year beginning July 1, 2001, and including an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Lamberti, Kramer, Angelo, Gaskill, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 9: Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, Horn, and Soukup. Absent or not voting, 1: Flynn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2304, and they were attached to the committee report.

COMMERCE

Final Bill Action: SENATE FILE 2029, a bill for an act relating to coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses by providing coverage for costs associated with medications, equipment, and supplies for the treatment of diabetes.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5054.

Final Vote: Ayes, 13: Jensen, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, King, Lundby, Maddox, McCoy, and Redfern. Nays, 2: Redwine and Rehberg. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2233, a bill for an act relating to the marketing of motor fuel and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Jensen, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Redfern, Redwine, and Rehberg. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2254, a bill for an act requiring every insurer offering group health insurance to provide coverage for certain enteral formulas.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Jensen, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, 3: Schuerer, King, and Rehberg. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2285 (SSB 3163), a bill for an act regarding business corporations, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Jensen, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Redfern, Redwine, and Rehberg. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2289 (SSB 3080), a bill for an act relating to health care benefits coverage for treatment for neurobiological disorders and underlying co-morbidity.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Jensen, Deluhery, Bolkcom, Flynn, Gronstal, Hansen, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, 4: Schuerer, Freeman, King, and Rehberg. 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 Commerce Committee on Senate File 2289, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2292 (SSB 3157), a bill for an act relating to the provision of construction management services on public works projects.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 15: Jensen, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Redfern, Redwine, and Rehberg. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: *SENATE FILE 2283 (SSB 3126), a bill for an act concerning procedures, duties, and fees related to the judicial branch, and providing for a study.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Lamberti.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2283, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2286 (SSB 3141), a bill for an act relating to the civil commitment of sexually violent predators.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Maddox, Redfern, Angelo, Boettger, Fiegen, Fraise, Hansen, Horn, King, Lamberti, McKean, and Tinsman. Nays, none. Present, 2: Holveck and Hammond. Absent or not voting, 1: Miller.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2286, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2300 (SSB 3114), a bill for an act relating to criminal sentencing by permitting a conditional discharge for certain second or subsequent offenses, creating different penalties for crimes against a person, and reopening a sentence that requires a maximum accumulation of earned time credits of fifteen percent of the total term of confinement.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Maddox, Redfern, Holveck, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, and Tinsman. Nays, 1: Angelo. Present, 1: Miller. Absent or not voting, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2300, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2301 (SSB 3011), a bill for an act relating to representation of indigent persons and the duties of the state public defender.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2301, and they were attached to the committee report.

LOCAL GOVERNMENT

Final Bill Action: *SENATE FILE 2284 (SSB 3175), a bill for an act relating to property taxation by requiring funding for state mandates, amending the regular program school foundation base percentage, limiting certain school district property tax levies, establishing an ending fund balance limitation for counties, excepting school district revenue from taxes collected for tax increment financing districts, repealing certain property tax credits, amending provisions relating to certain property tax exemptions, providing for an ad valorem tax on mobile homes and manufactured homes, making changes to the method of assessment of property, establishing limits on taxes collectible by class of property and by taxpayer, and lowering the rate on interest charged on delinquent taxes, and providing for other properly related matters and including effective and applicability date provisions.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 11: Miller, Angelo, Black, Fraise, Freeman, Gaskill, Horn, Houser, McKibben, Tinsman, and Zieman. Nays, none. Absent or not voting, 2: Hansen and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on Senate File 2284, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2288 (formerly SF 260), a bill for an act relating to the appointment of an acting or a temporary county attorney.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Miller, Angelo, Hansen, Black, Fraise, Freeman, Gaskill, Horn, Houser, McCoy, McKibben, Tinsman, and Zieman. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on Senate File 2288, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2290 (formerly SF 2019), a bill for an act relating to recycling requirements in solid waste comprehensive plans.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Miller, Angelo, Hansen, Fraise, Freeman, Gaskill, Horn, Houser, McCoy, McKibben, Tinsman, and Zieman. Nays, 1: Black. 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 Local Government Committee on Senate File 2290, and they were attached to the committee report.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Final Bill Action: *SENATE RESOLUTION 110 (SSB 3159), a Senate resolution identifying issues to be addressed in order to stimulate and strengthen Iowa's economy.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rehberg, Zieman, Shearer, Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Lamberti, and McKinley. Nays, none. Absent or not voting, 2: Holveck and Veenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Small Business, Economic Development, and Tourism Committee on Senate Resolution 110, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2291 (formerly SF 2166), a bill for an act relating to business surveys conducted by the department of economic development.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rehberg, Ziemann, Shearer, Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Lamberti, and McKinley. Nays, none. Absent or not voting, 2: Holveck and Veenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Small Business, Economic Development, and Tourism Committee on Senate File 2291, and they were attached to the committee report.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2287 (SSB 3087), a bill for an act relating to the imposition of the local sales and services tax by a county and including an effective and applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: King, Lamberti, Kibbie, Bolckcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Schuerer. Nays, none. Absent or not voting, 1: Sexton.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2295 (SSB 3171), a bill for an act authorizing the performance of a comprehensive internal assessment and evaluation to be conducted by the information technology department.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: King, Lamberti, Kibbie, Bolckcom, Connolly, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Schuerer. Nays, none. Absent or not voting, 2: Dearden and Sexton.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 2295, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2296 (SSB 3037), a bill for an act relating to voter registration forms, registered voter identification numbers, and voter registration lists.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: King, Lamberti, Drake, Jensen, Maddox, McKean, Rittmer, and Schuerer. Nays, 6: Kibbie, Bolkcom, Connolly, Dearden, Deluhery, and Fink. Absent or not voting, 1: Sexton.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 2296, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2297 (LSB 5883sc), a bill for an act relating to elementary and secondary education standards, family support program guidelines, and the regents' minority and women educators enhancement program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: King, Lamberti, Drake, Jensen, Maddox, McKean, Rittmer, and Schuerer. Nays, 5: Kibbie, Bolkcom, Connolly, Deluhery, and Fink. Absent or not voting, 2: Dearden and Sexton.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2298 (SSB 3131), a bill for an act relating to fire fighter preparedness by creating a fire fighter preparedness fund, by creating an income tax checkoff for fire fighter preparedness, by removing the limitation on income tax checkoffs, and by allocating a certain portion of insurance premiums tax to the fire fighter preparedness fund, and making an appropriation and providing a retroactive applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: King, Lamberti, Kibbie, Bolkcom, Connolly, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Schuerer. Nays, none. Absent or not voting, 2: Dearden and Sexton.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2299 (LSB 6538sc), a bill for an act relating to the review by the ethics and campaign disclosure board of county supervisor redistricting plans.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: King, Lamberti, Kibbie, Bolkcom, Connolly, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Schuerer. Nays, none. Absent or not voting, 2: Dearden and Sexton.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER FILED

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5047 to Senate File 2197 was adopted by the Senate on February 25, 2002.

JERRY BEHN

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 22, 2002, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2100 – Relating to protection from domestic abuse and including protections for persons in an intimate relationship.

AMENDMENTS FILED

S-5053	S.F.	2231	John Redwine
S-5054	S.F.	2029	Commerce
S-5055	S.F.	2206	Mary A. Lundby Joe Bolkcom
S-5056	S.F.	2146	Gene Maddox
S-5057	S.F.	2133	Larry McKibben

JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY
TWENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 26, 2002

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

Prayer was offered by the Reverend Jeff Caswell, pastor of the Central Christian Church in Marshalltown, Iowa. He was the guest of Senator McKibben.

The Journal of Monday, February 25, 2002, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 25, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 165, a bill for an act enacting the Iowa English language reaffirmation Act of 2001.

ALSO: That the House has on February 25, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2404, a bill for an act relating to the amount of additional weighting provided for limited English proficient students.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, until he arrives, on request of Senator King.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:26 a.m. until 1:00 p.m.

APPENDIX

CERTIFICATES OF RECOGNITION

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

David Andrew Assman, Denison — For achieving the rank of Eagle Scout, Boy Scout Troop 55. Senator King (02/26/02).

Anthony John Crabb, Denison — For achieving the rank of Eagle Scout, Boy Scout Troop 55. Senator King (02/26/02).

David Rowen Franck, Denison — For achieving the rank of Eagle Scout, Boy Scout Troop 55. Senator King (02/26/02).

Matthew Robert Klein, Kiron — For achieving the rank of Eagle Scout, Boy Scout Troop 55. Senator King (02/26/02).

Ruth Nash, Dubuque — For being selected by the Iowa Arts Council as the #1 Arts Advocate in Iowa. Senator Connolly (02/26/02).

Storm Lake Diversity Committee, Storm Lake — For receiving and sponsoring the Leadership Institute Program. Senator Freeman (02/26/02).

COMMITTEE CHANGES

Senator Iverson announced that beginning immediately Senator David Lord will assume the following committee assignments:

Commerce (replacing Senator Kitty Rehberg)
 Local Government (replacing Senator Mary Lou Freeman)
 Natural Resources and Environment (replacing Senator John Jensen)
 Rules and Administration (replacing Senator Jerry Behn)
 Health and Human Rights Appropriations Subcommittee

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 26, 2002, 9:58 a.m.

Members Present: Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

Members Absent: None.

Committee Business: Presentation by Deb Kozel, Legislative Fiscal Bureau.

Adjourned: 11:06 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 26, 2002, 9:35 a.m.

Members Present: McKinley, Chair; Miller, Vice Chair; Fiegen, Ranking Member; and Holveck.

Members Absent: Behn (excused).

Committee Business: Organizational meeting.

Adjourned: 10:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 26, 2002, 9:37 a.m.

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

Members Absent: None.

Committee Business: Presentations by representatives of Department of Public Safety and Department of Corrections.

Adjourned: 11:18 a.m.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 113

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 111

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 2161

HUMAN RESOURCES: Redwine, Chair; Dvorsky and Tinsman

Senate File 2214

HUMAN RESOURCES: Redwine, Chair; Harper and Tinsman

Senate File 2253

HUMAN RESOURCES: Redwine, Chair; Harper and Tinsman

Senate File 2255

HUMAN RESOURCES: Redwine, Chair; Holveck and Tinsman

Senate File 2261

HUMAN RESOURCES: Redwine, Chair; Shearer and Tinsman

Senate File 2263

HUMAN RESOURCES: Redwine, Chair; Hammond and Tinsman

Senate File 2303

EDUCATION: Boettger, Chair; Connolly and Rehberg

House File 2291
(Reassignment)

LOCAL GOVERNMENT: Lord, Chair; Angelo and Horn

LSB 7043sv

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

AFTERNOON SESSION

The Senate reconvened at 1:05 p.m., President Kramer presiding.

The Senate stood at ease at 1:06 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:15 p.m., President Kramer presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator King, for the remainder of the day, on request of Senator Rittmer; Senator Flynn, until he returns, on request of Senator Fink; and Senator McCoy, until he returns, on request of Senator Dvorsky.

UNFINISHED BUSINESS
(Deferred February 25, 2002)**Senate File 2203**

The Senate resumed consideration of **Senate File 2203**, a bill for an act providing for access to the Iowa communications network by homeland security or defense facilities, deferred February 25, 2002.

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

On the question "Shall the bill pass?" (S.F. 2203), the vote was:

Ayes, 46:

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

Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 3:

Flynn	King	McCoy
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Vacant, 1.

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 2179.

Senate File 2179

On motion of Senator Boettger, **Senate File 2179**, a bill for an act relating to female genital mutilation, and providing a penalty, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2179), the vote was:

Ayes, 46:

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

Nays, none.

Absent or not voting, 3:

Flynn King McCoy

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2179** and **2203** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:28 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 2:35 p.m., President Kramer presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2304.

Senate File 2304

On motion of Senator Lamberti, **Senate File 2304**, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations for the fiscal year beginning July 1, 2001, and including an effective date, was taken up for consideration.

Senator Connolly offered amendment S-5061, filed by Senator Connolly, et al., from the floor striking and replacing everything after

the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5061 be adopted?" (S.F. 2304), the vote was:

Ayes, 19:

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

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Flynn	King
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Vacant, 1.

Amendment S-5061 lost.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Shearer, until he returns, on request of Senator Hammond; and Senator Lord, until he returns, on request of Senator Boettger.

BUSINESS PENDING

Senate File 2304

The Senate resumed consideration of Senate File 2304.

Senator Hansen offered amendment S-5062, filed by Senator Hansen, et al., from the floor to pages 1 and 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5062 be adopted?" (S.F. 2304), the vote was:

Ayes, 18:

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

Nays, 27:

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

Absent or not voting, 4:

Flynn	King	Lord	Shearer
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Vacant, 1.

Amendment S-5062 lost.

Senator Redfern offered amendment S-5063, filed by him from the floor to pages 1 and 3 of the bill.

Senator Redfern asked and received unanimous consent that action on amendment S-5063 be deferred.

Senator Hansen withdrew amendment S-5064, filed by him from the floor to pages 1 and 3 of the bill.

Senator Hansen offered amendment S-5065, filed by him from the floor to pages 1 and 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5065 be adopted?" (S.F. 2304), the vote was:

Ayes, 19:

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

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Flynn	King
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Vacant, 1.

Amendment S-5065 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Harper, for the remainder of the day, on request of Senator Soukup.

BUSINESS PENDING

Senate File 2304

The Senate resumed consideration of Senate File 2304.

Senator Black offered amendment S-5066, filed by him from the floor to pages 1 and 4 of the bill.

President Pro Tempore McKean took the chair at 4:50 p.m.

Senator Black moved the adoption of amendment S-5066.

A record roll call was requested.

On the question "Shall amendment S-5066 be adopted?" (S.F. 2304), the vote was:

Ayes, 16:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Fraise
Hammond	Hansen	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 30:

Angelo	Behn	Boettger	Drake
Fiegen	Freeman	Gaskill	Greiner
Gronstal	Houser	Iverson	Jensen
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 3:

Flynn	Harper	King
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Vacant, 1.

Amendment S-5066 lost.

Senator Kibbie offered amendment S-5059, filed by him from the floor to pages 3, 4, and 10 of the bill, and moved its adoption.

Amendment S-5059 lost by a voice vote.

Senator Gronstal called up the following motion to reconsider filed by him from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5066 to Senate File 2304 failed to be adopted by the Senate on February 26, 2002.

The motion prevailed by a voice vote and amendment S-5066, by Senator Black to pages 1 and 4 of the bill, was taken up for reconsideration.

Senator Black moved the adoption of amendment S-5066.

A record roll call was requested.

On the question "Shall amendment S-5066 be adopted?" (S.F. 2304), the vote was:

Ayes, 17:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Fraise
Gronstal	Hammond	Hansen	Holveck
Horn	Kibbie	McCoy	Shearer
Soukup			

Nays, 29:

Angelo	Behn	Boettger	Drake
Fiegen	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 3:

Flynn	Harper	King
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Vacant, 1.

Amendment S-5066 lost.

Senator Redfern offered amendment S-5060, filed by him from the floor to page 9 of the bill.

President Kramer took the chair at 5:23 p.m.

Senator Redfern moved the adoption of amendment S-5060.

Amendment S-5060 lost by a voice vote.

The Senate resumed consideration of amendment S-5063, previously deferred.

Senator Redfern moved the adoption of amendment S-5063.

A record roll call was requested.

On the question "Shall amendment S-5063 be adopted?" (S.F. 2304), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Gronstal	Hammond
Hansen	Holveck	Horn	Kibbie
McCoy	Redfern	Shearer	Soukup
Tinsman			

Nays, 25:

Angelo	Behn	Boettger	Freeman
Gaskill	Greiner	Houser	Iverson
Jensen	Kramer	Lamberti	Lord
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Veenstra
Zieman			

Absent or not voting, 3:

Flynn	Harper	King
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Vacant, 1.

Amendment S-5063 lost.

Senator Soukup offered amendment S-5068, filed by Senator Soukup, et al., from the floor to pages 1 and 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5068 be adopted?" (S.F. 2304), the vote was:

Ayes, 18:

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

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Flynn	Harper	King
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Vacant, 1.

Amendment S–5068 lost.

Senator Hansen offered amendment S–5072, filed by him from the floor to pages 1 and 5 of the bill.

Senator Hansen withdrew amendment S–5072.

Senator Hansen offered amendment S–5074, filed by him from the floor to pages 1 and 3 of the bill.

Senator Lamberti called for the following division of amendment S–5074:

Division S–5074A: Lines 13–18; and
 Division S–5074B: Lines 2–12.

Senator Hansen moved the adoption of division S–5074A, which motion prevailed by a voice vote.

Senator Hansen withdrew division S–5074B.

Senator Hammond offered amendment S-5075, filed by her from the floor to pages 1, 3, and 4 of the bill.

Senator Hammond withdrew amendment S-5075.

Senator Shearer offered amendment S-5076, filed by him from the floor to pages 1 and 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5076 be adopted?" (S.F. 2304), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Greiner	Gronstal
Hammond	Hansen	Holveck	Horn
Kibbie	McCoy	Miller	Shearer
Soukup			

Nays, 25:

Angelo	Behn	Boettger	Freeman
Gaskill	Houser	Iverson	Jensen
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 3:

Flynn	Harper	King
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Vacant, 1.

Amendment S-5076 lost.

Senator Kibbie offered amendment S-5078, filed by him from the floor to pages 1 and 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5078 be adopted?" (S.F. 2304), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Gronstal	Hammond
Hansen	Holveck	Horn	Jensen
Kibbie	McCoy	McKibben	Shearer
Soukup			

Nays, 25:

Angelo	Behn	Boettger	Freeman
Gaskill	Greiner	Houser	Iverson
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 3:

Flynn	Harper	King
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Vacant, 1.

Amendment S-5078 lost.

Senator Lundby offered amendment S-5079, filed by Senators Lundby, Lamberti, and Gronstal from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5079 was adopted by a voice vote.

Senator Lamberti offered amendment S-5077, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5077 was adopted by a voice vote.

Senator Lamberti offered amendment S-5071, filed by him from the floor to pages 3 and 8 of the bill, and moved its adoption.

Amendment S-5071 was adopted by a voice vote.

Senator Lamberti offered amendment S-5073, filed by him from the floor to pages 7 and 9 of the bill, and moved its adoption.

Amendment S-5073 was adopted by a voice vote.

Senator Fink offered amendment S-5067, filed by him from the floor to page 9 of the bill, and moved its adoption.

Amendment S-5067 lost by a voice vote.

Senator Gronstal offered amendment S-5081, filed by him from the floor to pages 1 and 3 of the bill.

Senator Gronstal called for the following division of amendment S-5081:

Division S-5081A: Lines 2-12; and

Division S-5081B: Lines 13-19.

Senator Gronstal withdrew division S-5081A.

Senator Gronstal moved the adoption of division S-5081B, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2304), the vote was:

Ayes, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Gronstal	Hammond	Hansen

Holveck
Shearer

Horn
Soukup

Kibbie

McCoy

Absent or not voting, 3:

Flynn

Harper

King

Vacant, 1.

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

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 26, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2318, a bill for an act relating to determinations of the need for a child's treatment with certain prescription drugs under child in need of assistance procedures and school policies.

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

House File 2319, a bill for an act relating to the disposition of property by an area education agency.

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

House File 2363, a bill for an act relating to the possession of firearms or offensive weapons by felons.

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

House File 2377, a bill for an act relating to the level of full-time equivalent positions authorized for executive branch agencies.

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

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 114, by committee on Rules and Administration, a concurrent resolution to suspend joint rule 20 of the joint rules of the Senate and House of Representatives for the Seventy-ninth General Assembly to allow for the consideration of Senate File 2304 by the House of Representatives during the seventh week of the 2002 regular session.

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

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 114 (LSB 7043sv), a concurrent resolution to suspend joint rule 20 of the joint rules of the Senate and House of Representatives for the Seventy-ninth General Assembly to allow for the consideration of Senate File 2304 by the House of Representatives during the seventh week of the 2002 regular session.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 114.

Senate Concurrent Resolution 114

On motion of Senator Iverson, **Senate Concurrent Resolution 114**, a concurrent resolution to suspend joint rule 20 of the joint rules of the Senate and House of Representatives for the Seventy-ninth General Assembly to allow for the consideration of Senate File 2304 by the House of Representatives during the seventh week of the 2002 regular session, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 114, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 114** and **Senate File 2304** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:40 p.m. until 9:00 a.m. Wednesday, February 27, 2002.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Dan Klenske, Dubuque — For achieving the rank of Eagle Scout, Boy Scout Troop 7. Senator Connolly (02/26/02).

Christopher J. Koppes, Dubuque — For achieving the rank of Eagle Scout, Boy Scout Troop 7. Senator Connolly (02/26/02).

Zachary Lane Spangler, Dubuque — For achieving the rank of Eagle Scout, Boy Scout Troop 7. Senator Connolly (02/26/02).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 26, 2002, 9:45 a.m.

Members Present: Schuerer, Chair; Zieman, Vice Chair; Drake and Hansen.

Members Absent: Flynn, Ranking Member (excused).

Committee Business: Presentations by Legislative Fiscal Bureau, the Office of the Secretary of State, and Department of Commerce.

Adjourned: 10:56 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: February 26, 2002, 9:40 a.m.

Members Present: Tinsman, Chair; Rittmer, Vice Chair; Bolcom, Ranking Member; Dearden and Lord.

Members Absent: None.

Committee Business: Presentation by Legislative Fiscal Bureau concerning the FY 2002 budget.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: February 26, 2002, 9:49 a.m.

Members Present: Veenstra, Chair; Houser, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

Members Absent: None.

Committee Business: Presentations by the Department of Human Services concerning programming and funding.

Adjourned: 11:32 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 26, 2002, 9:40 a.m.

Members Present: Jensen, Chair; Soukup, Ranking Member; Connolly and McKibben.

Members Absent: Lamberti, Vice Chair (excused).

Committee Business: Presentations by representatives of the Department of Transportation.

Adjourned: 11:23 a.m.

RULES AND ADMINISTRATION

Convened: February 26, 2002, 2:27 p.m.

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

Members Absent: McKean (excused).

Committee Business: Approved LSB 7043sv.

Adjourned: 2:30 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2302

TRANSPORTATION: McKinley, Chair; Dearden and Fink

House File 2054

TRANSPORTATION: Drake, Chair; Houser and Kibbie

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

TRANSPORTATION

Kevin W. Techau – Commissioner of Public Safety

AMENDMENTS FILED

S-5058	S.F.	2232	Maggie Tinsman
S-5059	S.F.	2304	John P. Kibbie
S-5060	S.F.	2304	Donald B. Redfern
S-5061	S.F.	2304	Mike Connolly
			Joe Bolkcom
			Patricia Harper
			Johnie Hammond
			Robert E. Dvorsky
			Michael E. Gronstal
			John P. Kibbie
			Dennis H. Black
			Steven D. Hansen
			Jack Holveck
			Mark Shearer
			Thomas Fiegen
			Dick L. Dearden
			Wally E. Horn
			Eugene Fraise
S-5062	S.F.	2304	Steven D. Hansen
			Dennis H. Black
			John P. Kibbie
			Mark Shearer
			Bill Fink
			Robert E. Dvorsky
			Joe Bolkcom
			Betty A. Soukup
			Mike Connolly
S-5063	S.F.	2304	Donald B. Redfern
S-5064	S.F.	2304	Steven D. Hansen

S-5065	S.F.	2304	Steven D. Hansen
S-5066	S.F.	2304	Dennis H. Black
S-5067	S.F.	2304	Bill Fink
S-5068	S.F.	2304	Betty A. Soukup Dennis H. Black Johnie Hammond Bill Fink
S-5069	H.F.	2152	Richard F. Drake John P. Kibbie
S-5070	S.F.	2195	John Redwine
S-5071	S.F.	2304	Jeff Lamberti
S-5072	S.F.	2304	Steven D. Hansen
S-5073	S.F.	2304	Jeff Lamberti
S-5074	S.F.	2304	Steven D. Hansen
S-5075	S.F.	2304	Johnie Hammond
S-5076	S.F.	2304	Mark Shearer
S-5077	S.F.	2304	Jeff Lamberti
S-5078	S.F.	2304	John P. Kibbie
S-5079	S.F.	2304	Mary A. Lundby Jeff Lamberti Michael E. Gronstal
S-5080	S.F.	2107	John W. Jensen
S-5081	S.F.	2304	Michael E. Gronstal

JOURNAL OF THE SENATE

FORTY-FIFTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 27, 2002

The Senate met in regular session at 9:18 a.m., President Kramer presiding.

Prayer was offered by the Reverend Bob Roof, retired pastor of the Presbyterian Church in Cedar Falls, Iowa. He was the guest of Senator Redfern.

A moment of silence was observed by the Senate in memory of Luke Roth, long-time political activist who passed away on February 26, 2002.

The Journal of Tuesday, February 26, 2002, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:35 a.m. until 2:00 p.m.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

Convened: February 27, 2002, 9:55 a.m.

Members Present: Schuerer, Chair; Zieman, Vice Chair; Flynn, Ranking Member; and Drake.

Members Absent: Hansen (excused).

Committee Business: Presentations by the Department of Management and an overview of proposed services of the Department of Administrative Services.

Adjourned: 11:14 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 27, 2002, 9:35 a.m.

Members Present: McKinley, Chair; Miller, Vice Chair; Behn and Holveck.

Members Absent: Fiegen, Ranking Member (excused).

Committee Business: Presentation by Jane Barto, Iowa Workforce Development.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 27, 2002, 9:50 a.m.

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

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 10:13 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: February 27, 2002, 9:48 a.m.

Members Present: Tinsman, Chair; Rittmer, Vice Chair; Bolkom, Ranking Member; Dearden, and Lord.

Members Absent: None.

Committee Business: Representatives of Department of the Blind, Civil Rights Commission, and Department of Human Rights addressed the committee concerning budget cuts.

Adjourned: 11:31 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: February 27, 2002, 9:55 a.m.

Members Present: Houser, Vice Chair; Hammond, Ranking Member; and Harper.

Members Absent: Veenstra, Chair; and Redwine (both excused).

Committee Business: Presentations from representatives from DHS and *hawk-i* Board.

Adjourned: 12:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 27, 2002, 9:47 a.m.

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

Members Absent: None.

Committee Business: Representatives of Legislative Fiscal Bureau discussed the appropriations bill.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 27, 2002, 9:50 a.m.

Members Present: Jensen, Chair; Soukup, Ranking Member; and Connolly.

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

Committee Business: Presentation by DOT concerning FY 2003 budget.

Adjourned: 11:20 a.m.

WAYS AND MEANS

Convened: February 27, 2002, 1:08 p.m.

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

Members Absent: Bolkcom, Flynn, and Holveck (all excused).

Committee Business: Passed SF 148 (as amended). Approved SSB 3158. Approved Governor's appointee.

Adjourned: 1:30 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 115, by Maddox, a concurrent resolution designating March 2002 as Iowa Women's History Month.

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

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 25, 2002, when the votes were taken on Senate Files 335, 2018, 2051, 2084, 2116, 2140, 2141, 2156, 2206, 2207, 2210, 2231, and 2260. Had I been present, I would have voted "Aye" on all. Also, I was necessarily absent from the Senate chamber on February 26, 2002, when the votes were taken on Senate Files 2179 and 2203 and amendment S-5061 to Senate File 2304. Had I been present, I would have voted "Aye" on all. In addition, on February 26, 2002, when the vote was taken on Senate File 2304, had I been present, I would have voted "Nay."

TOM FLYNN

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 27th day of March, 2002:

Senate Files 165, 2018, 2051, and 2121.

MICHAEL E. MARSHALL
Secretary of the Senate

AFTERNOON SESSION

The Senate reconvened at 3:24 p.m., President Kramer presiding.

QUORUM CALL

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

The vote revealed 37 present, 12 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator King, for the day, on request of Senator Rehberg; and Senator Shearer, until he returns, on request of Senator Fink.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2258, 2192, and 2201.

Senate File 2258

On motion of Senator Angelo, **Senate File 2258**, a bill for an act relating to the board of educational examiners' authority to determine whether an applicant for licensure or certification or for renewal of a license is qualified for the license sought, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2258), the vote was:

Ayes, 46:

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

Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 3:

Greiner	King	Shearer
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Vacant, 1.

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

Senate File 2192

On motion of Senator Rittmer, **Senate File 2192**, a bill for an act relating to highways and motor vehicles, including condemnation of property by the state department of transportation, registration, sale, and operation of certain vehicles, issuance of driver's licenses and nonoperator's identification cards, regulation of oversize vehicles, and vehicle manufacturers, distributors, and dealers, and providing penalties and effective dates, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2192), the vote was:

Ayes, 48:

Angelo	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	Kibbie	Kramer
Lamberti	Lord	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:

King

Vacant, 1.

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

Senate File 2201

On motion of Senator Hammond, **Senate File 2201**, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions, was taken up for consideration.

Senator Hammond offered amendment S-5046, filed by her on February 18, 2002, to page 9 of the bill, and moved its adoption.

Amendment S-5046 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2201), the vote was:

Ayes, 48:

Angelo	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	Kibbie	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg

Rittmer
Soukup

Schuerer
Tinsman

Sexton
Veenstra

Shearer
Zieman

Nays, none.

Absent or not voting, 1:

King

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2192, 2201, and 2258** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2232 and 2133.

Senate File 2232

On motion of Senator Tinsman, **Senate File 2232**, a bill for an act relating to administrative sanctions for fraudulent acts involving publicly funded child care, was taken up for consideration.

Senator Tinsman offered amendment S-5058, filed by her on February 26, 2002, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5058 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2232), the vote was:

Ayes, 48:

Angelo	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	Kibbie	Kramer
Lamberti	Lord	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:

King

Vacant, 1.

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

Senate File 2133

On motion of Senator Schuerer, **Senate File 2133**, a bill for an act relating to real estate brokers, including defining the activities of a real estate broker, licensure and insurance coverage, and providing a penalty, was taken up for consideration.

Senator McKibben asked and received unanimous consent to withdraw amendment S-5057, filed by him on February 25, 2002, to page 1 and to the title of the bill.

Senator McKibben offered amendment S-5084, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5084 be adopted?" (S.F. 2133), the vote was:

Ayes, 8:

Fiegen	Holveck	Lamberti	Maddox
McKean	McKibben	Miller	Redfern

Nays, 39:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hansen	Harper	Horn
Houser	Iverson	Jensen	Kibbie
Kramer	Lord	Lundby	McCoy
McKinley	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Absent or not voting, 2:

Hammond	King
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Vacant, 1.

Amendment S-5084 lost.

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

On the question "Shall the bill pass?" (S.F. 2133), the vote was:

Ayes, 47:

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

Nays, 1:

Fiegen

Absent or not voting, 1:

King

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2133** and **2232** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 681

On motion of Senator Schuerer, **House File 681**, a bill for an act requiring the pledging of collateral in relation to the deposit of uninsured public funds, making related changes, making penalties applicable, and providing for applicability, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on February 25, 2002, was taken up for consideration.

Senator Schuerer offered amendment S-5015, filed by the committee on Commerce on February 5, 2002, to pages 1-13 of the bill, and moved its adoption.

Amendment S-5015 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 681), the vote was:

Ayes, 48:

Angelo	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	Kibbie	Kramer
Lamberti	Lord	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:

King

Vacant, 1.

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2195.

Senate File 2195

On motion of Senator Boettger, **Senate File 2195**, a bill for an act relating to the uniform anatomical gift Act including the document of gift, the release of identifying information, donors other than the subject of the donation, and immunity provisions, was taken up for consideration.

Senator Redwine offered amendment S-5070, filed by him on February 26, 2002, to page 4 of the bill, and moved its adoption.

Amendment S-5070 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2195), the vote was:

Ayes, 48:

Angelo	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	Kibbie	Kramer
Lamberti	Lord	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:

King

Vacant, 1.

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2086.

Senate File 2086

On motion of Senator Freeman, **Senate File 2086**, a bill for an act relating to the kilowatt threshold for electric transmission line franchises, making related changes, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2086), the vote was:

Ayes, 48:

Angelo	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	Kibbie	Kramer
Lamberti	Lord	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:

King

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2086 and 2195** and **House File 681** be **immediately messaged** to the House.

The Senate stood at ease at 5:51 p.m. until the fall of the gavel.

The Senate resumed session at 6:03 p.m., President Kramer presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:04 p.m. until 9:00 a.m. Thursday, February 28, 2002.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Aaron J. Kendall, Oelwein — For achieving the rank of Eagle Scout, Boy Scout Troop 37. Senator Rehberg (02/27/02).

Richard and Judy Kerch, Eagle Grove — For celebrating your 40th wedding anniversary on February 25, 2002. Senator Iverson (02/27/02).

Elsie Otteros, Williams — For celebrating your 100th birthday on March 6, 2002. Senator Iverson (02/27/02).

INTRODUCTION OF BILLS

Senate File 2305, by committee on Ways and Means, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, sales and use, property, motor fuel, and special fuel.

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

Senate File 2306, by committee on Ways and Means, a bill for an act making interest on bonds and notes issued for school infrastructure purposes exempt from state income tax.

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

STUDY BILLS RECEIVED

SSB 3180 Ways and Means

Relating to deferment of taxable income for start-up businesses and providing an effective and retroactive applicability date.

SSB 3181 Ways and Means

Relating to the percentage of actual value at which apartments, mobile home parks, manufactured home communities, and land-lease communities are assessed for property tax purposes.

SUBCOMMITTEE ASSIGNMENTS

SSB 3180

WAYS AND MEANS: McKinley, Chair; Harper and McKibben

SSB 3181

WAYS AND MEANS: McKibben, Chair; Bolkcom and Maddox

COMMITTEE REPORTS

WAYS AND MEANS

Final Bill Action: SENATE FILE 2305 (SSB 3158), a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, sales and use, property, motor fuel, and special fuel.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McKibben, McKinley, Harper, Connolly, Deluhery, Drake, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 3: Bolkcom, Flynn, and Holveck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2306 (formerly SF 148), a bill for an act making interest on bonds and notes issued for school infrastructure purposes exempt from state income tax.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McKibben, McKinley, Harper, Connolly, Deluhery, Drake, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 3: Bolkcom, Flynn, and Holveck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2306, and they were attached to the committee report.

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

WAYS AND MEANS

Carmela Brown – Iowa Finance Authority

AMENDMENTS FILED

S-5082	S.F.	2101	Jeff Lamberti
S-5083	S.F.	2169	Dennis Black
S-5084	S.F.	2133	Larry McKibben

UPDATED COMMITTEE ASSIGNMENTS

The Majority Leader announced the following updated committee assignments of the Senate:

*Vice Chair
**Ranking Member

AGRICULTURE—15 Members

Behn, Chair	Black	Greiner	Soukup
Houser*	Boettger	Kibbie	Veenstra
Fraise**	Fiegen	Sexton	Zieman
Angelo	Gaskill	Shearer	

APPROPRIATIONS—25 Members

Lamberti, Chair	Deluhery	Jensen	Rehberg
Kramer*	Dvorsky	King	Schuerer
Flynn**	Fiegen	Lundby	Soukup
Angelo	Gaskill	McKibben	Tinsman
Black	Hammond	McKinley	Veenstra
Bolkcom	Horn	Redfern	Zieman
Connolly			

BUSINESS AND LABOR RELATIONS—11 Members

Freeman, Chair	Behn	Horn	McKibben
Greiner*	Fraise	King	Schuerer
Dearden**	Hammond	Lundby	

COMMERCE—15 Members

Jensen, Chair	Flynn	King	McCoy
Schuerer*	Freeman	Lord	Redfern
Deluhery**	Gronstal	Lundby	Redwine
Bolkcom	Hansen	Maddox	

EDUCATION—15 Members

Boettger, Chair	Dvorsky	McKinley	Soukup
Rehberg*	Fink	Redfern	Tinsman
Connolly**	Harper	Redwine	Veenstra
Angelo	Kramer	Shearer	

ETHICS—6 Members

Drake, Chair	Kibbie**	Dearden	Rittmer
McKean*	Connolly		

HUMAN RESOURCES—13 Members

Redwine, Chair	Boettger	Holveck	Schuerer
Tinsman*	Dvorsky	McKibben	Shearer
Hammond**	Harper	Miller	Veenstra
Behn			

JUDICIARY—15 Members

Maddox, Chair	Boettger	Hansen	McKean
Redfern*	Fiegen	Horn	Miller
Holveck**	Fraise	King	Tinsman
Angelo	Hammond	Lamberti	

LOCAL GOVERNMENT—13 Members

Miller, Chair	Fraise	Houser	McKibben
Angelo*	Gaskill	Lord	Tinsman
Hansen**	Horn	McCoy	Zieman
Black			

NATURAL RESOURCES AND ENVIRONMENT—15 Members

Sexton, Chair	Bolkcom	Houser	McKean
Freeman*	Dearden	Kibbie	Miller
Fink**	Deluhery	Lord	Rittmer
Black	Drake	Lundby	

RULES AND ADMINISTRATION—11 Members

Iverson, Chair	Boettger	Gaskill	McKean
Kramer*	Dvorsky	Harper	Rittmer
Gronstal**	Fink	Lord	

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM—13 Members

Rehberg, Chair	Dvorsky	Gaskill	Lamberti
Zieman*	Fiegen	Greiner	McKinley
Shearer**	Flynn	Holveck	Veenstra
Behn			

STATE GOVERNMENT—15 Members

King, Chair	Connolly	Fink	Rittmer
Lamberti*	Dearden	Jensen	Schuerer
Kibbie**	Deluhery	Maddox	Sexton
Bolkcom	Drake	McKean	

TRANSPORTATION—13 Members

Rittmer, Chair	Fink	Houser	McKinley
Drake*	Fraise	Jensen	Sexton
McCoy**	Freeman	Kibbie	Zieman
Dearden			

WAYS AND MEANS—15 Members

McKibben, Chair	Connolly	Greiner	Miller
McKinley*	Deluhery	Holveck	Redwine
Harper**	Drake	Lamberti	Rehberg
Bolkcom	Flynn	Maddox	

SENATE APPROPRIATIONS SUBCOMMITTEESADMINISTRATION AND REGULATION

Schuerer, Chair	Flynn**	Hansen
Zieman*	Drake	

AGRICULTURE AND NATURAL RESOURCES

Gaskill, Chair	Black**	Greiner
Sexton*	Fink	

ECONOMIC DEVELOPMENT

McKinley, Chair	Fiegen**	Miller
Behn*	Holveck	

EDUCATION

Redfern, Chair	Horn**	Kibbie
Rehberg*	Boettger	

HEALTH AND HUMAN RIGHTS

Tinsman, Chair	Bolkcom**	Lord
Rittmer*	Dearden	

HUMAN SERVICES

Veenstra, Chair	Hammond**	Redwine
Houser*	Harper	

JUSTICE SYSTEM

Angelo, Chair	Dvorsky**	Maddox
McKean*	Fraise	

OVERSIGHT AND COMMUNICATIONS

Lundby, Chair	Deluhery**	Shearer
King*	Freeman	

TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Jensen, Chair	Soukup**	McKibben
Lamberti*	Connolly	

JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 28, 2002

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

Prayer was offered by the Reverend Pat Nemmers, pastor of the Saylorville Baptist Church in Des Moines, Iowa. He was the guest of Senators Lamberti and Lord.

The Journal of Wednesday, February 27, 2002, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 27, 2002, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 114, a concurrent resolution to suspend joint rule 20 of the joint rules of the Senate and House of Representatives for the Seventy-ninth General Assembly to allow for the consideration of Senate File 2304 by the House of Representatives during the seventh week of the 2002 regular session.

ALSO: That the House has on February 27, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2304, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations for the fiscal year beginning July 1, 2001, and including an effective date. (S-5085)

ALSO: That the House has on February 27, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2109, a bill for an act relating to the regulation of games of skill or chance and raffles conducted for fundraising by charitable, religious, educational, public, civic, or patriotic organizations, or other entities, or between individuals.

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

House File 2340, a bill for an act providing for a well-being visit to be conducted on an optional basis under a family investment program limited benefit plan and providing an effective date.

Read first time and **attached to companion Senate File 2230**.

House File 2365, a bill for an act relating to certain documents indexed and recorded with the county recorder.

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

House File 2394, a bill for an act eliminating teacher licensure of community college faculty; requiring community colleges to develop, approve, and implement a quality faculty plan; and providing for related matters and effective dates.

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

House File 2492, a bill for an act relating to farm aid associations, by providing for the future termination of such associations and election procedures to become governed under the Iowa nonprofit corporation Act, and providing an effective date.

Read first time and **attached to similar Senate File 2215**.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:50 a.m. until 2:00 p.m.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Colin Devine Meyer, Decorah — For achieving the rank of Eagle Scout. Senator Zieman (02/28/02).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: February 28, 2002, 10:35 a.m.

Members Present: Veenstra, Chair; Houser, Vice Chair; Hammond, Ranking Member; and Harper.

Members Absent: Redwine (excused).

Committee Business: Presentations by Mary Nelson, DHS, on Promoting Safe and Stable Families and Title IV-E and by Senate Page Karla Anderson on Family Community and Career Leaders of America.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 28, 2002, 10:30 a.m.

Members Present: Jensen, Chair; Lamberti, Vice Chair; Soukup, Ranking Member; and McKibben.

Members Absent: Connolly (excused).

Committee Business: Presentation by Warren Jenkins, State Auditor's Office, and Mary Beth Mellick, Legislative Fiscal Bureau, on the DOT budget.

Adjourned: 11:22 a.m.

WAYS AND MEANS

Convened: February 28, 2002, 1:10 p.m.

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

Members Absent: Deluhery (excused).

Committee Business: Passed SF 2171. Approved SSB 3139 (as amended).

Adjourned: 1:38 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 115

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 2204

WAYS AND MEANS: Drake, Chair; Deluhery and Miller

House File 2319

EDUCATION: McKinley, Chair; Boettger and Dvorsky

House File 2394

EDUCATION: Angelo, Chair; Connolly and Rehberg

House File 2404

EDUCATION: Redfern, Chair; Boettger and Soukup

AFTERNOON SESSION

The Senate reconvened at 2:11 p.m., President Kramer presiding.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that the following bills on the Senate Calendar be referred to committee:

S.F.	2283	Appropriations
S.F.	2284	Ways and Means
S.F.	2298	Ways and Means

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKean and Redfern, for the remainder of the day, on request of Senator Iverson.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2273.

Senate File 2273

On motion of Senator King, **Senate File 2273**, a bill for an act relating to the designation of a Juneteenth National Freedom Day, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2273), the vote was:

Ayes, 47:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKibben	McKinley
Miller	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 2:

McKean Redfern

Vacant, 1.

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

The Senate stood at ease at 2:18 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:18 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

HOUSE AMENDMENT CONSIDERED

Senate File 2304

Senator Lamberti called up for consideration **Senate File 2304**, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations for the fiscal year beginning July 1, 2001, and including an effective date, amended by the House, and moved that the Senate concur in House amendment S-5085, filed February 28, 2002.

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

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

On the question "Shall the bill pass?" (S.F. 2304), the vote was:

Ayes, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKibben	McKinley	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, 3:

McKean	Miller	Redfern
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Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2273** and **2304** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2145.

Senate File 2145

On motion of Senator Sexton, **Senate File 2145**, a bill for an act relating to terminology and eligibility for assistance under the sewage treatment and drinking water facilities financing program, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2145), the vote was:

Ayes, 46:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKibben	McKinley
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 3:

McKean	Miller	Redfern
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Vacant, 1.

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

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration Senate Joint Resolution 2002.

Senate Joint Resolution 2002

On motion of Senator Drake, **Senate Joint Resolution 2002**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the composition of the militia, was taken up for consideration.

Senator Connolly asked and received unanimous consent that action on **Senate Joint Resolution 2002** be **deferred**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration Senate File 2167.

Senate File 2167

On motion of Senator Schuerer, **Senate File 2167**, a bill for an act establishing a health insurance administration fund relating to the payment of the administrative costs of state health insurance plans and providing for its prospective repeal, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2167), the vote was:

Ayes, 45:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Maddox
McCoy	McKibben	McKinley	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 1:

Lundby

Absent or not voting, 3:

McKean	Miller	Redfern
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Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2145** and **2167** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:55 p.m. until 1:00 p.m. Monday, March 4, 2002.

APPENDIX

COMMITTEE CHANGE

Senator Iverson announced that, effective immediately, State Senator Paul McKinley is appointed to fill the vacancy on the Administrative Rules Review Committee created by the resignation from the Senate by State Senator Merlin Bartz.

PRESENTATION OF VISITORS

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

The Corning Ambassadors. Senator Angelo.

High school government students from West Hancock Senior High School. Senator Gaskill.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: February 28, 2002, 10:34 a.m.

Members Present: Tinsman, Chair; Rittmer, Vice Chair; Bolkom, Ranking Member; and Lord.

Members Absent: Dearden (excused).

Committee Business: Presentations by the Department of Public Health concerning budget issues.

Adjourned: 11:55 a.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 116, by Hammond, Fiegen, and Dvorsky, a concurrent resolution requesting the legislative council to create, in consultation with the judicial branch and the governor, a task force to study options for restructuring Iowa's state and local governments.

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

INTRODUCTION OF BILL

Senate File 2307, by committee on Ways and Means, a bill for an act establishing a separate fund in the state treasury for contributions made by individuals who do not pay enough state taxes and including an effective date.

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

STUDY BILL RECEIVED

SSB 3182 Appropriations

Relating to advocacy for children in out-of-home placements by providing for the department of inspections and appeals to assume responsibility for the functions of the state citizen foster care review board and the court appointed special advocate program.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2284

WAYS AND MEANS: Miller, Chair; Drake and Harper

Senate File 2298

WAYS AND MEANS: Rehberg, Chair; Flynn and Miller

House File 2054 (Reassignment)

TRANSPORTATION: Houser, Chair; Kibbie and Sexton

House File 2365

LOCAL GOVERNMENT: Gaskill, Chair; McCoy and Zieman

SSB 3182

APPROPRIATIONS: Lundby, Chair; Deluhery, Freeman, King, and Shearer

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: SENATE FILE 2307 (formerly SF 2171), a bill for an act establishing a separate fund in the state treasury for contributions made by individuals who do not pay enough state taxes and including an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: McKibben, McKinley, Drake, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, 3: Harper, Bolkcom, and Flynn. Absent or not voting, 2: Connolly and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

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 28th day of March, 2002:

Senate File 2304.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5085	S.F.	2304	House
S-5086	S.F.	2286	Jeff Angelo
S-5087	S.F.	2286	Jeff Angelo
S-5088	S.F.	2118	John Redwine
S-5089	S.F.	2233	Mike Connolly
S-5090	S.F.	2298	Sheldon Rittmer
S-5091	S.F.	2277	Jeff Angelo
			Robert E. Dvorsky
S-5092	S.F.	2146	Jack Holveck
			Gene Maddox
S-5093	S.F.	2106	Neal Schuerer
S-5094	S.F.	2118	John Redwine

JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 4, 2002

The Senate met in regular session at 1:13 p.m., President Kramer presiding.

Prayer was offered by the Reverend Lil Johnston, pastor of the Trinity Lutheran Church in Alta, Iowa. She was the guest of Senator Freeman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Ember Leonard and Micky Snieder.

The Journal of Thursday, February 28, 2002, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator King, until he arrives, on request of Senator Behn.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:45 p.m. until 4:30 p.m.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Kristopher Lee Reckemmer, Oelwein — For achieving the rank of Eagle Scout, Boy Scout Troop 37. Senator Rehberg (03/04/02).

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: March 4, 2002, 2:00 p.m.

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

Members Absent: Fraise and Lundby (both excused).

Committee Business: Presentation by Gail A. Sheridan-Lucht, attorney for Labor Commissioner, on child labor laws.

Adjourned: 2:55 p.m.

COMMERCE

Convened: March 4, 2002, 2:55 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Freeman, Gronstal, King, Lord, Lundby, Maddox, and Redwine.

Members Absent: Flynn, Hansen, McCoy, and Redfern (all excused).

Committee Business: Approved Governor's appointees.

Adjourned: 3:39 p.m.

EDUCATION

Convened: March 4, 2002, 1:50 p.m.

Members Present: Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

Members Absent: Redfern (excused).

Committee Business: Passed HF's 2151, 2319, and 2394.

Adjourned: 2:30 p.m.

HUMAN RESOURCES

Convened: March 4, 2002, 3:55 p.m.

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

Members Absent: Holveck (excused).

Committee Business: Passed HF 2190.

Adjourned: 4:02 p.m.

INTRODUCTION OF BILL

Senate File 2308, by committee on Ways and Means, a bill for an act relating to the utility replacement tax, and providing for the Act's retroactive applicability.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 2191

APPROPRIATIONS: Redfern, Chair; Horn and Kramer

Senate File 2283

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

House File 678 (Reassignment)

JUDICIARY: Tinsman, Chair; Hansen and Redfern

House File 2363

JUDICIARY: Maddox, Chair; Horn and Tinsman

COMMITTEE REPORTS

EDUCATION

Final Bill Action: HOUSE FILE 2151, a bill for an act adding certain information concerning school security or emergency preparedness to the list of public records kept confidential.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2319, a bill for an act relating to the disposition of property by an area education agency.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2394, a bill for an act eliminating teacher licensure of community college faculty; requiring community colleges to develop, approve, and implement a quality faculty plan; and providing for related matters and effective dates.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: *SENATE FILE 2308 (SSB 3139), a bill for an act relating to the utility replacement tax, and providing for the Act's retroactive applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKibben, McKinley, Harper, Bolkcom, Connolly, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2308, and they were attached to the committee report.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 1, 2002, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 165 – Enacting the Iowa English language reaffirmation Act of 2001.

S.F. 2018 – Relating to the number of days of payment for expenses of office for members of the general assembly for the 2002 Regular Session of the Seventy-ninth General Assembly and including effective date and retroactive applicability provisions.

S.F. 2051 – Relating to the creation of a state interagency Missouri river authority and specifying its powers and duties.

S.F. 2304 – Relating to public funding and regulatory matters and making, reducing, and transferring appropriations for the fiscal year beginning July 1, 2001, and including an effective date.

GOVERNOR'S VETO MESSAGE

March 1, 2002

The Honorable Mary Kramer
President of the Senate
State Capitol Building
L O C A L

Dear President Kramer:

I hereby disapprove and transfer Senate File 2121, an act relating to permitted and prohibited occupations for certain child laborers involving motor vehicle cleaning, washing, and polishing, and providing an effective date.

As it is drafted, Senate File 2121 would exempt businesses engaged in automobile cleaning from the current child labor laws that prohibit youth from working with dangerous or poisonous dyes or chemicals [Iowa Code 92.8(19)]. As written, this bill would allow workers under 18 years old to come into contact with *any* chemical used in

the automobile cleaning, washing, and polishing processes—including those that are corrosive, toxic, and even potentially fatal.

Our child labor laws were created to provide safeguards for young people in the workplace. While I realize the important role that summer and after-school jobs play to instill the value of hard work to our young people, we must strike a balance that will afford our youth this opportunity for rewarding experience while also maintaining their health and safety. Although this bill would require youth to use protective equipment, I am not convinced that this requirement will always provide adequate protections from toxic, corrosive, or potentially fatal chemicals.

Senate File 2121 was originally designed to provide businesses a vehicle through which they could continue to employ teenagers in car washing jobs. No one disagrees with the goal of continued employment for our young people in cleaning automobiles. Unfortunately, the bill's language goes too far and could allow child laborers to be put into dangerous work settings.

Realizing that the solution to this issue must be a two-prong approach that ensures both employment access and worker safety, I have instructed the Iowa Division of Labor to issue an official interpretation of "dangerous or poisonous dyes or chemicals" as it relates to our child labor laws. This interpretation will clarify the chemicals that child laborers may come into contact with while maintaining the safety that they need in the workplace. Earlier today, the Labor Commissioner issued this official interpretation of the definition of "dangerous or poisonous dyes or chemicals" as referenced in Iowa Code 92.8(19). Further, I have directed the Division of Labor to continue to work with the automobile dealers in our state to ensure that we strike the right balance to maintain both safety and employment opportunities for young Iowans.

Given the new interpretation of the child labor provisions and the continued commitment of all parties to find a workable, real world solution to this issue, Senate File 2121 no longer appears necessary.

For the above reasons, I hereby respectfully disapprove Senate File 2121.

Sincerely,
THOMAS J. VILSACK
Governor

RECONVENED

The Senate reconvened at 4:31 p.m., President Pro Tempore McKean presiding.

The Senate stood at ease at 4:32 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:53 p.m., President Kramer presiding.

QUORUM CALL

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

The vote revealed 43 present, 6 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen, until he returns, on request of Senator Rittmer.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2155 and 2169.

Senate File 2155

On motion of Senator Schuerer, **Senate File 2155**, a bill for an act providing for the issuance of out-of-hospital do-not-resuscitate orders and making penalties applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2155), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Houser
Iverson	Kibbie	King	Kramer
Lamberti	Lord	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:

Jensen

Vacant, 1.

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

Senate File 2169

On motion of Senator Black, **Senate File 2169**, a bill for an act relating to the regulation and protection of wildlife by prohibiting the taking of mussels with a sport fishing license and including black bears and mountain lions as fur-bearing animals, was taken up for consideration.

Senator King offered amendment S-5095, filed by Senators King and Behn from the floor to page 1 of the bill.

Senator King asked and received unanimous consent that action on amendment S-5095 and **Senate File 2169** be **deferred**.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration Senate Joint Resolution 2003.

Senate Joint Resolution 2003

On motion of Senator Schuerer, **Senate Joint Resolution 2003**, a resolution requesting the proposal of an amendment to the Constitution of the United States restricting the ability of the federal judiciary to mandate any state or subdivision of any state to levy or increase taxes, with report of committee recommending passage, was taken up for consideration.

Senator Hammond asked and received unanimous consent that action on **Senate Joint Resolution 2003** be **deferred**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Fink, for the remainder of the day, on request of Senator Dvorsky; and Senator Lord, until he returns, on request of Senator Freeman.

CONSIDERATION OF BILL (Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration House File 2138.

House File 2138

On motion of Senator Redwine, **House File 2138**, a bill for an act authorizing the college student aid commission to waive or modify statutory or regulatory provisions applicable to state financial aid programs for affected students in the event of a national emergency, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Redwine offered amendment S-5031, filed by the committee on Education on February 12, 2002, to page 3 and to the title page of the bill, and moved its adoption.

Amendment S-5031 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2138), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	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:

Fink Lord

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2155** and **House File 2138** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2272, House File 2139, and Senate File 2190.

Senate File 2272

On motion of Senator Redfern, **Senate File 2272**, a bill for an act providing for agricultural land held by individuals lawfully admitted into the United States for permanent residence, and making penalties applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2272), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	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:

Fink	Lord
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Vacant, 1.

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

House File 2139

On motion of Senator Angelo, **House File 2139**, a bill for an act to increase the maximum amount of a vocational-technical tuition grant, with report of committee recommending passage, was taken up for consideration.

Senator Fiegen asked and received unanimous consent that action on **House File 2139** be **deferred**.

Senate File 2190

On motion of Senator McKibben, **Senate File 2190**, a bill for an act concerning workers' compensation, was taken up for consideration.

Senator McKibben offered amendment S-5099, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5099 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2190), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	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:

Fink	Lord
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Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2190** and **2272** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2212, House File 2112, and Senate File 2160.

Senate File 2212

On motion of Senator Freeman, **Senate File 2212**, a bill for an act relating to secured transactions, by providing for landlord liens, was taken up for consideration.

Senator Fiegen asked and received unanimous consent that action on **Senate File 2212** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

House File 2112

On motion of Senator Houser, **House File 2112**, a bill for an act requiring motor vehicle operators to take certain precautions when passing stationary authorized emergency, towing, recovery, and highway maintenance vehicles and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Houser moved that the bill be read the last time now and placed upon 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. 2112), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	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, 3:

Fink	Lord	McCoy
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Vacant, 1.

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

Senate File 2160

On motion of Senator Greiner, **Senate File 2160**, a bill for an act relating to the dry fire hydrant and rural water supply education and demonstration project, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2160), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	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:

Fink Lord

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2160** and **House File 2112** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2277, 2286, 2271, and 2138.

Senate File 2277

On motion of Senator King, **Senate File 2277**, a bill for an act creating a new category of confidential public records in the custody of certain airports, municipal corporations, utilities, or water districts, and allowing a governmental body to hold a closed session to discuss such confidential records, was taken up for consideration.

Senator Angelo offered amendment S-5091, filed by Senators Angelo and Dvorsky on February 28, 2002, to page 1 of the bill.

Senator King called for the following division of amendment S-5091:

Division S-5091A: Lines 5-7; and
 Division S-5091B: Lines 2-4 and 8-10.

Senator Angelo moved the adoption of division S-5091A.

A nonrecord roll call was requested.

The ayes were 22, nays 25.

Division S-5091A lost.

Senator Angelo moved the adoption of division S-5091B.

A record roll call was requested.

On the question "Shall division S-5091B be adopted?"
 (S.F. 2277), the vote was:

Ayes, 42:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fiegen	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Kibbie
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, 5:

Drake	Jensen	King	McKinley
Sexton			

Absent or not voting, 2:

Fink	Lord
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Vacant, 1.

Division S-5091B was adopted.

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

On the question "Shall the bill pass?" (S.F. 2277), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	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:

Fink	Lord
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Vacant, 1.

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

Senate File 2286

On motion of Senator Angelo, **Senate File 2286**, a bill for an act relating to the civil commitment of sexually violent predators, was taken up for consideration.

Senator Angelo offered amendment S-5086, filed by him on February 28, 2002, to pages 1, 3-5, 11, 14-16, 18-20, and to the title page of the bill, and moved its adoption.

Amendment S-5086 was adopted by a voice vote.

Senator Angelo offered amendment S-5087, filed by him on February 28, 2002, to page 20 of the bill, and moved its adoption.

Amendment S-5087 was adopted by a voice vote.

Senator Hansen asked and received unanimous consent that action on **Senate File 2286** be **deferred**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKean and Redfern, for the remainder of the day, on request of Senator Angelo; and Senator Fraise, for the remainder of the day, on request of Senator Gronstal.

Senate File 2271

On motion of Senator Rehberg, **Senate File 2271**, a bill for an act relating to the amount of state assistance provided to each school district to purchase textbooks for accredited nonpublic school pupils, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2271), the vote was:

Ayes, 43:

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

Nays, 1:

Hammond

Absent or not voting, 5:

Fink	Fraise	Lord	McKean
Redfern			

Vacant, 1.

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

Senate File 2138

On motion of Senator Tinsman, **Senate File 2138**, a bill for an act authorizing the department of justice to administer the violence against women program, was taken up for consideration.

Senator Tinsman asked and received unanimous consent that **House File 2345** be **substituted** for **Senate File 2138**.

House File 2345

On motion of Senator Tinsman, **House File 2345**, a bill for an act authorizing the department of justice to administer the violence against women program, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2345), the vote was:

Ayes, 43:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Flynn
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKibben
McKinley	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 6:

Fink
Miller

Fraise
Redfern

Lord

McKean

Vacant, 1.

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

WITHDRAWN

Senator Tinsman asked and received unanimous consent that **Senate File 2138** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration Senate File 2215.

Senate File 2215

On motion of Senator Gaskill, **Senate File 2215**, a bill for an act relating to farm aid associations, by providing for the future termination of such associations and election procedures to become governed under the Iowa nonprofit corporation Act, with report of committee recommending passage, was taken up for consideration.

Senator Gaskill offered amendment S-5103, filed by him from the floor to the title page of the bill, and moved its adoption.

Amendment S-5103 was adopted by a voice vote.

Senator Gaskill asked and received unanimous consent that **House File 2492** be **substituted** for **Senate File 2215**.

House File 2492

On motion of Senator Gaskill, **House File 2492**, a bill for an act relating to farm aid associations, by providing for the future termination of such associations and election procedures to become

governed under the Iowa nonprofit corporation Act, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2492), the vote was:

Ayes, 41:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Flynn
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McKibben	McKinley	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 1:

McCoy

Absent or not voting, 7:

Fink	Fraise	Horn	Lord
McKean	Miller	Redfern	

Vacant, 1.

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

WITHDRAWN

Senator Gaskill asked and received unanimous consent that **Senate File 2215** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2271 and 2277 and House Files 2345 and 2492** 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 March 4, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 525, a bill for an act relating to the imposition of a sentence for an additional term of years for persons convicted of certain criminal offenses.

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

House File 2264, a bill for an act relating to informed consent to an abortion and providing a criminal penalty, and providing an effective date.

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

House File 2395, a bill for an act relating to child support including provisions relating to medical support and the calculation of the child support amount relative to receipt of federal social security benefits.

Read first time and **attached to similar Senate File 2270**.

House File 2446, a bill for an act relating to the proposed uniform computer information transactions Act.

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

House File 2517, a bill for an act relating to the operations of and programs for school districts, accredited nonpublic schools, and community colleges.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:43 p.m. until 9:00 a.m. Tuesday, March 5, 2002.

APPENDIX

INTRODUCTION OF BILL

Senate File 2309, by Iverson and Gronstal, a bill for an act providing for regulation of processors, providing for penalties, and providing an effective date and for retroactive applicability.

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

COMMITTEE REPORT

HUMAN RESOURCES

Final Bill Action: HOUSE FILE 2190, a bill for an act relating to the procedural requirements for foreign and international adoption, providing for applicability, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, 1: Holveck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

STATE GOVERNMENT

Patrick J. Palmersheim – Executive Director of the Commission of Veterans Affairs

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 4th day of March, 2002:

Senate File 335.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5095	S.F.	2169	Steve King Jerry Behn
S-5096	S.F.	2288	Jeff Angelo
S-5097	S.J.R.	2002	Mike Connolly
S-5098	S.F.	2275	Ken Veenstra
S-5099	S.F.	2190	Larry McKibben
S-5100	S.F.	2205	Maggie Tinsman
S-5101	S.F.	2281	Richard F. Drake John P. Kibbie
S-5102	S.J.R.	2003	Jack Holveck Neal Schuerer Johnie Hammond
S-5103	S.F.	2215	E. Thurman Gaskill
S-5104	S.F.	2144	Steven D. Hansen

JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 5, 2002

The Senate met in regular session at 9:05 a.m., President Kramer presiding.

Prayer was offered by the Reverend Steve Pike, pastor of the Martelle Christian Church in Martelle, Iowa. He was the guest of Senator McKean.

The Journal of Monday, March 4, 2002, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:07 a.m. until 5:00 p.m.

APPENDIX

COMMUNICATION RECEIVED

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

March 1, 2002

IOWA UTILITIES BOARD

Direct and Remainder Assessments Report.

CERTIFICATES OF RECOGNITION

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

Timothy Buchholtz, Dubuque — For achieving the rank of Eagle Scout, Boy Scout Troop 11. Senator Connolly (03/05/02).

Coach Brad Smith and the Iowa City, City High School Little Hawks Wrestlers — For winning the State Class 3A Wrestling Championship and the State Class 3A Duals Championship. Senator Dvorsky (03/05/02).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: March 5, 2002, 9:38 a.m.

Members Present: Schuerer, Chair; Zieman, Vice Chair; Flynn, Ranking Member; Drake and Hansen.

Members Absent: None.

Committee Business: Presentations by the Department of Inspections and Appeals, Iowa Citizen Foster Care Review Board, Court Appointed Special Advocate, and Citizen Aide Ombudsman.

Adjourned: 11:13 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: March 5, 2002, 9:43 a.m.

Members Present: Tinsman, Chair; Rittmer, Vice Chair; Bolkcom, Ranking Member; Dearden, and Lord.

Members Absent: None.

Committee Business: Presentations by Department of Public Health concerning budget issues.

Adjourned: 11:53 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: March 5, 2002, 9:45 a.m.

Members Present: Veenstra, Chair; Houser, Vice Chair; Hammond, Ranking Member; and Harper.

Members Absent: Redwine (excused).

Committee Business: Presentations concerning child support recovery unit, commitment of sexually violent predators, and Cherokee Mental Health Institute.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: March 5, 2002, 9:33 a.m.

Members Present: Jensen, Chair; Soukup, Ranking Member; Connolly and McKibben.

Members Absent: Lamberti, Vice Chair (excused).

Committee Business: Overview of infrastructure recommendations and funding sources. Presentations on tobacco securitization and infrastructure funding. Discussion of restrictions on use of tax-exempt bond proceeds.

Adjourned: 10:30 a.m.

AGRICULTURE

Convened: March 5, 2002, 4:02 p.m.

Members Present: Behn, Chair; Houser, Vice Chair; Fraise, Ranking Member; Angelo, Black, Boettger, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

Members Absent: None.

Committee Business: Passed SF 2309.

Adjourned: 4:15 p.m.

LOCAL GOVERNMENT

Convened: March 5, 2002, 2:03 p.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Black, Fraise, Gaskill, Horn, Houser, Lord, McKibben, Tinsman, and Zieman.

Members Absent: McCoy (excused).

Committee Business: Passed HF's 2246 (as amended), 2289, 2291, and 2365. Approved Governor's appointee.

Adjourned: 2:27 p.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: March 5, 2002, 1:10 p.m.

Members Present: Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Flynn, Greiner, Holveck, Lamberti, and McKinley.

Members Absent: Fiegen, Gaskill, and Veenstra (all excused).

Committee Business: Passed HF 2229.

Adjourned: 1:16 p.m.

STATE GOVERNMENT

Convened: March 5, 2002, 2:10 p.m.

Members Present: King, Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton.

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

Committee Business: Passed HF's 2150, 2152, and 2249. Approved Governor's appointees.

Adjourned: 2:45 p.m.

WAYS AND MEANS

Convened: March 5, 2002, 3:07 p.m.

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

Members Absent: Deluhery, Flynn, Lamberti, and Rehberg (all excused).

Committee Business: Passed SF 2204.

Adjourned: 3:21 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2309

AGRICULTURE: Zieman, Chair; Behn, Fiegen, Gaskill, and Kibbie

House File 2318

HUMAN RESOURCES: Redwine, Chair; Boettger and Holveck

COMMITTEE REPORTS

LOCAL GOVERNMENT

Final Bill Action: HOUSE FILE 2246, a bill for an act relating to administrative procedures of county treasurers for property taxation and vehicle registration.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5107.

Final Vote: Ayes, 12: Miller, Angelo, Hansen, Black, Fraise, Gaskill, Horn, Houser, Lord, McKibben, Tinsman, and Zieman. Nays, none. Absent or not voting, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2289, a bill for an act relating to the preparation and filing of an assessment schedule for abatement of a nuisance by a city.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Miller, Angelo, Hansen, Black, Fraise, Gaskill, Horn, Houser, Lord, McKibben, Tinsman, and Zieman. Nays, none. Absent or not voting, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2291, a bill for an act relating to judgment liens attaching to city real estate.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Miller, Angelo, Hansen, Black, Fraise, Gaskill, Horn, Houser, Lord, McKibben, Tinsman, and Zieman. Nays, none. Absent or not voting, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2365, a bill for an act relating to certain documents indexed and recorded with the county recorder.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Miller, Angelo, Hansen, Black, Fraise, Gaskill, Horn, Houser, Lord, McKibben, Tinsman, and Zieman. Nays, none. Absent or not voting, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Final Bill Action: HOUSE FILE 2229, bill for an act relating to use of moneys in the strategic investment fund.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Rehberg, Zieman, Shearer, Behn, Dvorsky, Flynn, Greiner, Holveck, Lamberti, and McKinley. Nays, none. Absent or not voting, 3: Fiegen, Gaskill, and Veenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 2150, a bill for an act relating to the performance of honor guard services on public property by members of a reserve officer training corps.

Recommendation: DO PASS.

Final Vote: Ayes, 13: King, Kibbie, Bolkcom, Connolly, Dearden, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, 2: Lamberti and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2249, a bill for an act relating to the administration of the Iowa lottery by providing for criminal history checks of applicants for certain licenses and major vendors contracting with the lottery, marketing materials, and the identification of instant lottery tickets, providing for a fee, and providing for an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: King, Kibbie, Bolkcom, Connolly, Dearden, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, 2: Lamberti and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the Individual Confirmation Calendar with recommendations for confirmation:

COMMERCE

Thomas Gronstal – Superintendent of Banking

John R. Perkins – Consumer Advocate

Diane Munns – Chair of Utilities Board

Mark Lambert – Utilities Board

Elliott Smith – Utilities Board

STATE GOVERNMENT

Steven K. Young – Director of the Department of Inspections and Appeals

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

LOCAL GOVERNMENT

Barbara Brown – City Development Board

STATE GOVERNMENT

Beverly Allen – Commission on the Status of African-Americans

Jack Morlan – Board of Cosmetology Arts and Sciences Examiners

Deena Kuempel – Board of Dental Examiners

Julie Bell – Iowa Emergency Response Commission

Mary Wegner – Information Technology Council

Carole Frier – Board of Medical Examiners

Mary Hoppa – Board of Medical Examiners

Dana Shaffer – Board of Medical Examiners

Margaret Eicher – Board of Mortuary Science Examiners

Patrick Greenwood – Board of Nursing Examiners

Maria Hadar – Board of Optometry Examiners

Barbara O'Roake – Board of Pharmacy Examiners

Armando Rosales – Board of Physical and Occupational Therapy Examiners

Linda Ferris – Board of Psychology Examiners

Earl Goerdts – Iowa Board of Veterinary Medicine

EVENING SESSION

The Senate reconvened at 5:02 p.m., President Kramer presiding.

The Senate stood at ease at 5:03 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:59 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2288.

Senate File 2288

On motion of Senator Angelo, **Senate File 2288**, a bill for an act relating to the appointment of an acting or a temporary county attorney, was taken up for consideration.

Senator Angelo offered amendment S-5096, filed by him on March 4, 2002, to page 2 of the bill, and moved its adoption.

Amendment S-5096 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2288), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	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:

Fiegen

Vacant, 1.

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2230.

Senate File 2230

On motion of Senator Harper, **Senate File 2230**, a bill for an act providing for a well-being visit to be conducted on an optional basis under a family investment program limited benefit plan and providing an effective date, was taken up for consideration.

Senator Harper asked and received unanimous consent that **House File 2340** be **substituted** for **Senate File 2230**.

House File 2340

On motion of Senator Harper, **House File 2340**, a bill for an act providing for a well-being visit to be conducted on an optional basis

under a family investment program limited benefit plan and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2340), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	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:

Fiegen

Vacant, 1.

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

WITHDRAWN

Senator Harper asked and received unanimous consent that **Senate File 2230** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2146.

Senate File 2146

On motion of Senator Maddox, **Senate File 2146**, a bill for an act establishing a criminal offense for an act of terrorism, changing related criminal penalties, and providing a penalty, was taken up for consideration.

Senator Maddox offered amendment S-5056, filed by him on February 25, 2002, to page 1 and to the title page of the bill.

Senator Holveck offered amendment S-5092, filed by Senators Holveck and Maddox on February 28, 2002, to page 1 of amendment S-5056, and moved its adoption.

Amendment S-5092 was adopted by a voice vote.

Senator Maddox moved the adoption of amendment S-5056, as amended.

Amendment S-5056 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2146), the vote was:

Ayes, 48:

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

Nays, 1:

Dearden

Absent or not voting, none.

Vacant, 1.

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration Senate File 2278.

Senate File 2278

On motion of Senator McKean, **Senate File 2278**, a bill for an act relating to analyzing the confinement and detention needs of jails, and other local or regional confinement facilities, prohibiting certain financial interests in the construction of a jail or facility, and providing an effective date, was taken up for consideration.

Senator McKean offered amendment S-5105, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5105 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2278), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton

Shearer
Zieman

Soukup

Tinsman

Veenstra

Nays, none.

Absent or not voting, none.

Vacant, 1.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2118.

Senate File 2118

On motion of Senator Redwine, **Senate File 2118**, a bill for an act prohibiting certain activities related to the use or destruction of the materials of human reproduction, and providing penalties, was taken up for consideration.

Senator Hammond offered amendment S-5110, filed by Senator Hammond, et al., from the floor to pages 1, 2, and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5110 be adopted?" (S.F. 2118), the vote was:

Ayes, 16:

Bolkcom
Gronstal

Dearden
Hammond

Dvorsky
Hansen

Fink
Harper

Holveck McCoy	Horn Redfern	Kramer Soukup	Maddox Tinsman
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Nays, 32:

Angelo	Behn	Black	Boettger
Connolly	Deluhery	Drake	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Houser	Iverson	Jensen
Kibbie	King	Lamberti	Lord
Lundby	McKean	McKibben	McKinley
Miller	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Veenstra	Zieman

Absent or not voting, 1:

Shearer

Vacant, 1.

Amendment S-5110 lost.

Senator Redwine withdrew amendment S-5088, filed by him on February 28, 2002, to pages 1 and 2 of the bill.

Senator Redwine offered amendment S-5094, filed by him on February 28, 2002, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5094 was adopted by a voice vote.

Senator Redwine offered amendment S-5109, filed by Senators Redwine and Dvorsky from the floor to page 3 of the bill, and moved its adoption.

Amendment S-5109 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2118), the vote was:

Ayes, 32:

Angelo	Behn	Black	Boettger
Connolly	Deluhery	Drake	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Houser	Iverson	Jensen
Kibbie	King	Lamberti	Lord
Lundby	McKean	McKibben	McKinley
Miller	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Veenstra	Zieman

Nays, 16:

Bolkcom	Dearden	Dvorsky	Fink
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kramer	Maddox
McCoy	Redfern	Soukup	Tinsman

Absent or not voting, 1:

Shearer

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2118, 2146, 2278, and 2288** and **House File 2340** be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred March 4, 2002)

Senate File 2286

The Senate resumed consideration of **Senate File 2286**, a bill for an act relating to the civil commitment of sexually violent predators, deferred March 4, 2002.

Senator Angelo asked and received unanimous consent that action on **Senate File 2286** be **deferred**.

President Pro Tempore McKean took the chair at 7:54 p.m.

UNFINISHED BUSINESS
(Deferred March 4, 2002)

Senate File 2169

The Senate resumed consideration of Senate File 2169, a bill for an act relating to the regulation and protection of wildlife by prohibiting the taking of mussels with a sport fishing license and including black bears and mountain lions as fur-bearing animals, and amendment S-5095, deferred March 4, 2002.

Senator King moved the adoption of amendment S-5095.

Amendment S-5095 lost by a voice vote.

Senator Black offered amendment S-5083, filed by him on February 27, 2002, to page 1 and to the title page of the bill.

Senator King asked and received unanimous consent that action on amendment S-5083 be deferred.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Redfern and Tinsman, for the remainder of the day, on request of Senator Iverson; Senator McKibben, for the remainder of the day, on request of Senator Behn; and Senator Rittmer, for the remainder of the day, on request of Senator Freeman.

BUSINESS PENDING

Senate File 2169

The Senate resumed consideration of Senate File 2169.

Senator Connolly called up the following motion to reconsider filed by him from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5095 to Senate File 2169 failed to be adopted by the Senate on March 5, 2002.

The motion prevailed by a voice vote and amendment S-5095, by Senators King and Behn to page 1 of the bill, was taken up for reconsideration.

Senator King moved the adoption of amendment S-5095.

A record roll call was requested.

On the question "Shall amendment S-5095 be adopted?" (S.F. 2169), the vote was:

Ayes, 17:

Angelo	Behn	Boettger	Drake
Greiner	Houser	Iverson	Jensen
King	Lord	McKinley	Miller
Redwine	Rehberg	Schuerer	Veenstra
Zieman			

Nays, 27:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	Sexton	Soukup	

Absent or not voting, 5:

McKibben	Redfern	Rittmer	Shearer
Tinsman			

Vacant, 1.

Amendment S-5095 lost.

The Senate resumed consideration of amendment S-5083, previously deferred.

Senator Black moved the adoption of amendment S-5083, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2169), the vote was:

Ayes, 38:

Angelo	Black	Boettger	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Kibbie	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKean
McKinley	Miller	Rehberg	Sexton
Soukup	Zieman		

Nays, 6:

Behn	Houser	King	Redwine
Schuerer	Veenstra		

Absent or not voting, 5:

McKibben	Redfern	Rittmer	Shearer
Tinsman			

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2169** 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 March 5, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2084, a bill for an act relating to business relationships between persons involved in the sale of certain vehicles, including suppliers and dealers of all-terrain vehicles.

ALSO: That the House has on March 5, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2472, a bill for an act relating to the office of secretary of state and the conduct of elections and of voter registration in the state and including effective and applicability date provisions.

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

House File 2486, a bill for an act relating to redistricting, the process of congressional and legislative redistricting, and review by the ethics and campaign disclosure board of county supervisor redistricting plans, and providing an effective date.

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

House File 2532, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates.

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

House File 2538, a bill for an act relating to campaign finance, including a reporting threshold for filing organizational committee statements, providing for the filing of reports with the Iowa ethics and campaign disclosure board, providing a document retention period, and relating to certain signature requirements, and providing effective dates.

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

House File 2554, a bill for an act relating to the use of moneys appropriated to the department of natural resources for purposes of tire-related initiatives, disposal fees charged by retail tire dealers, and the registration of waste tire haulers and providing an effective date.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:58 p.m. until 9:00 a.m. Wednesday, March 6, 2002.

APPENDIX

REPORT OF COMMITTEE MEETING

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: March 5, 2002, 9:35 a.m.

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

Members Absent: None.

Committee Business: Presentation by Chief Justice Louis Lavorato.

Adjourned: 10:50 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 112, by Angelo, Kramer, Iverson, Gaskill, Jensen, Schuerer, Freeman, Greiner, Lamberti, Tinsman, Maddox, Zieman, McKibben, Redwine, McKinley, Behn, Boettger, Veenstra, Fink, Black, Dvorsky, Fraise, Gronstal, Flynn, Hansen, Deluhery, Holveck, Fiegen, Kibbie, Bolkcom, Dearden, Connolly, Shearer, Harper, Hammond, McCoy, and Soukup, a Senate resolution honoring NASCAR racer Shawna Robinson.

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

Senate Resolution 113, by Gronstal and Kibbie, a Senate resolution congratulating Ms. Jennifer Quinn and Mr. Justin Carlson for receiving a 2002 Prudential Spirit of Community Award.

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

INTRODUCTION OF BILL

Senate File 2310, by committee on Ways and Means, a bill for an act relating to the requirements for receiving a property tax exemption for open prairies and wildlife habitats and including an applicability date provision.

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

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: SENATE FILE 2309, a bill for an act providing for regulation of processors, providing for penalties, and providing an effective date and for retroactive applicability.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Behn, Houser, Fraise, Angelo, Black, Boettger, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 2152, a bill for an act eliminating the prospective repeal of the volunteer emergency services provider death benefit and providing an effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5114.

Final Vote: Ayes, 13: King, Kibbie, Bolkcom, Connolly, Dearden, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, 2: Lamberti and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 2310 (formerly SF 2204), a bill for an act relating to the requirements for receiving a property tax exemption for open prairies and wildlife habitats and including an applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: McKibben, McKinley, Harper, Bolkcom, Connolly, Drake, Greiner, Holveck, Maddox, Miller, and Redwine. Nays, none. Absent or not voting, 4: Deluhery, Flynn, Lamberti, and Rehberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 5, 2002, when the votes were taken on Senate File 2288 and House File 2340. Had I been present, I would have voted "Aye" on both.

THOMAS L. FIEGEN

AMENDMENTS FILED

S-5105	S.F.	2278	Andy McKean
S-5106	S.F.	2301	Jeff Lamberti
S-5107	H.F.	2246	Local Government
S-5108	S.F.	2144	Steven D. Hansen
S-5109	S.F.	2118	John Redwine Robert E. Dvorsky
S-5110	S.F.	2118	Johnie Hammond Jack Holveck Robert E. Dvorsky Patricia Harper Joe Bolkcom
S-5111	H.F.	2264	Dick L. Dearden
S-5112	S.F.	2265	Thomas Fiegen Robert E. Dvorsky Johnie Hammond
S-5113	H.F.	2139	Thomas Fiegen
S-5114	H.F.	2152	State Government

JOURNAL OF THE SENATE

FIFTY-SECOND CALENDAR DAY
THIRTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 6, 2002

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

Prayer was offered by the Reverend Danny Peterson, pastor of the United Church of Christ in Minden, Iowa. He was the guest of Senators Boettger and Houser.

The Journal of Tuesday, March 5, 2002, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:20 a.m. until 2:00 p.m.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

Convened: March 5, 2002, 9:36 a.m.

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

Members Absent: None.

Committee Business: Presentation by Ted Stilwill, Director of the Department of Education.

Adjourned: 10:36 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: March 6, 2002, 9:40 a.m.

Members Present: Schuerer, Chair; Zieman, Vice Chair; Flynn, Ranking Member; and Hansen.

Members Absent: Drake (excused).

Committee Business: Presentations by the Ethics and Campaign Disclosure Board, Department of Revenue and Finance, and Department of General Services.

Adjourned: 11:16 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: March 6, 2002, 9:40 a.m.

Members Present: McKinley, Chair; Miller, Vice Chair; Behn and Holveck.

Members Absent: Fiegen, Ranking Member (excused).

Committee Business: Presentations by University of Iowa, Iowa State University, and University of Northern Iowa.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 6, 2002, 9:38 a.m.

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

Members Absent: None.

Committee Business: Presentations by representatives of community college groups.

Adjourned: 11:06 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: March 6, 2002, 9:40 a.m.

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

Members Absent: None.

Committee Business: Presentation by Attorney General Tom Miller. Presentation by Mark Edelman, ISU professor of economics and public policy. Discussion of criminal justice system training.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: March 6, 2002, 9:37 a.m.

Members Present: Jensen, Chair; Soukup, Ranking Member; and Connolly.

Members Absent: Lamberti, Vice Chair; and McKibben.

Committee Business: Presentations by Dick Haines and Dean Ibsen, Department of General Services, and Kip Kautzky, Department of Corrections.

Adjourned: 10:57 a.m.

EDUCATION

Convened: March 6, 2002, 8:06 a.m.

Members Present: Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Shearer, Soukup, Tinsman, and Veenstra.

Members Absent: Angelo and Redwine (both excused).

Committee Business: Approved Governor's appointee.

Adjourned: 9:06 a.m.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 112**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 113

RULES AND ADMINISTRATION: Iverson, Chair; Boettger and Gronstal

House File 2446

COMMERCE: Redfern, Chair; Deluhery and Jensen

**GOVERNOR'S APPOINTEE PLACED ON
EN BLOC CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

EDUCATION

John Aboud – Board of Educational Examiners

AFTERNOON SESSION

The Senate reconvened at 2:15 p.m., Senator Angelo presiding.

QUORUM CALL

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

The vote revealed 38 present, 11 absent, and a quorum present.

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 March 6, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2390, a bill for an act relating to massage therapy by providing for a study regarding the modalities associated with massage therapy and providing a temporary exemption from licensure requirements.

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

House File 2417, a bill for an act relating to statewide standards, site-specific cleanup standards, and public participation in the Iowa land recycling and environmental remediation standards Act.

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

House File 2454, a bill for an act encouraging school districts to establish character education programs, and directing the department of education to partner with local educational institutions and agencies and nonprofit organizations in the design and implementation of character education programs.

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

House File 2531, a bill for an act making certain amendments to the Iowa trust code.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Fiegen and Soukup, until they return, on request of Senator Gronstal; Senator Greiner, until she returns, on request of Senator Freeman; and Senator Rehberg, until she returns, on request of Senator Zieman.

CONSIDERATION OF BILL (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate File 2228.

Senate File 2228

On motion of Senator Boettger, **Senate File 2228**, a bill for an act relating to utilization of school district moneys for physical plant and equipment levy purposes, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2228), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rittmer	Schuerer
Sexton	Shearer	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 4:

Fiegen

Greiner

Rehberg

Soukup

Vacant, 1.

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

The Senate stood at ease at 2:34 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:52 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shearer, until he returns, on request of Senator Kibbie.

CONSIDERATION OF BILL (Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration Senate File 2101.

Senate File 2101

On motion of Senator Redfern, **Senate File 2101**, a bill for an act relating to monetary penalties for contempt of court, was taken up for consideration.

Senator Lamberti offered amendment S-5082, filed by him on February 27, 2002, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5082 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2101), the vote was:

Ayes, 46:

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

Nays, none.

Absent or not voting, 3:

Fiegen	Greiner	Shearer
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Vacant, 1.

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

UNFINISHED BUSINESS
(Deferred March 5, 2002)

Senate File 2286

The Senate resumed consideration of **Senate File 2286**, a bill for an act relating to the civil commitment of sexually violent predators, deferred March 5, 2002.

Senator Dvorsky asked and received unanimous consent that action on **Senate File 2286** be **deferred**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2267.

Senate File 2267

On motion of Senator Maddox, **Senate File 2267**, a bill for an act relating to reorganizing judicial districts and judicial election districts, was taken up for consideration.

Senator Maddox offered amendment S-5116, filed by him from the floor to page 1 of the bill.

Senator Dvorsky asked and received unanimous consent that action on amendment S-5116 and **Senate File 2267** be **deferred**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate File 2106.

Senate File 2106

On motion of Senator Schuerer, **Senate File 2106**, a bill for an act establishing covenant marriages and providing an effective date, was taken up for consideration.

Senator Schuerer offered amendment S-5093, filed by him on February 28, 2002, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Schuerer offered amendment S-5121, filed by him from the floor to page 3 of amendment S-5093.

Senator Schuerer asked and received unanimous consent that action on amendment S-5121 to amendment S-5093, amendment S-5093, and **Senate File 2106** be **deferred**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate File 2279.

Senate File 2279

On motion of Senator Gronstal, **Senate File 2279**, a bill for an act relating to the regulated commercial activities of insurance and security sales, including rate adjustments for small group coverage, provisions pertaining to state and county mutual insurance associations, termination dates and licensed health care providers for emergency medical malpractice insurance, suspension of an insurer's certificate of authority for delinquency, exceptions to the right of a notice of intent not to renew, coverage requirements in a medical expense policy, tort immunity related to viatical settlement contracts, confidentiality of certain personal information in securities and insurance filings, postponement or suspension of registration under the blue sky law, reporting related to professional liability insurance, annual percentage rate used in calculations of the minimum nonforfeiture amount relating to individual deferred annuities, and providing for a future repeal, was taken up for consideration.

Senator Gronstal offered amendment S-5119, filed by Senators Gronstal and Jensen from the floor to pages 4, 7, 9, 11, and 13-15 of the bill.

Senator Iverson asked and received unanimous consent that action on amendment S-5119 and **Senate File 2279** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hammond, until she returns, on request of Senator Bolkom.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2107.

Senate File 2107

On motion of Senator Jensen, **Senate File 2107**, a bill for an act relating to obtaining records and copies of records from banks, credit unions, savings and loan associations, regulated loan companies, industrial loan companies, and persons who supply consumer credit, operating in Iowa, was taken up for consideration.

Senator Jensen offered amendment S-5080, filed by him on February 26, 2002, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5080 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?" (S.F. 2107), the vote was:

Ayes, 41:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Gaskill	Greiner	Gronstal
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Kibbie	King
Kramer	Lamberti	Lord	Maddox
McCoy	McKean	McKinley	Miller
Redfern	Redwine	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra			

Nays, none.

Absent or not voting, 8:

Fiegen	Freeman	Hammond	Houser
Lundby	McKibben	Rehberg	Zieman

Vacant, 1.

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

BUSINESS PENDING

Senate File 2279

The Senate resumed consideration of **Senate File 2279**, a bill for an act relating to the regulated commercial activities of insurance and security sales, including rate adjustments for small group coverage, provisions pertaining to state and county mutual insurance associations, termination dates and licensed health care providers for emergency medical malpractice insurance, suspension of an insurer's certificate of authority for delinquency, exceptions to the right of a notice of intent not to renew, coverage requirements in a medical expense policy, tort immunity related to viatical settlement contracts, confidentiality of certain personal information in securities and insurance filings, postponement or suspension of registration under the blue sky law, reporting related to professional liability insurance, annual percentage rate used in calculations of the minimum nonforfeiture amount relating to individual deferred annuities, and providing for a future repeal, and amendment S-5119, previously deferred.

Senator Gronstal moved the adoption of amendment S-5119, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2279), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	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:

Fiegen

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2101, 2107, 2228, and 2279** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2270.

Senate File 2270

On motion of Senator Shearer, **Senate File 2270**, a bill for an act relating to child support including provisions relating to medical support and the calculation of the child support amount relative to receipt of federal social security benefits, was taken up for consideration.

Senator Shearer offered amendment S-5117, filed by him from the floor to pages 11, 13, and to the title page of the bill, and moved its adoption.

Amendment S-5117 was adopted by a voice vote.

Senator Shearer asked and received unanimous consent that **House File 2395** be **substituted** for **Senate File 2270**.

House File 2395

On motion of Senator Shearer, **House File 2395**, a bill for an act relating to child support including provisions relating to medical support and the calculation of the child support amount relative to receipt of federal social security benefits, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2395), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	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:

Fiegen	Greiner
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Vacant, 1.

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

WITHDRAWN

Senator Shearer asked and received unanimous consent that **Senate File 2270** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2395** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

UNFINISHED BUSINESS
(Deferred February 25, 2002)**Senate File 2197**

The Senate resumed consideration of **Senate File 2197**, a bill for an act prohibiting a registered sex offender from residing near a school or child care facility, and providing a penalty, deferred February 25, 2002.

Senator Behn called up the motion to reconsider the vote by which amendment S-5047 to Senate File 2197 was adopted by the Senate on February 25, 2002, filed by him on February 25, 2002, found on page 402 of the Senate Journal, and moved its adoption.

The motion prevailed by a voice vote and amendment S-5047, by Senator King to page 1 of the bill, was taken up for reconsideration.

Senator King moved the adoption of amendment S-5047.

Amendment S-5047 lost by a voice vote.

Senator Sexton offered amendment S-5115, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5115 lost by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2197), the vote was:

Ayes, 46:

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

Nays, 1:

Hammond

Absent or not voting, 2:

Fiegen Redfern

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2197** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2106

The Senate resumed consideration of **Senate File 2106**, a bill for an act establishing covenant marriages and providing an effective date, and amendment S-5093, previously deferred (amendment S-5121 to amendment S-5093 pending).

Senator Tinsman withdrew amendment S-5124, filed by her from the floor to pages 3 and 4 of amendment S-5093.

Senator Tinsman offered amendment S-5127, filed by her from the floor to pages 3 and 4 of amendment S-5093.

Senator McCoy asked and received unanimous consent that action on amendment S-5127 to amendment S-5093 be deferred.

Senator McCoy offered amendment S-5129, filed by him from the floor to pages 1-4 and to the title provisions of amendment S-5093.

Senator Schuerer raised the point of order that amendment S-5129 to amendment S-5093 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5129 to amendment S-5093 out of order.

The Senate resumed consideration of amendment S-5127 to amendment S-5093, previously deferred.

Senator Tinsman moved the adoption of amendment S-5127 to amendment S-5093.

A record roll call was requested.

On the question "Shall amendment S-5127 to amendment S-5093 be adopted?" (S.F. 2106), the vote was:

Ayes, 28:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Rittmer
Sexton	Shearer	Soukup	Tinsman

Nays, 20:

Angelo	Behn	Boettger	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redwine
Rehberg	Schuerer	Veenstra	Zieman

Absent or not voting, 1:

Redfern

Vacant, 1.

Amendment S-5127 was adopted.

With the adoption of amendment S-5127, the Chair ruled the following amendments out of order:

S-5121, previously deferred;

S-5122, filed by Senator Schuerer from the floor to page 4 of amendment S-5093; and

S-5123, filed by Senator Schuerer from the floor to page 4 of amendment S-5093.

Senator Angelo took the chair at 6:03 p.m.

President Kramer took the chair at 6:15 p.m.

Senator Hammond raised the point of order that amendment S-5093 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-5093 in order.

Senator Schuerer moved the adoption of amendment S-5093, as amended.

A record roll call was requested.

On the question "Shall amendment S-5093 be adopted?" (S.F. 2106), the vote was:

Ayes, 30:

Angelo	Behn	Boettger	Deluhery
Drake	Fiegen	Freeman	Gaskill
Greiner	Houser	Iverson	Jensen
King	Kramer	Lamberti	Lord
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 19:

Black	Bolkcom	Connolly	Dearden
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	McCoy
Redfern	Shearer	Soukup	

Absent or not voting, none.

Vacant, 1.

Amendment S-5093 was adopted.

With the adoption of amendment S-5093, the Chair ruled the following amendments out of order:

S-5034, filed by Senators Holveck and Hammond on February 13, 2002, to page 6 of the bill; and

S-5035, filed by Senators Holveck and Hammond on February 13, 2002, to page 6 of bill.

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

On the question "Shall the bill pass?" (S.F. 2106), the vote was:

Ayes, 25:

Angelo	Behn	Boettger	Drake
Freeman	Greiner	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Lundby	McKean	McKibben
McKinley	Miller	Redwine	Rehberg
Rittmer	Schuerer	Tinsman	Veenstra
Zieman			

Nays, 24:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	Maddox	McCoy
Redfern	Sexton	Shearer	Soukup

Absent or not voting, none.

Vacant, 1.

The Chair advised the chamber that the number required for a constitutional majority was in question due to the vacancy in Senate District 10. The Chair announced the question would be taken under advisement and would be ruled upon at a later time.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Fiegen.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2309.

Senate File 2309

On motion of Senator Zieman, **Senate File 2309**, a bill for an act providing for regulation of processors, providing for penalties, and providing an effective date and for retroactive applicability, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2309), the vote was:

Ayes, 48:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 1:

McCoy

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2309** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2144.

Senate File 2144

On motion of Senator McKean, **Senate File 2144**, a bill for an act providing for a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses, was taken up for consideration.

Senator Miller offered amendment S-5125, filed by him from the floor to page 1 and to the title page of the bill.

Senator Miller withdrew amendment S-5125.

Senator Hansen offered amendment S-5104, filed by him on March 4, 2002, to page 1 and to the title page of the bill.

Senator Hansen asked and received unanimous consent that action on amendment S-5104 be deferred.

Senator Hansen offered amendment S-5108, filed by him on March 5, 2002, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5108 lost by a voice vote.

The Senate resumed consideration of amendment S-5104, previously deferred.

Senator Hansen withdrew amendment S-5104.

Senator Boettger took the chair at 8:42 p.m.

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

On the question "Shall the bill pass?" (S.F. 2144), the vote was:

Ayes, 48:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 1:

Sexton

Absent or not voting, none.

Vacant, 1.

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

RULING ON SENATE FILE 2106

The Chair announced the following ruling with regard to the vote on Senate File 2106:

Article III, Section 17 of the Constitution of the State of Iowa provides in pertinent part that "No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the general assembly." Due to the current vacancy in Senate District 10, there are only forty-nine elected members in the Senate at this time. The Chair therefore concluded that twenty-five senators now constituted a majority of the members elected to the Senate, pursuant to Article III, Section 17. Accordingly, the Chair ruled that Senate File 2106, having received twenty-five votes, had received a constitutional majority.

The following motion to reconsider, filed by Senator Sexton from the floor, was out of order since Senator Sexton was not on the prevailing side as required by Senate Rule 24:

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2106 failed to pass the Senate on March 6, 2002.

Senator Schuerer withdrew the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2106 passed the Senate on March 6, 2002.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2144** be **immediately messaged** to the House.

Senator Iverson moved that Senate File 2106 be immediately messaged to the House.

Senator Connolly raised the point of order on whether the judiciary had been consulted with respect to the Chair's ruling on Senate File 2106 or whether the Chair had concluded this was solely a legislative matter at this time.

The Chair stated that the question regarding the number of members required to comprise a constitutional majority of the Senate was presently a legislative matter, so the judiciary had not been consulted.

Senator Gronstal requested that the messaging of Senate File 2106 be postponed for a day.

Senator Iverson withdrew his motion to immediately message Senate File 2106.

The Chair stated that Senate File 2106 would not be 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 March 6, 2002, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2145, a bill for an act relating to terminology and eligibility for assistance under the sewage treatment and drinking water facilities financing program.

Senate File 2207, a bill for an act relating to the acquisition, enforceability, and purpose of conservation easements.

ALSO: That the House has on March 6, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2141, a bill for an act authorizing sheriffs to appoint civil process servers. (S-5131)

ALSO: That the House has on March 6, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2378, a bill for an act relating to the enterprise zone program and providing an effective date.

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

House File 2399, a bill for an act relating to the requirements of a case permanency plan for a child in an out-of-home placement who is age sixteen or older.

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

House File 2453, a bill for an act relating to the offices of the state and county medical examiners, establishing fees, and making penalties applicable.

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

House File 2467, a bill for an act providing for licensure sanctions against defaulters of designated loan and scholarship programs.

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

House File 2475, a bill for an act providing for the establishment and perfection of a security interest in certain education loans.

Read first time and **attached to companion Senate File 2189**.

House File 2487, a bill for an act relating to the designation of specific children's hospitals as qualified hospitals under the medical assistance disproportionate share hospital payment program.

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

House File 2536, a bill for an act relating to advertisements for requests for bids and proposals by state government.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:05 p.m. until 9:00 a.m. Thursday, March 7, 2002.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: March 6, 2002, 9:43 a.m.

Members Present: Tinsman, Chair; Rittmer, Vice Chair; Bolkcom, Ranking Member; Dearden, and Lord.

Members Absent: None.

Committee Business: Budget reports from Governor's Office of Drug Control Policy, Iowa Veteran's Home, and Commission of Veteran's Affairs.

Adjourned: 11:46 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: March 6, 2002, 9:43 a.m.

Members Present: Veenstra, Chair; Houser, Vice Chair; Hammond, Ranking Member; and Harper.

Members Absent: Redwine (excused).

Committee Business: Presentations on decategorization and on the Oklahoma Marriage Initiative.

Adjourned: 11:23 a.m.

JUDICIARY

Convened: March 6, 2002, 1:10 p.m.

Members Present: Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman.

Members Absent: Fiegen (excused).

Committee Business: Passed HF's 2191 (as amended), 2339, and 2363.

Adjourned: 2:05 p.m.

INTRODUCTION OF BILLS

Senate File 2311, by Lundby, a bill for an act modifying allocations and apportionments of road use tax funds.

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

Senate File 2312, by Redwine, a bill for an act relating to the establishment of medical savings accounts and associated tax incentives and including an applicability date provision.

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

Senate File 2313, by Holveck, a bill for an act relating to replica or facsimile firearms and providing penalties.

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

SUBCOMMITTEE ASSIGNMENT

House File 2531

JUDICIARY: Redfern, Chair; Holveck and Maddox

COMMITTEE REPORTS

JUDICIARY

Final Bill Action: HOUSE FILE 2339, a bill for an act relating to the filing of a supersedeas bond.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Maddox, Angelo, Boettger, Fraise, Hammond, Hansen, King, Lamberti, Miller, and Tinsman. Nays, none. Present, 2: Redfern and Holveck. Absent or not voting, 3: Fiegen, Horn, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2363, a bill for an act relating to the possession of firearms or offensive weapons by felons.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Maddox, Redfern, Holveck, Angelo, Boettger, Fraise, Hammond, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 2: Fiegen and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 111, a Senate resolution honoring Commandant Jack Dack of the Iowa Veterans Home upon his retirement.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 6, 2002, when the votes were taken on Senate Files 2107, 2197, 2228, and 2279 and House File 2395. Had I been present, I would have voted "Aye" on all.

THOMAS L. FIEGEN

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on March 6, 2002:

I submitted the name of Maria Hadar to serve on the Board of Optometry Examiners on May 24, 2001. I am withdrawing her name from further consideration by the Senate.

Thank you.

Sincerely,
THOMAS J. VILSACK
Governor

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 6, 2002, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 335 – Relating to species of animals by classifying certain species as livestock, providing exemptions from the sales and use tax for feed used to support the species, providing for refunds, and including an effective date and retroactive applicability provision.

AMENDMENTS FILED

S-5115	S.F.	2197	Mike Sexton
S-5116	S.F.	2267	Gene Maddox
S-5117	S.F.	2270	Mark Shearer
S-5118	S.F.	2292	John W. Jensen Michael E. Gronstal
S-5119	S.F.	2279	Michael E. Gronstal John W. Jensen
S-5120	S.F.	2205	Maggie Tinsman Nancy Boettger Kitty Rehberg
S-5121	S.F.	2106	Neal Schuerer
S-5122	S.F.	2106	Neal Schuerer
S-5123	S.F.	2106	Neal Schuerer
S-5124	S.F.	2106	Maggie Tinsman
S-5125	S.F.	2144	David Miller
S-5126	S.F.	2267	Andy McKean David Miller Larry McKibben Nancy Boettger
S-5127	S.F.	2106	Maggie Tinsman
S-5128	S.F.	2286	Robert E. Dvorsky
S-5129	S.F.	2106	Matt McCoy
S-5130	S.F.	2267	Robert E. Dvorsky
S-5131	S.F.	2141	House

JOURNAL OF THE SENATE

FIFTY-THIRD CALENDAR DAY
THIRTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 7, 2002

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

Prayer was offered by the Reverend Damon Hall, pastor of the Grace Baptist Church in Waverly, Iowa. He was the guest of Senator Drake.

The Journal of Wednesday, March 6, 2002, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration Senate Resolution 111.

On motion of Senator McKibben, **Senate Resolution 111**, a Senate resolution honoring Commandant Jack Dack of the Iowa Veterans Home upon his retirement, with report of committee recommending passage, was taken up for consideration.

Senator McKibben welcomed to the chamber various veterans groups and the Chamber of Commerce from Marshalltown. Senator McKibben introduced Commandant Jack Dack and his wife Twilla.

Senator McKibben moved the adoption of Senate Resolution 111, which motion prevailed by a voice vote.

Commandant Dack addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gaskill, for the day, on request of Senator Sexton.

RECESS

On motion of Senator Angelo, the Senate recessed at 9:42 a.m. until 2:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: March 6, 2002, 9:05 p.m.

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

Members Absent: None.

Committee Business: Approved SR 111.

Adjourned: 9:06 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: March 7, 2002, 10:08 a.m.

Members Present: Zieman, Vice Chair; Flynn, Ranking Member; and Drake.

Members Absent: Schuerer, Chair; and Hansen (both excused).

Committee Business: Presentation by the director of the Department of Commerce.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: March 7, 2002, 9:55 a.m.

Members Present: McKinley, Chair; Miller, Vice Chair; and Behn.

Members Absent: Fiegen, Ranking Member; and Holveck (both excused).

Committee Business: Presentation by C. J. Niles, Department of Economic Development.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: March 7, 2002, 9:55 a.m.

Members Present: Veenstra, Chair; Houser, Vice Chair; Hammond, Ranking Member; and Harper.

Members Absent: Redwine (excused).

Committee Business: Presentations by Jessie Rasmussen, Director of Human Services on Core Services program.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: March 7, 2002, 9:55 a.m.

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

Members Absent: None.

Committee Business: Presentations by Clay Gavin, Iowa District Clerks, Dwight Dinkla, Iowa State Bar Association, and David Boyd, Deputy State Court Administrator.

Adjourned: 11:20 a.m.

APPROPRIATIONS

Convened: March 7, 2002, 1:30 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Black, Bolkcom, Connolly, Dvorsky, Fiegen, Hammond, Horn, Jensen, King, McKibben, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

Members Absent: Deluhery, Gaskill, Lundby, McKinley, and Redfern (all excused).

Committee Business: Passed SF 2124.

Adjourned: 1:35 p.m.

SUBCOMMITTEE ASSIGNMENTS

House File 2109

STATE GOVERNMENT: Sexton, Chair; Kibbie and King

House File 2264

HUMAN RESOURCES: Redwine, Chair; Boettger and Harper

House File 2377

STATE GOVERNMENT: Jensen, Chair; Connolly and Drake

House File 2454

EDUCATION: Boettger, Chair; Angelo and Connolly

House File 2467

EDUCATION: Redwine, Chair; Dvorsky and Rehberg

House File 2472

STATE GOVERNMENT: King, Chair; Connolly and Rittmer

House File 2517

EDUCATION: McKinley, Chair; Boettger and Harper

House File 2532

STATE GOVERNMENT: Rittmer, Chair; Drake and Kibbie

House File 2538

STATE GOVERNMENT: Lamberti, Chair; Connolly and McKean

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2124, a bill for an act relating to the department of public defense by amending the state military code and the Iowa code of military justice, creating a statewide mutual aid compact, providing for the confidentiality of certain records, exempting the department of public defense from certain state service contract requirements and state competitive bidding requirements, exempting the Iowa technology center from anticompetition provisions, increasing a standing appropriation, providing criminal penalties for violations, and providing effective dates.

Recommendation: DO PASS.

Final Vote: Ayes, 20: Lamberti, Kramer, Flynn, Angelo, Black, Bolkcom, Connolly, Dvorsky, Fiegen, Hammond, Horn, Jensen, King, McKibben, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 5: Deluhery, Gaskill, Lundby, McKinley, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: HOUSE FILE 2191, a bill for an act relating to notarial acts by judicial officers.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5133.

Final Vote: Ayes, 13: Maddox, Redfern, Holveck, Angelo, Boettger, Fraise, Hammond, Hansen, Horn, King, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 2: Fiegen and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ASSIGNED TO COMMITTEE

President Kramer announced the assignment of **House File 2378** to the committee on Small Business, Economic Development, and Tourism.

AFTERNOON SESSION

The Senate reconvened at 2:02 p.m., President Kramer presiding.

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 March 7, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2409, a bill for an act relating to election misconduct and providing criminal penalties.

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

House File 2497, a bill for an act relating to charges imposed on unclaimed gift certificates.

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

House File 2558, a bill for an act relating to the continuance of stays or other temporary remedies during the pendency of appeals of final judgments of judicial review proceedings.

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

House File 2571, a bill for an act relating to the establishment of an Iowa cultural trust, an Iowa cultural trust fund, and an Iowa cultural trust grant account, providing for the issuance of trust fund credits, and providing for related matters.

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

The Senate stood at ease at 2:04 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:55 p.m., President Kramer presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Freeman and Iverson, for the day, on request of Senator Houser; and Senator Fraise, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration Senate File 2275.

Senate File 2275

On motion of Senator Redfern, **Senate File 2275**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Veenstra withdrew amendment S-5098, filed by him on March 4, 2002, to page 43 of the bill.

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

On the question "Shall the bill pass?" (S.F. 2275), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Jensen	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton

Shearer Soukup Tinsman Veenstra
Zieman

Nays, none.

Absent or not voting, 4:

Fraise Freeman Gaskill Iverson

Vacant, 1.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Shearer and Soukup, until they return, on request of Senator Gronstal.

UNFINISHED BUSINESS (Deferred March 4, 2002)

House File 2139

The Senate resumed consideration of **House File 2139**, a bill for an act to increase the maximum amount of a vocational-technical tuition grant, deferred March 4, 2002.

Senator Fiegen offered amendment S-5113, filed by him on March 5, 2002, to page 1 and to the title page of the bill.

Senator Angelo raised the point of order that amendment S-5113 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5113 out of order.

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

On the question "Shall the bill pass?" (H.F. 2139), the vote was:

Ayes, 43:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Jensen	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 6:

Fraise	Freeman	Gaskill	Iverson
Shearer	Soukup		

Vacant, 1.

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration Senate File 2124.

Senate File 2124

On motion of Senator Jensen, **Senate File 2124**, a bill for an act relating to the department of public defense by amending the state military code and the Iowa code of military justice, creating a statewide mutual aid compact, providing for the confidentiality of certain records, exempting the department of public defense from certain state service contract requirements and state competitive bidding requirements, exempting the Iowa technology center from anticompetition provisions, increasing a standing appropriation, providing criminal penalties for violations, and providing effective dates, with report of committee on Appropriations recommending passage, was taken up for consideration.

Senator Holveck asked and received unanimous consent that action on **Senate File 2124** be **deferred**.

UNFINISHED BUSINESS
(Deferred March 6, 2002)

Senate File 2286

The Senate resumed consideration of **Senate File 2286**, a bill for an act relating to the civil commitment of sexually violent predators, deferred March 6, 2002.

Senator Dvorsky called up the following motion to reconsider filed by him from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5087 to Senate File 2286 was adopted by the Senate on March 4, 2002.

The motion prevailed by a voice vote and amendment S-5087, by Senator Angelo to page 20 of the bill, was take up for reconsideration.

Senator Dvorsky withdrew amendment S-5128, filed by him on March 6, 2002, to page 1 of amendment S-5087.

Senator Dvorsky offered amendment S-5136, filed by him from the floor to page 1 of amendment S-5087.

Senator Tinsman asked unanimous consent that action on amendment S-5136 to amendment S-5087 and Senate File 2286 be deferred.

Senator Tinsman withdrew her request.

Senator Dvorsky moved the adoption of amendment S-5136 to amendment S-5087, which motion prevailed by a voice vote.

Senator Angelo moved the adoption of amendment S-5087, as amended, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2286), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Horn	Houser
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 5:

Freeman	Gaskill	Greiner	Holveck
Iverson			

Vacant, 1.

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

The Senate stood at ease at 3:40 p.m. until the fall of the gavel.

The Senate resumed session at 3:56 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Greiner, for the remainder of the day, on request of Senator Houser.

BUSINESS PENDING

Senate File 2124

The Senate resumed consideration of **Senate File 2124**, a bill for an act relating to the department of public defense by amending the state military code and the Iowa code of military justice, creating a

statewide mutual aid compact, providing for the confidentiality of certain records, exempting the department of public defense from certain state service contract requirements and state competitive bidding requirements, exempting the Iowa technology center from anticompetition provisions, increasing a standing appropriation, providing criminal penalties for violations, and providing effective dates, previously deferred.

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

On the question "Shall the bill pass?" (S.F. 2124), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Jensen	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 4:

Freeman	Gaskill	Greiner	Iverson
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Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Angelo asked and received unanimous consent that **Senate Files 2106, 2124, 2275, 2286**, and **House File 2139** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Angelo, the Senate adjourned at 4:04 p.m. until 1:00 p.m. Monday, March 11, 2002.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Larry Milledge, Chariton — For induction into the Iowa High School Baseball Coaches' Association Hall of Fame. Senator McKinley (03/07/02).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: March 7, 2002, 10:03 a.m.

Members Present: Tinsman, Chair; Rittmer, Vice Chair; Bolkcom, Ranking Member; and Lord.

Members Absent: Dearden (excused).

Committee Business: Presentation by the Department of Elder Affairs concerning budget issues.

Adjourned: 11:53 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 114, by Dvorsky and Bolkcom, a Senate resolution recognizing the success of the University of Iowa Dance Marathon.

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

STUDY BILL RECEIVED

SSB 3183 Ways and Means

Relating to property tax relief and school infrastructure purposes by distributing certain state sales tax revenues to school districts for property tax relief or school infrastructure purposes if approved by a vote of the electorate, providing a penalty, and including an effective date.

SUBCOMMITTEE ASSIGNMENTS

House File 2390

HUMAN RESOURCES: Redwine, Chair; Holveck and Veenstra

House File 2399

HUMAN RESOURCES: Hammond, Chair; Redwine and Tinsman

House File 2453

HUMAN RESOURCES: Dvorsky, Chair; Behn and Redwine

SSB 3183

WAYS AND MEANS: McKibben, Chair; Flynn and Rehberg

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 7, 2002, when the vote was taken on House File 2139. Had I been present, I would have voted "Aye."

BETTY A. SOUKUP

AMENDMENTS FILED

S-5132	S.F.	2212	Thomas Fiegen
S-5133	H.F.	2191	Judiciary
S-5134	S.F.	2212	Thomas Fiegen
S-5135	S.F.	2268	Donald B. Redfern
S-5136	S.F.	2286	Robert E. Dvorsky

JOURNAL OF THE SENATE

FIFTY-SEVENTH CALENDAR DAY
THIRTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 11, 2002

The Senate met in regular session at 1:10 p.m., President Kramer presiding.

Prayer was offered by the Honorable Ken Veenstra, member of the Senate from Sioux County, Orange City, Iowa.

THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Alissa Darrow and Jessi Fisher.

A moment of silence was observed by the Senate in remembrance of the six-month anniversary of the terrorist attacks on the United States on September 11, 2001.

The Journal of Thursday, March 7, 2002, was approved.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that the following bills on the Senate Calendar be referred to committee:

S.F.	2137	Small Business, Economic Development, and Tourism
S.F.	2243	Appropriations
S.F.	2251	Commerce
S.F.	2274	Commerce

RECESS

On motion of Senator Iverson, the Senate recessed at 1:16 p.m. until 5:30 p.m.

APPENDIX

SPECIAL PRESENTATION

Women legislators dressed in period clothing performed a rendition of "Bread and Roses" in celebration of March Women Back into History Month. Representative Pam Jochum of Dubuque County presented information regarding the campaign to elect women.

COMMUNICATION RECEIVED

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

March 11, 2002

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Semi-Annual Report of the Office of Renewable Fuels and Co-Products for FY 2002.

CERTIFICATES OF RECOGNITION

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

Elma Irene Dodder, Council Bluffs — For being nominated for the Teacher of the Year Award. Senator Gronstal (03/11/02).

Bob and Kay Herrmann, Eagle Grove — For celebrating your 50th wedding anniversary on March 13. Senator Iverson (03/11/02).

Morgan Nelson, Colo-Nesco High School — For being named to the Class 2A Girls Basketball All-State Tournament Team. Senator Iverson (03/11/02).

Rock Valley Rockets high school coaches and players, Rock Valley — For winning the Class 1A Girls State Basketball Championship. Senator Veenstra (03/11/02).

Roxanne Soesbe, Clarion — For being named an Iowa Girls State Wrestling Meet Champion. Senator Iverson (03/11/02).

Leslie Southard, Council Bluffs — For receiving runner-up for the prestigious Arts Advocate Award. Senator Gronstal (03/11/02).

Robert and Shirley Swieter, Clarion — For celebrating your 50th wedding anniversary. Senator Iverson (03/11/02).

Harry Wenig, Belmont — For celebrating your 100th birthday. Senator Iverson (03/11/02).

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: March 11, 2002, 1:37 p.m.

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

Members Absent: Lundby and Schuerer (both excused).

Committee Business: Passed HF 2344.

Adjourned: 1:43 p.m.

JUDICIARY

Convened: March 11, 2002, 2:40 p.m.

Members Present: Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Boettger, Fiegen, Fraise, Hammond, Horn, King, Miller, and Tinsman.

Members Absent: Angelo, Hansen, Lamberti, and McKean (all excused).

Committee Business: Passed HF's 2153 and 2230.

Adjourned: 2:55 p.m.

TRANSPORTATION

Convened: March 11, 2002, 3:35 p.m.

Members Present: Rittmer, Chair; Drake, Vice Chair; McCoy, Ranking Member; Dearden, Fraise, Freeman, Houser, Jensen, Kibbie, McKinley, Sexton, and Zieman.

Members Absent: Fink (excused).

Committee Business: Passed HF 2317.

Adjourned: 3:38 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 114

RULES AND ADMINISTRATION: Kramer, Chair; Boettger and Dvorsky

House File 2109
(Reassignment)

STATE GOVERNMENT: Jensen, Chair; Kibbie and King

House File 2378

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Shearer, Chair; Rehberg and Zieman

House File 2409

STATE GOVERNMENT: McKean, Chair; Fink and King

House File 2417

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Bolkcom and Freeman

House File 2486

STATE GOVERNMENT: King, Chair; Dearden and Lamberti

House File 2487

APPROPRIATIONS: Kramer, Chair; Hammond and Lundby

House File 2497

COMMERCE: Jensen, Chair; Deluhery and Redwine

House File 2536

STATE GOVERNMENT: Deluhery, Chair; King and Rittmer

House File 2554

NATURAL RESOURCES AND ENVIRONMENT: Freeman, Chair; Bolkcom and Lundby

House File 2558

JUDICIARY: Lamberti, Chair; Hammond and Miller

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 11th day of March, 2002:

Senate Files 2084 and 2207.

MICHAEL E. MARSHALL
Secretary of the Senate

EVENING SESSION

The Senate reconvened at 5:37 p.m., Senator Boettger presiding.

The Senate stood at ease at 5:38 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:37 p.m., President Kramer presiding.

UNFINISHED BUSINESS
(Deferred March 4, 2002)**Senate File 2212**

The Senate resumed consideration of **Senate File 2212**, a bill for an act relating to secured transactions, by providing for landlord liens, deferred March 4, 2002.

Senator Fiegen offered amendment S-5132, filed by him on March 7, 2002, striking and replacing everything after the enacting clause of the bill.

Senator Fiegen asked and received unanimous consent to withdraw amendment S-5132.

Senator Fiegen offered amendment S-5134, filed by him on March 7, 2002, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 21, nays 26.

Amendment S-5134 lost.

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

On the question "Shall the bill pass?" (S.F. 2212), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, none.

Vacant, 1.

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2205 and 2301.

Senate File 2205

On motion of Senator Tinsman, **Senate File 2205**, a bill for an act relating to regulation of child care and child development homes and child care centers and providing effective date and applicability provisions, was taken up for consideration.

Senator Tinsman offered amendment S-5120, filed by Senators Tinsman, Boettger, and Rehberg on March 6, 2002, to pages 2, 3, 5, and 6 of the bill, and moved its adoption.

Amendment S-5120 was adopted by a voice vote.

Senator Tinsman offered amendment S-5100, filed by her on March 4, 2002, to page 5 of the bill, and moved its adoption.

Amendment S-5100 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2205), the vote was:

Ayes, 43:

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	Kibbie	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, 6:

Angelo	King	Lord	Rittmer
Schuerer	Sexton		

Absent or not voting, none.

Vacant, 1.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

Senate File 2301

On motion of Senator Lamberti, **Senate File 2301**, a bill for an act relating to representation of indigent persons and the duties of the state public defender, was taken up for consideration.

Senator Lamberti offered amendment S-5106, filed by him on March 5, 2002, to pages 2 and 3 of the bill, and moved its adoption.

Amendment S-5106 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2301), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	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

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2205, 2212, and 2301** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2305.

Senate File 2305

On motion of Senator Harper, **Senate File 2305**, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, sales and use, property, motor fuel, and special fuel, was taken up for consideration.

Senator Boettger took the chair at 7:25 p.m.

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

On the question "Shall the bill pass?" (S.F. 2305), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, none.

Vacant, 1.

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2152 and 2095.

Senate File 2152

On motion of Senator Redwine, **Senate File 2152**, a bill for an act expanding the operation recognition program, which awards honorary high school diplomas to World War II veterans, to include veterans of World War I and the Korean and Vietnam conflicts, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2152), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, none.

Vacant, 1.

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

Senate File 2095

On motion of Senator Redfern, **Senate File 2095**, a bill for an act relating to a nonresident registering as a sex offender in a county where an institution of higher education is located, was taken up for consideration.

Senator Redfern offered amendment S-5137, filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5137 was adopted by a voice vote.

Senator Redfern asked and received unanimous consent that **House File 2338** be **substituted** for **Senate File 2095**.

House File 2338

On motion of Senator Redfern, **House File 2338**, a bill for an act relating to a person registering as a sex offender in a county where an institution of higher education is located, and providing penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2338), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, none.

Vacant, 1.

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

WITHDRAWN

Senator Redfern asked and received unanimous consent that **Senate File 2095** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2178 and 2299.

Senate File 2178

On motion of Senator Schuerer, **Senate File 2178**, a bill for an act allowing persons under eighteen years of age to work in certain occupations involving the use of chemicals, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2178), the vote was:

Ayes, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	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, none.

Vacant, 1.

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

Senate File 2299

On motion of Senator Drake, **Senate File 2299**, a bill for an act relating to the review by the ethics and campaign disclosure board of county supervisor redistricting plans, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2299), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby

Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, none.

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2152, 2178, 2299, and 2305** and **House File 2338** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2189.

Senate File 2189

On motion of Senator McKinley, **Senate File 2189**, a bill for an act providing for the establishment and perfection of a security interest in certain education loans, was taken up for consideration.

Senator McKinley asked and received unanimous consent that **House File 2475** be **substituted** for **Senate File 2189**.

House File 2475

On motion of Senator McKinley, **House File 2475**, a bill for an act providing for the establishment and perfection of a security interest in certain education loans, was taken up for consideration.

Senator McKinley moved that the bill be read the last time now and placed upon 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. 2475), the vote was:

Ayes, 48:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 1:

Lundby

Absent or not voting, none.

Vacant, 1.

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

WITHDRAWN

Senator McKinley asked and received unanimous consent that **Senate File 2189** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2282.

Senate File 2282

On motion of Senator Rehberg, **Senate File 2282**, a bill for an act relating to a study of the efficiency and effectiveness of economic-development-related, workforce-development-related, and business-inspection-related programs administered by the state, was taken up for consideration.

Senator Rehberg offered amendment S-5138, filed by her from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5138 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2282), the vote was:

Ayes, 38:

Angelo	Behn	Black	Boettger
Drake	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Tinsman
Veenstra	Zieman		

Nays, 11:

Bolkcom	Connolly	Dearden	Deluhery
Fink	Gronstal	Hammond	Hansen
Harper	McCoy	Soukup	

Absent or not voting, none.

Vacant, 1.

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

HOUSE AMENDMENT CONSIDERED

Senate File 437

Senator Freeman called up for consideration **Senate File 437**, a bill for an act relating to the registration and titling of all-terrain vehicles and snowmobiles, and subjecting violators to a penalty, amended by the House in House amendment S-5052, filed February 20, 2002.

Senator Sexton asked and received unanimous consent that action on House amendment S-5052 and **Senate File 437** be **deferred**.

President Kramer took the chair at 8:35 p.m.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator McKean asked and received unanimous consent to take up for consideration Senate Resolution 106.

Senate Resolution 106

On motion of Senator Drake, **Senate Resolution 106**, a Senate resolution to amend the Senate Code of Ethics, was taken up for consideration.

Senator Iverson asked and received unanimous consent that action on **Senate Resolution 106** be **deferred**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2268.

Senate File 2268

On motion of Senator Redfern, **Senate File 2268**, a bill for an act relating to animals other than livestock, including the taking of such animals, providing for their disposition, and providing for the

reimbursement of dispositional expenses, was taken up for consideration.

Senator Redfern offered amendment S-5135, filed by him on March 7, 2002, to page 1 of the bill, and moved its adoption.

Amendment S-5135 was adopted by a voice vote.

Senator Boettger took the chair at 9:32 p.m.

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

On the question "Shall the bill pass?" (S.F. 2268), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, none.

Vacant, 1.

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

UNFINISHED BUSINESS
(Deferred March 6, 2002)

Senate File 2267

The Senate resumed consideration of **Senate File 2267**, a bill for an act relating to reorganizing judicial districts and judicial election districts, and amendment S-5116, deferred March 6, 2002.

Senator Maddox withdrew amendment S-5116.

With the withdrawal of amendment S-5116, the Chair ruled the following amendments out of order:

S-5126, filed by Senator McKean, et al., on March 6, 2002, to page 1 of amendment S-5116; and

S-5130, filed by Senator Dvorsky on March 6, 2002, to page 1 of amendment S-5116.

Senator Maddox offered amendment S-5141, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5141 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2267), the vote was:

Ayes, 47:

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

Nays, 1:

Fiegen

Absent or not voting, 1:

Houser

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2267, 2268, and 2282** and **House File 2475** 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 March 11, 2002, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 374, a bill for an act relating to the qualifications and authorization of therapeutically certified optometrists engaged in the practice of optometry. (S-5140)

Senate File 2146, a bill for an act establishing a criminal offense for an act of terrorism, changing related criminal penalties, and providing a penalty. (S-5139)

ALSO: That the House has on March 11, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2281, a bill for an act requiring the licensure of landscape architects.

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

House File 2482, a bill for an act expanding the board of educational examiners' authority with regard to licensee disciplinary investigations and proceedings.

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

House File 2494, a bill for an act authorizing the district court to enter judgment based upon the parties' stipulated agreement in civil actions.

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

House File 2495, a bill for an act providing for the issuance of no-contact orders against persons who are arrested for the crime of sexual abuse.

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

House File 2496, a bill for an act prohibiting false compartments in vehicles for the purpose of intentionally concealing or transporting controlled substances and providing for penalties.

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

House File 2516, a bill for an act relating to the display of a United States flag in each classroom during school hours and the daily observance of a minute of silence in a school district, and providing an effective date.

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

House File 2530, a bill for an act providing for the control of pseudorabies, and making penalties applicable.

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

House File 2534, a bill for an act relating to the rendering of disaster and emergency care.

Read first time and referred to committee on **Human Resources**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:52 p.m. until 9:00 a.m. Tuesday, March 12, 2002.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: March 11, 2002, 1:35 p.m.

Members Present: Boettger, Chair; Rehberg, Vice Chair; Harper, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

Members Absent: Connolly, Ranking Member; Angelo, Dvorsky, Fink, Kramer, and Redfern (all excused).

Committee Business: Passed HFs 2454 and 2467.

Adjourned: 1:55 p.m.

HUMAN RESOURCES

Convened: March 11, 2002, 3:39 p.m.

Members Present: Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Behn, Boettger, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra.

Members Absent: Dvorsky (excused).

Committee Business: Passed HF 2264.

Adjourned: 5:28 p.m.

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: HOUSE FILE 2344, a bill for an act relating to the retention of unemployment benefits contested case hearing records.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Freeman, Greiner, Dearden, Behn, Fraise, Hammond, Horn, King, and McKibben. Nays, none. Absent or not voting, 2: Lundby and Schuerer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: HOUSE FILE 2454, a bill for an act encouraging school districts to establish character education programs, and directing the department of education to partner with local educational institutions and agencies and nonprofit organizations in the design and implementation of character education programs.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Boettger, Rehberg, Harper, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 6: Connolly, Angelo, Dvorsky, Fink, Kramer, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2467, a bill for an act providing for licensure sanctions against defaulters of designated loan and scholarship programs.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Boettger, Rehberg, Harper, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 6: Connolly, Angelo, Dvorsky, Fink, Kramer, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: HOUSE FILE 2264, a bill for an act relating to informed consent to an abortion and providing a criminal penalty, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Redwine, Behn, Boettger, McKibben, Miller, Schuerer, and Veenstra. Nays, 5: Tinsman, Hammond, Harper, Holveck, and Shearer. Absent or not voting, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: HOUSE FILE 2153, a bill for an act relating to presentation of victim impact statements at criminal sentencing hearings.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Maddox, Redfern, Holveck, Boettger, Fiegen, Fraise, Hammond, Horn, King, Miller, and Tinsman. Nays, none. Absent or not voting, 4: Angelo, Hansen, Lamberti, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2230, a bill for an act relating to sentences of incarceration for third or subsequent operating-while-intoxicated motor vehicle offenses.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Maddox, Redfern, Holveck, Boettger, Fiegen, Fraise, Hammond, Horn, Miller, and Tinsman. Nays, none. Absent or not voting, 5: Angelo, Hansen, King, Lamberti, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: HOUSE FILE 2317, a bill for an act relating to restrictions on advertising devices placed along interstate highways and providing a delayed effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rittmer, Drake, McCoy, Dearden, Fraise, Freeman, Houser, Jensen, Kibbie, McKinley, Sexton, and Zieman. Nays, none. Absent or not voting, 1: Fink.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing amendment S-5135 to Senate File 2268, the following correction was made:

1. Page 1, line 26, the word "section," was changed to the word "section".

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5137	S.F.	2095	Donald B. Redfern
S-5138	S.F.	2282	Kitty Rehberg
S-5139	S.F.	2146	House
S-5140	S.F.	374	House
S-5141	S.F.	2267	Gene Maddox
S-5142	S.F.	437	Mike Sexton

JOURNAL OF THE SENATE

FIFTY-EIGHTH CALENDAR DAY
THIRTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 12, 2002

The Senate met in regular session at 9:01 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend Peter E. Mueller, pastor of the Harvest Community Church in Ankeny, Iowa. He was the guest of Senator Lamberti.

The Journal of Monday, March 11, 2002, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:05 a.m. until 3:15 p.m.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

Convened: March 12, 2002, 9:52 a.m.

Members Present: Schuerer, Chair; Zieman, Vice Chair; Flynn, Ranking Member; and Drake.

Members Absent: Hansen (excused).

Committee Business: Discussed budget requests for the Racing and Gaming Commission, Department of Personnel, and IPERS.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: March 12, 2002, 10:00 a.m.

Members Present: Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

Members Absent: None.

Committee Business: Jeffrey Vonk, Director of DNR, discussed the department budget.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 12, 2002, 9:53 a.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Horn, Ranking Member; Boettger and Kibbie.

Members Absent: None.

Committee Business: Reviewed Governor's revised budget recommendations.

Adjourned: 10:19 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: March 12, 2002, 10:00 a.m.

Members Present: Tinsman, Chair; Rittmer, Vice Chair; and Lord.

Members Absent: Bolkcom, Ranking Member; and Dearden (both excused).

Committee Business: Presentation by Department of Public Health on prescription drug costs.

Adjourned: 11:37 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: March 12, 2002, 10:21 a.m.

Members Present: Veenstra, Chair; Houser, Vice Chair; and Hammond, Ranking Member.

Members Absent: Harper and Redwine (both excused).

Committee Business: Presentations concerning changes in technology and uses of technology within the DHS. Discussion on Governor's proposed reorganization components for the DHS, DIA, and DPH.

Adjourned: 11:48 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: March 12, 2002, 9:55 a.m.

Members Present: Jensen, Chair.

Members Absent: Lamberti, Vice Chair; Soukup, Ranking Member; Connolly and McKibben (all excused).

Committee Business: Budget discussions for State Fair infrastructure and Department of Agriculture and Land Stewardship. Environment First fund recommendations.

Adjourned: 11:11 a.m.

APPROPRIATIONS

Convened: March 12, 2002, 2:12 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Connolly, Fiegen, Gaskill, Hammond, Jensen, Lundby, McKibben, McKinley, Schuerer, Soukup, Tinsman, and Zieman.

Members Absent: Black, Bolkcom, Deluhery, Dvorsky, Horn, King, Redfern, Rehberg, and Veenstra (all excused).

Committee Business: Passed HF 2487.

Adjourned: 2:17 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 12, 2002, 1:03 p.m.

Members Present: Sexton, Chair; Freeman, Vice Chair; Fink, Ranking Member; Dearden, Drake, Houser, Kibbie, Lord, Lundby, Miller, and Rittmer.

Members Absent: Black, Bolkcom, Deluhery, and McKean (all excused).

Committee Business: Passed HF's 2082 and 2417.

Adjourned: 1:19 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2137

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Shearer, Chair; Behn and Greiner

Senate File 2243

APPROPRIATIONS: Lamberti, Chair; Flynn and Kramer

House File 2281

STATE GOVERNMENT: Maddox, Chair; Dearden and Sexton

House File 2482

EDUCATION: Redfern, Chair; Boettger and Connolly

House File 2494

JUDICIARY: Lamberti, Chair; Holveck and Miller

House File 2495

JUDICIARY: Maddox, Chair; Hansen and Tinsman

House File 2516

EDUCATION: Angelo, Chair; Connolly and McKinley

House File 2530

AGRICULTURE: Greiner, Chair; Black and Sexton

House File 2571

EDUCATION: Tinsman, Chair; Connolly and McKinley

AFTERNOON SESSION

The Senate reconvened at 3:48 p.m., President Kramer presiding.

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 March 12, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2212, a bill for an act relating to secured transactions, by providing for landlord liens.

ALSO: That the House has on March 12, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2488, a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act.

Read first time and referred to committee on **Human Resources**.

House File 2559, a bill for an act relating to child protection confidentiality requirements involving the department of human services.

Read first time and referred to committee on **Human Resources**.

The Senate stood at ease at 3:50 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:58 p.m., President Kramer presiding.

QUORUM CALL

Senator Gaskill requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 36 present, 13 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Black, Hammond, and Harper, until they return, on request of Senator Gronstal; and Senator Schuerer, until he returns, on request of Senator Redwine.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration Senate File 2115.

Senate File 2115

On motion of Senator Veenstra, **Senate File 2115**, a bill for an act relating to state financial assistance for schools placed on a special accredited list of college preparatory schools, was taken up for consideration.

Senator Veenstra moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2115), the vote was:

Ayes, 42:

Angelo	Behn	Boettger	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Sexton	Shearer	Tinsman
Veenstra	Zieman		

Nays, 2:

Fink	Soukup
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Absent or not voting, 5:

Black	Hammond	Hansen	Harper
Schuerer			

Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senator Boettger took the chair at 5:20 p.m.

HOUSE AMENDMENT CONSIDERED

Senate File 2141

Senator Angelo called up for consideration **Senate File 2141**, a bill for an act authorizing sheriffs to appoint civil process servers, amended by the House, and moved that the Senate concur in House amendment S-5131, filed March 6, 2002.

A nonrecord roll call was requested.

The ayes were 26, nays 18.

The motion prevailed and the Senate **concurred** in the House amendment.

Senator Angelo moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2141), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Maddox	McCoy	McKean

McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 3:

Hansen	Harper	Lundby
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Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration Senate File 2259.

Senate File 2259

On motion of Senator Connolly, **Senate File 2259**, a bill for an act amending Code provisions administered by the department of education, including provisions related to participation in extracurricular activities, tuition reimbursement payment by school districts under the postsecondary enrollment options Act, interscholastic activities agreements, school infrastructure program calculations, phase I payment calculations, and the use of phase III balances by school districts and area education agencies, was taken up for consideration.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2259), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink

Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	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:

Hansen Harper

Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration Senate File 2280.

Senate File 2280

On motion of Senator Veenstra, **Senate File 2280**, a bill for an act relating to the requirements of the department of human services for certain child welfare services providers, was taken up for consideration.

Senator Veenstra offered amendment S-5145, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5145 was adopted by a voice vote.

Senator Veenstra moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2280), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	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:

Hansen	Harper
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Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Kramer took the chair at 5:39 p.m.

HOUSE AMENDMENT CONSIDERED (Deferred March 11, 2002)

Senate File 437

The Senate resumed consideration of **Senate File 437**, a bill for an act relating to the registration and titling of all-terrain vehicles and snowmobiles, and subjecting violators to a penalty, and House amendment S-5052, deferred March 11, 2002.

Senator Sexton asked and received unanimous consent to withdraw amendment S-5142, filed by him on March 11, 2002, to page 1 of House amendment S-5052.

Senator Freeman moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Freeman moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 437), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	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:

Hansen	Harper
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Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 437, 2115, 2141, 2259, and 2280** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2200.

Senate File 2200

On motion of Senator Behn, **Senate File 2200**, a bill for an act relating to an employer's liability for the payment of workers' compensation benefits to an employee for a permanent partial disability or a permanent total disability based in part upon a preexisting injury or recovery of benefits, was taken up for consideration.

Senator Fiegen offered amendment S-5147, filed by him from the floor striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5147 be adopted?" (S.F. 2200), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Holveck	Horn	Kibbie	Lamberti
Lundby	McCoy	Miller	Shearer
Soukup			

Nays, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lord	Maddox	McKean	McKibben
McKinley	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 2:

Hansen	Harper
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Vacant, 1.

Amendment S-5147 lost.

Senator Behn offered amendment S-5148, filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5148 was adopted by a voice vote.

Senator Dearden offered amendment S-5149, filed by him from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5149 be adopted?" (S.F. 2200), the vote was:

Ayes, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Holveck	Horn	Kibbie	McCoy
Shearer	Soukup		

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 2:

Hansen	Harper
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Vacant, 1.

Amendment S-5149 lost.

Senator Behn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2200), the vote was:

Ayes, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redwine
Rehberg	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Holveck	Horn	Kibbie	Lundby
McCoy	Redfern	Rittmer	Shearer
Soukup			

Absent or not voting, 2:

Hansen	Harper
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Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shearer, until he returns, on request of Senator Gronstal.

UNFINISHED BUSINESS (Deferred March 4, 2002)

Senate Joint Resolution 2003

The Senate resumed consideration of **Senate Joint Resolution 2003**, a joint resolution requesting the proposal of an amendment to the Constitution of the United States restricting the ability of the federal judiciary to mandate any state or subdivision of any state to levy or increase taxes, deferred March 4, 2002.

Senator Holveck offered amendment S-5102, filed by Senators Holveck, Schuerer, and Hammond on March 4, 2002, to page 1 and to the title page of the resolution, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 20, nays 27.

Amendment S-5102 lost.

Senator Schuerer moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

Senate Joint Resolution 2003, a joint resolution requesting the proposal of an amendment to the Constitution of the United States restricting the ability of the federal judiciary to mandate any state or subdivision of any state to levy or increase taxes.

WHEREAS, in *Missouri v. Jenkins*, 495 U.S. 33 (1990), the Supreme Court held that a federal court had the power to order an increase in state and local taxes thereby violating a fundamental tenet of the separation of powers: that members of the federal judiciary, who serve for life and are answerable to no one, should not have control over the power of the purse; and

WHEREAS, section 8 of Article I of the Constitution of the United State vests with the legislative branch of government alone the extraordinary power to "lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States"; and

WHEREAS, the courts' actions are an intrusion into a legitimate legislative debate over state spending priorities and not a response to a constitutional directive; and

WHEREAS, the Constitution of the United States does not allow for, and the states do not need, judicial intervention requiring tax levies or increases as solutions to potentially serious problems; and

WHEREAS, the time has come for the people of this great nation, and their duly elected representatives in state government, to reaffirm that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to their duly elected representatives in the legislative branch of government, such

representatives being directly responsible and accountable to those who have elected them; and

WHEREAS, legislatures in the following states of Alabama, Alaska, Arizona, Colorado, Delaware, Guam, Illinois, Kansas, Louisiana, Mariana Islands, Massachusetts, Michigan, Missouri, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, and West Virginia have petitioned the United States Congress to propose an amendment to the Constitution of the United States that reads as follows: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes"; NOW THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

That the Congress of the United States is hereby petitioned to propose and submit to the several states for ratification an amendment to the Constitution of the United States to add anew article providing as follows: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes"; and

BE IT FURTHER RESOLVED, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States; and

BE IT FURTHER RESOLVED, That the General Assembly of the State of Iowa also proposes that the legislatures of each of the several states comprising the United States that have not yet made a similar request petition the United States Congress to propose such an amendment to the Constitution of the United States; and

BE IT FURTHER RESOLVED, That, upon passage, the Secretary of the Senate transmit copies of this Resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the presiding officer in each house of the legislature in each of the states in the union, and each member of the Iowa congressional delegation.

On the question "Shall the resolution be adopted?" (S.J.R. 2003), the vote was:

Yeas, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	McKean
McKibben	McKinley	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Holveck	Horn	Kibbie	Maddox
McCoy	Redfern	Soukup	

Absent or not voting, 3:

Hansen	Harper	Shearer
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Vacant, 1.

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Joint Resolution 2003** and **Senate File 2200** 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 March 12, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2430, a bill for an act providing for the mental health and developmental disabilities commission to assume the duties of the state-county management committee and provides new rulemaking authority associated with those duties.

Read first time and referred to committee on **Local Government**.

House File 2506, a bill for an act relating to the issuance of a no-contact order against a defendant convicted of a sexual offense upon the defendant's release from jail or prison.

Read first time and referred to committee on **Judiciary**.

House File 2507, a bill for an act creating a criminal offense for possession or distribution of anthrax, and providing a penalty.

Read first time and referred to committee on **Judiciary**.

House File 2518, a bill for an act relating to child foster care and adoption requirements involving licensing periods, foster parent training, and annual reports.

Read first time and referred to committee on **Human Resources**.

House File 2553, a bill for an act relating to conducting searches of persons on probation or parole and providing information to local law enforcement agencies and the state department of transportation.

Read first time and referred to committee on **Judiciary**.

House File 2565, a bill for an act requiring contract disclosure statements for certain residential real estate installment contracts, providing for a penalty, and providing an applicability date.

Read first time and referred to committee on **Judiciary**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:18 p.m. until 9:00 a.m. Wednesday, March 13, 2002.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

March 12, 2002

DEPARTMENT OF NATURAL RESOURCES

Registry of Hazardous Waste Disposal Sites and Hazardous Waste Remedial Fund Annual Report for 2001, pursuant to Iowa Code sections 455B.425 and 455B.427 — notification that the report is available online or on CD-ROM.

REPORTS OF COMMITTEE MEETINGS

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: March 12, 2002, 1:12 p.m.

Members Present: Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Fiegen, Flynn, Gaskill, Greiner, Holveck, Lamberti, McKinley, and Veenstra.

Members Absent: Dvorsky (excused).

Committee Business: Discussion on HF 2378 (enterprise zones).

Adjourned: 1:20 p.m.

STATE GOVERNMENT

Convened: March 12, 2002, 2:35 p.m.

Members Present: King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton.

Members Absent: None.

Committee Business: Passed HFs 2109, 2281, 2377, 2409, 2472 (as amended), 2536, and 2538.

Adjourned: 3:30 p.m.

STUDY BILL RECEIVED

SSB 3184 Appropriations

Relating to the tobacco master settlement agreement, including tobacco product manufacturer compliance, making an appropriation, and providing penalties.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2312

WAYS AND MEANS: Rehberg, Chair; Bolkcom and Drake

House File 2488

HUMAN RESOURCES: Harper, Chair; Redwine and Tinsman

House File 2496

JUDICIARY: Maddox, Chair; Angelo and Fraise

House File 2534

HUMAN RESOURCES: Redwine, Chair; Dvorsky and Veenstra

House File 2559

HUMAN RESOURCES: Shearer, Chair; Boettger and Miller

SSB 3184

APPROPRIATIONS: Lamberti, Chair; Bolkcom and Zieman

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2487, a bill for an act relating to the designation of specific children's hospitals as qualified hospitals under the medical assistance disproportionate share hospital payment program.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Lamberti, Kramer, Flynn, Angelo, Connolly, Fiegen, Gaskill, Hammond, Jensen, Lundby, McKibben, McKinley, Schuerer, Soukup, Tinsman, and Zieman. Nays, none. Absent or not voting, 9: Black, Bolkcom, Deluhery, Dvorsky, Horn, King, Redfern, Rehberg, and Veenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: HOUSE FILE 2082, a bill for an act expanding the time periods within which watercraft must be registered after a sale or transfer and within which watercraft may be operated without an identification number.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Sexton, Freeman, Fink, Dearden, Drake, Houser, Kibbie, Lord, Lundby, Miller, and Rittmer. Nays, none. Absent or not voting, 4: Black, Bolkcom, Deluhery, and McKean.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2417, a bill for an act relating to statewide standards, site-specific cleanup standards, and public participation in the Iowa land recycling and environmental remediation standards Act.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Sexton, Freeman, Fink, Dearden, Drake, Houser, Kibbie, Lord, Lundby, Miller, and Rittmer. Nays, none. Absent or not voting, 4: Black, Bolkcom, Deluhery, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 2109, a bill for an act relating to the regulation of games of skill or chance and raffles conducted for fundraising by charitable, religious, educational, public, civic, or patriotic organizations, or other entities, or between individuals.

Recommendation: DO PASS.

Final Vote: Ayes, 15: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2281, a bill for an act requiring the licensure of landscape architects.

Recommendation: DO PASS.

Final Vote: Ayes, 15: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2377, a bill for an act relating to the level of full-time equivalent positions authorized for executive branch agencies.

Recommendation: DO PASS.

Final Vote: Ayes, 15: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2409, a bill for an act relating to election misconduct and providing criminal penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 15: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2472, a bill for an act relating to the office of secretary of state and the conduct of elections and of voter registration in the state and including effective and applicability date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5150.

Final Vote: Ayes, 15: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2536, a bill for an act relating to advertisements for requests for bids and proposals by state government.

Recommendation: DO PASS.

Final Vote: Ayes, 15: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2538, a bill for an act relating to campaign finance, including a reporting threshold for filing organizational committee statements, providing for the filing of reports with the Iowa ethics and campaign disclosure board, providing a document retention period, and relating to certain signature requirements, and providing effective dates.

Recommendation: DO PASS.

Final Vote: Ayes, 15: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 12, 2002, when the vote was taken on Senate File 2115. Had I been present, I would have voted "Aye."

NEAL SCHUERER

PETITION

The following petition was presented and placed on file:

From 2,759 residents of Adair and Madison counties opposing a hog farrowing confinement facility in Harrison Township, Adair County. Senator Lord.

AMENDMENTS FILED

S-5143	H.F.	2467	John Redwine
S-5144	S.F.	2310	Mike Sexton
S-5145	S.F.	2280	Ken Veenstra
S-5146	S.F.	2229	Ken Veenstra
S-5147	S.F.	2200	Thomas Fiegen

S-5148	S.F.	2200	Jerry Behn
S-5149	S.F.	2200	Dick L. Dearden
S-5150	H.F.	2472	State Government
S-5151	S.F.	2306	Kitty Rehberg

JOURNAL OF THE SENATE

FIFTY-NINTH CALENDAR DAY
THIRTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 13, 2002

The Senate met in regular session at 9:07 a.m., President Kramer presiding.

Prayer was offered by Shepherdess Suzanne Erwin, leader of the Learning of the Lord Revival Ministry in Des Moines, Iowa. She was the guest of Senator Dearden.

The Journal of Tuesday, March 12, 2002, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 12, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 661, a bill for an act establishing a demolition site waste material task force.

Read first time and referred to committee on **Natural Resources and Environment**.

House File 2418, a bill for an act relating to the applicability of the thermal efficiency energy conservation standards in the state building code.

Read first time and referred to committee on **State Government**.

House File 2447, a bill for an act relating to the operation and regulation of personal watercraft or motorboats, and to watercraft safety courses and certificates, and subjecting violators to a penalty.

Read first time and **attached to similar Senate File 2250**.

House File 2448, a bill for an act relating to diverting township taxes to a municipality providing emergency services to the township.

Read first time and referred to committee on **Local Government**.

House File 2510, a bill for an act relating to the movement of dairy cattle from livestock markets, and making penalties applicable.

Read first time and referred to committee on **Agriculture**.

House File 2514, a bill for an act relating to the indemnification of owners of animals with a contagious disease under a plan of eradication.

Read first time and referred to committee on **Agriculture**.

House File 2546, a bill for an act classifying the criminal offense of assault as a general intent crime.

Read first time and referred to committee on **Judiciary**.

House File 2547, a bill for an act relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty.

Read first time and referred to committee on **Human Resources**.

House File 2549, a bill for an act relating to students and school district employees by amending the student achievement and teacher quality program and language pertaining to retirement incentives and providing an effective date.

Read first time and referred to committee on **Education**.

House File 2552, a bill for an act relating to interviews conducted in association with a child abuse assessment.

Read first time and referred to committee on **Human Resources**.

House File 2563, a bill for an act relating to legal representation of an indigent person in a parole proceeding.

Read first time and referred to committee on **Judiciary**.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:23 a.m. until 6:00 p.m.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Colo-Nesco Girls Basketball Team, Colo — For winning the first round playoffs in the 2002 Girls State Basketball Tournament. Senator Iverson (03/13/02).

Mary G. Palandri, Ankeny — For celebrating your 100th birthday. Senator Lamberti (03/13/02).

PETITIONS

The following petitions were presented and placed on file:

From 414 residents of Polk County favoring legislation to increase the minimum wage in Iowa \$1.00 per hour. Senator Flynn.

From 418 residents of Polk County favoring legislation to increase the minimum wage in Iowa \$1.00 per hour. Senator Harper.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: March 13, 2002, 10:27 a.m.

Members Present: Schuerer, Chair; Zieman, Vice Chair; Flynn, Ranking Member; and Drake.

Members Absent: Hansen (excused).

Committee Business: Presentations by the State Treasurer's Office and Lottery Commission.

Adjourned: 12:21 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: March 13, 2002, 10:32 a.m.

Members Present: Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; and Fink.

Members Absent: Greiner (excused).

Committee Business: Secretary of Agriculture Patty Judge discussed the department budget.

Adjourned: 11:28 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 13, 2002, 10:29 a.m.

Members Present: Rehberg, Vice Chair; Horn, Ranking Member; Boettger and Kibbie.

Members Absent: Redfern, Chair (excused).

Committee Business: Presentation by Gary Nichols, Iowa College Student Aid Commission.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: March 13, 2002, 10:45 a.m.

Members Present: Tinsman, Chair; Rittmer, Vice Chair; Bolkom, Ranking Member; and Lord.

Members Absent: Dearden (excused).

Committee Business: Presentations by DNR on the Abandoned Wells program and by DEA on performance measures.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: March 13, 2002, 10:35 a.m.

Members Present: Veenstra, Chair; Houser, Vice Chair; Hammond, Ranking Member; and Harper.

Members Absent: Redwine (excused).

Committee Business: Discussion on SSB 3140.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: March 13, 2002, 10:24 a.m.

Members Present: Jensen, Chair.

Members Absent: Lamberti, Vice Chair; Soukup, Ranking Member; Connolly and McKibben (all excused).

Committee Business: Presentations by Iowa Public Airports Association, Lewis and Clark Rural Water System, and DNR.

Adjourned: 11:40 a.m.

AGRICULTURE

Convened: March 13, 2002, 5:10 p.m.

Members Present: Behn, Chair; Houser, Vice Chair; Fraise, Ranking Member; Angelo, Black, Boettger, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

Members Absent: None.

Committee Business: Passed HFs 2510, 2514, and 2530.

Adjourned: 5:25 p.m.

COMMERCE

Convened: March 13, 2002, 3:05 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Bolkcom, Flynn, Freeman, Gronstal, King, Lord, Lundby, Maddox, McCoy, Redfern, and Redwine.

Members Absent: Deluhery, Ranking Member; and Hansen (both excused).

Committee Business: Passed HFs 608, 2310, 2341 (as amended), 2446, and 2497.

Adjourned: 3:23 p.m.

EDUCATION

Convened: March 13, 2002, 12:35 p.m.

Members Present: Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

Members Absent: None.

Committee Business: Passed HFs 2404, 2482, 2516, and 2571.

Adjourned: 1:40 p.m.

HUMAN RESOURCES

Convened: March 13, 2002, 2:04 p.m.

Members Present: Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Behn, Boettger, Dvorsky, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra.

Members Absent: None.

Committee Business: Passed HFs 2192 (as amended), 2247 (as amended), 2399, 2453, 2488, 2518, 2547, 2552, and 2559.

Adjourned: 2:55 p.m.

JUDICIARY

Convened: March 13, 2002, 4:05 p.m.

Members Present: Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, Miller, and Tinsman.

Members Absent: McKean (excused).

Committee Business: Passed HFs 518 (as amended), 678 (as amended), 2201 (as amended), 2495, 2531, and 2558.

Adjourned: 5:05 p.m.

JUDICIARY

Convened: March 13, 2002, 5:45 p.m.

Members Present: Maddox, Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Horn, Lamberti, Miller, and Tinsman.

Members Absent: Redfern, Vice Chair; Hansen, King, and McKean (all excused).

Committee Business: Passed HF 2506.

Adjourned: 6:05 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 117, by Dvorsky and King, a concurrent resolution honoring Mr. Harold "Tommy" Thompson upon his retirement as the Executive Director of the Iowa Communications Network.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 115, by King, a Senate resolution congratulating Ms. Carissa Meadows for receiving a 2002 Prudential Spirit of Community Award.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 2314, by Horn, a bill for an act relating to the establishment of an Iowa center of excellence in autism.

Read first time under Rule 28 and referred to committee on **Human Resources**.

SUBCOMMITTEE ASSIGNMENTS

House File 525

JUDICIARY: Miller, Chair; Boettger and Hammond

House File 661

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Bolkcom and Miller

House File 678 (Reassignment)

JUDICIARY: Tinsman, Chair; Boettger and Hansen

House File 2418

STATE GOVERNMENT: Sexton, Chair; Fink and Jensen

House File 2430

LOCAL GOVERNMENT: Houser, Chair; Fraise and Miller

House File 2448

LOCAL GOVERNMENT: Black, Chair; Gaskill and Lord

House File 2459

LOCAL GOVERNMENT: McKibben, Chair; McCoy and Tinsman

House File 2506

JUDICIARY: Maddox, Chair; Hammond and Tinsman

House File 2507

JUDICIARY: Maddox, Chair; Horn and Miller

House File 2510

AGRICULTURE: Zieman, Chair; Kibbie and Veenstra

House File 2514

AGRICULTURE: Gaskill, Chair; Fraise and Houser

House File 2518

HUMAN RESOURCES: Behn, Chair; Hammond and Miller

House File 2546

JUDICIARY: Angelo, Chair; Fraise and King

House File 2547

HUMAN RESOURCES: Redwine, Chair; Hammond and Tinsman

House File 2549

EDUCATION: Boettger, Chair; Connolly and Kramer

House File 2552

HUMAN RESOURCES: Schuerer, Chair; Hammond and Miller

House File 2553

JUDICIARY: Angelo, Chair; Fraise and McKean

House File 2563

JUDICIARY: Maddox, Chair; Angelo and Horn

House File 2565

JUDICIARY: Maddox, Chair; Holveck and Lamberti

COMMITTEE REPORTS

EDUCATION

Final Bill Action: HOUSE FILE 2404, a bill for an act relating to the amount of additional weighting provided for limited English proficient students.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2482, a bill for an act expanding the board of educational examiners' authority with regard to licensee disciplinary investigations and proceedings.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: HOUSE FILE 2399, a bill for an act relating to the requirements of a case permanency plan for a child in an out-of-home placement who is age sixteen or older.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2453, a bill for an act relating to the offices of the state and county medical examiners, establishing fees, and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2488, a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2518, a bill for an act relating to child foster care and adoption requirements involving licensing periods, foster parent training, and annual reports.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2547, a bill for an act relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2552, a bill for an act relating to interviews conducted in association with a child abuse assessment.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2559, a bill for an act relating to child protection confidentiality requirements involving the department of human services.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EVENING SESSION

The Senate reconvened at 6:10 p.m., President Kramer presiding.

QUORUM CALL

Senator Zieman requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 9 absent, and a quorum present.

Senator Veenstra took the chair at 6:17 p.m.

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 March 13, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2202, a bill for an act establishing an economic development council.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

House File 2459, a bill for an act relating to the authority of city hospital and health care facility boards of trustees.

Read first time and referred to committee on **Local Government**.

House File 2541, a bill for an act relating to maintaining a magistrate court in a city other than the county seat.

Read first time and **passed on file**.

House File 2574, a bill for an act creating a century small business program to recognize and honor small businesses with one hundred consecutive years of continuous family ownership.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism.**

House File 2578, a bill for an act relating to the resource limits applicable to certain employed persons with disabilities under the medical assistance program.

Read first time and referred to committee on **Human Resources.**

House File 2584, a bill for an act relating to assessment of certain vineyards for purposes of property taxation and providing a retroactive applicability date.

Read first time and referred to committee on **Ways and Means.**

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Angelo, McKean, and Redfern, until they return, on request of Senator Kramer.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2487.

House File 2487

On motion of Senator Kramer, **House File 2487**, a bill for an act relating to the designation of specific children's hospitals as qualified hospitals under the medical assistance disproportionate share hospital payment program, with report of committee recommending passage, 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. 2487), the vote was:

Ayes, 46:

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	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKibben	McKinley	Miller
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 3:

Angelo	McKean	Redfern
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Vacant, 1.

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 2487** 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 party caucuses.

The Senate resumed session at 7:15 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKibben, until he returns, on request of Senator Rehberg.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2296.

Senate File 2296

On motion of Senator King, **Senate File 2296**, a bill for an act relating to voter registration forms, registered voter identification numbers, and voter registration lists, was taken up for consideration.

Senator Gronstal asked unanimous consent that action on Senate File 2296 be deferred.

Senator Gronstal withdrew his request to defer.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2296), the vote was:

Ayes, 25:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKinley
Miller	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Shearer
Soukup			

Absent or not voting, 3:

McKean	McKibben	Redfern
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Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2296** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, for the remainder of the day, on request of Senator Hammond.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2183.

House File 2183

On motion of Senator Soukup, **House File 2183**, a bill for an act relating to the authority of the board of directors of a school district to change the number of directors or the method of election of directors following a federal decennial census, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Soukup moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2183), the vote was:

Ayes, 44:

Angelo	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	Kibbie	King

Kramer	Lamberti	Lord	Maddox
McKinley	Miller	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 5:

Lundby	McCoy	McKean	McKibben
Redfern			

Vacant, 1.

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 2183** 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 March 13, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2048, a bill for an act prohibiting disbursements of moneys from the vision Iowa fund to entities entering into certain labor-related agreements, and providing an effective date.

ALSO: That the House has on March 13, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2416, a bill for an act relating to mental health and developmental disability services requirements.

Read first time and referred to committee on **Human Resources**.

House File 2539, a bill for an act relating to trusts and estates and their relationship to medical assistance benefits, the right to

disclaim on behalf of a ward, the creation of total return unitrusts, and providing an effective date.

Read first time and referred to committee on **Judiciary**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:00 p.m. until 9:00 a.m. Thursday, March 14, 2002.

APPENDIX

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: HOUSE FILE 2510, a bill for an act relating to the movement of dairy cattle from livestock markets, and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Behn, Houser, Fraise, Angelo, Black, Boettger, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2514, a bill for an act relating to the indemnification of owners of animals with a contagious disease under a plan of eradication.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Behn, Houser, Fraise, Angelo, Black, Boettger, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2530, a bill for an act providing for the control of pseudorabies, and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Behn, Houser, Fraise, Angelo, Black, Boettger, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: HOUSE FILE 608, a bill for an act relating to delinquency charges on certain precomputed consumer credit transactions.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Jensen, Schuerer, Flynn, Freeman, King, Lord, Lundby, Maddox, Redfern, and Redwine. Nays, 3: Bolkcom, Gronstal, and McCoy. Absent or not voting, 2: Deluhery and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2310, a bill for an act relating to vendor contracts for the statewide underground facility notification center.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Jensen, Schuerer, Bolkcom, Flynn, Freeman, Gronstal, King, Lord, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, 2: Deluhery and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2341, a bill for an act relating to electric transmission lines.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5160.

Final Vote: Ayes, 13: Jensen, Schuerer, Bolkcom, Flynn, Freeman, Gronstal, King, Lord, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, 2: Deluhery and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2446, a bill for an act relating to the proposed uniform computer information transactions Act.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Jensen, Schuerer, Bolkcom, Flynn, Freeman, Gronstal, King, Lord, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, 2: Deluhery and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2497, a bill for an act relating to charges imposed on unclaimed gift certificates.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Jensen, Schuerer, Bolkcom, Flynn, Freeman, Gronstal, King, Lord, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, 2: Deluhery and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: HOUSE FILE 2516, a bill for an act relating to the display of a United States flag in each classroom during school hours and the daily observance of a minute of silence in a school district, and providing an effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5162.

Final Vote: Ayes, 8: Boettger, Rehberg, Angelo, Kramer, McKinley, Redfern, Redwine, and Veenstra. Nays, 6: Connolly, Dvorsky, Harper, Shearer, Soukup, and Tinsman. Present, 1: Fink. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2571, a bill for an act relating to the establishment of an Iowa cultural trust, an Iowa cultural trust fund, and an Iowa cultural trust grant account, providing for the issuance of trust fund credits, and providing for related matters.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5161.

Final Vote: Ayes, 15: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: *HOUSE FILE 2192, a bill for an act relating to the establishment of a state agency work group to develop an interstate prescription drug purchasing cooperative.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5155.

Final Vote: Ayes, 13: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Holyeck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on House File 2192, and they were attached to the committee report.

ALSO:

Final Bill Action: *HOUSE FILE 2247, a bill for an act relating to the regulation of health care facilities and the duties of resident advocate committees.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5156.

Final Vote: Ayes, 13: Redwine, Tinsman, Hammond, Behn, Boettger, Dvorsky, Harper, Holveck, McKibben, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on House File 2247, and they were attached to the committee report.

JUDICIARY

Final Bill Action: HOUSE FILE 518, a bill for an act relating to jurisdictional changes to small claims court cases.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5159.

Final Vote: Ayes, 13: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 2: King and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 678, a bill for an act relating to child custody and visitation including the requirement of mediation when a custody arrangement is disputed.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5158.

Final Vote: Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2201, a bill for an act requiring all felons to submit a physical specimen for DNA profiling, and providing for a contingent effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5157.

Final Vote: Ayes, 13: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Horn, King, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 2: Hansen and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2495, a bill for an act providing for the issuance of no-contact orders against persons who are arrested for the crime of sexual abuse.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Miller, and Tinsman. Nays, none. Absent or not voting, 2: Lamberti and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2506, a bill for an act relating to the issuance of a no-contact order against a defendant convicted of a sexual offense upon the defendant's release from jail or prison.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Maddox, Holveck, Angelo, Boettger, Fiegen, Hammond, Horn, Lamberti, and Miller. Nays, none. Absent or not voting, 6: Redfern, Fraise, Hansen, King, McKean, and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2531, a bill for an act making certain amendments to the Iowa trust code.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Maddox, Redfern, Holveck, Angelo, Boettger, Fraise, Hammond, Hansen, Horn, King, Lamberti, and Miller. Nays, 1: Fiegen. Present, 1: Tinsman. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2558, a bill for an act relating to the continuance of stays or other temporary remedies during the pendency of appeals of final judgments of judicial review proceedings.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5152	S.F.	2250	Bill Fink Mike Sexton
S-5153	S.F.	2229	Ken Veenstra
S-5154	H.F.	2190	Jerry Behn Johnie Hammond
S-5155	H.F.	2192	Human Resources
S-5156	H.F.	2247	Human Resources
S-5157	H.F.	2201	Judiciary
S-5158	H.F.	678	Judiciary
S-5159	H.F.	518	Judiciary
S-5160	H.F.	2341	Commerce
S-5161	H.F.	2571	Education
S-5162	H.F.	2516	Education

JOURNAL OF THE SENATE

SIXTIETH CALENDAR DAY
THIRTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 14, 2002

The Senate met in regular session at 9:10 a.m., President Kramer presiding.

Prayer was offered by Father Dan Guenther, pastor of the Holy Family Parish in Emmetsburg, Iowa. He was the guest of Senator Kibbie.

The Journal of Wednesday, March 13, 2002, was approved.

SPECIAL GUESTS

Senator Kibbie introduced the Honorable Dan Neville and his wife Goretti from Kiltannan, Croagh, Co. Limerick. Mr. Neville is a new Dail Deputy. As a Senator, Labour Panel, he served as Deputy Leader of Fine Gael in the Seanad and was a spokesperson on Justice and Law Reform. He has been a Fine Gael spokesperson on Children since 1977. His memberships include: Limerick County Council since 1985, Mid-Western Health Board since 1991, Association of Health Boards and the General Council of County Councils since 1991.

Mr. Neville addressed the Senate briefly, offering a St. Patrick's Day greeting. He expressed condolences from the Irish Parliament to the people of Iowa regarding the September 11, 2001, tragedy and shared with the chamber the gains Ireland had made in the process toward peace. He thanked the American government for its part in that process.

Senators Boettger and Black presented Mr. Neville a gift on behalf of the International Relations Committee. Senator Kibbie presented Mr. Neville a gift on behalf of the Iowa Senate.

The Senate rose and expressed its welcome.

SPECIAL GUESTS

Senator Kibbie introduced Miss Shamrock 2002 Beth Thompson. Miss Thompson, a senior at Emmetsburg High School, was accompanied by her aunts, Jane Soenen and Ruth Malm. Senator Kibbie also welcomed the Irish Dancers to the Senate chamber, who had performed previously in the House chamber.

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 March 13, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2515, a bill for an act relating to the duties and operation of the department of education and providing effective and applicability dates.

Read first time and referred to committee on **Education**.

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Iverson asked and received unanimous consent that the following bills be placed on the Unfinished Business Calendar:

S.F. 2049
S.F. 2168
S.F. 2229
S.F. 2250
S.F. 2265
S.F. 2285
S.F. 2293
S.F. 2307
S.F. 2308

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2289** be referred from the Regular Calendar to the committee on **Ways and Means**.

The Senate stood at ease at 9:33 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:05 a.m., Senator Angelo presiding.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2292.

Senate File 2292

On motion of Senator Jensen, **Senate File 2292**, a bill for an act relating to the provision of construction management services on public works projects, with report of committee without recommendation, was taken up for consideration.

Senator Jensen asked and received unanimous consent to withdraw amendment S-5118, filed by Senators Jensen and Gronstal on March 6, 2002, striking and replacing everything after the enacting clause of the bill.

Senator King offered amendment S-5163, filed by Senators King, Flynn, and Jensen from the floor striking and replacing everything after the enacting clause of the bill.

The Senate stood at ease at 12:01 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 12:30 p.m., Senator Angelo presiding.

Senator Iverson asked and received unanimous consent that action on amendment S-5163 and **Senate File 2292** be **deferred**.

BILL REASSIGNED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **House File 2416** be reassigned from the committee on Human Resources to the committee on **Local Government**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 12:34 p.m. until 1:00 p.m. Monday, March 18, 2002.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Aaron Schonhoff, Letts — For achieving the rank of Eagle Scout, Boy Scout Troop 54. Senator Drake (03/14/02).

Sam Stelzner, Columbus Junction — For achieving the rank of Eagle Scout, Boy Scout Troop 54. Senator Drake (03/14/02).

PETITION

The following petition was presented and placed on file:

From 3,986 residents of Washington County and surrounding counties favoring legislation to change Iowa's bottle deposit law and establish curbside recycling of aluminum. Senator Shearer.

BILL ASSIGNED TO COMMITTEE

President Kramer announced that **House File 2541** was assigned to the committee on **Judiciary**.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: March 14, 2002, 2:18 p.m.

Members Present: Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

Members Absent: Kramer and Redfern (both excused).

Committee Business: Passed HFs 2515, 2517, and 2549.

Adjourned: 3:27 p.m.

JUDICIARY

Convened: March 14, 2002, 12:40 p.m.

Members Present: Maddox, Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Miller, and Tinsman.

Members Absent: Redfern, Vice Chair; Lamberti, and McKean (all excused).

Committee Business: Passed HF's 2507 (as amended), 2539 (as amended), 2546, 2563, and 2565.

Adjourned: 2:50 p.m.

LOCAL GOVERNMENT

Convened: March 14, 2002, 3:08 p.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Black, Fraise, Gaskill, Horn, Houser, McKibben, Tinsman, and Zieman.

Members Absent: Hansen, Ranking Member; Lord, and McCoy (all excused).

Committee Business: Passed HF's 2009, 2416, 2430 (as amended), 2448, and 2459 (as amended).

Adjourned: 3:45 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 14, 2002, 1:08 p.m.

Members Present: Sexton, Chair; Freeman, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Houser, Kibbie, Lord, Lundby, and Rittmer.

Members Absent: Dearden, Deluhery, Drake, McKean, and Miller (all excused).

Committee Business: Passed HF 2554 (as amended).

Adjourned: 1:13 p.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: March 14, 2002, 1:20 p.m.

Members Present: Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Holveck, McKinley, and Veenstra.

Members Absent: Lamberti (excused).

Committee Business: Passed HF's 2202 and 2378.

Adjourned: 2:12 p.m.

STATE GOVERNMENT

Convened: March 14, 2002, 3:35 p.m.

Members Present: King, Chair; Kibbie, Ranking Member; Bolkom, Connolly, Dearden, Drake, Fink, Jensen, Maddox, Rittmer, Schuerer, and Sexton.

Members Absent: Lamberti, Vice Chair; Deluhery, and McKean (all excused).

Committee Business: Passed HF's 2248, 2418, 2486, and 2532 (as amended).

Adjourned: 4:00 p.m.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2289**

WAYS AND MEANS: Rehberg, Chair; Harper and McKinley

Senate File 2314

HUMAN RESOURCES: Redwine, Chair; Hammond and Tinsman

House File 2202

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Zieman, Chair; Fiegen and McKinley

House File 2416

LOCAL GOVERNMENT: Houser, Chair; Fraise and Lord

House File 2515

EDUCATION: Rehberg, Chair; Boettger and Connolly

House File 2539

JUDICIARY: Miller, Chair; Hansen and Tinsman

House File 2574

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Lamberti, Chair; Flynn and Veenstra

House File 2578

HUMAN RESOURCES: Redwine, Chair; Hammond and Tinsman

House File 2584

WAYS AND MEANS: McKinley, Chair; Flynn and Maddox

COMMITTEE REPORTS**EDUCATION**

Final Bill Action: HOUSE FILE 2515, a bill for an act relating to the duties and operation of the department of education and providing effective and applicability dates.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5170.

Final Vote: Ayes, 12: Boettger, Rehberg, Connolly, Angelo, Fink, Harper, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, 1: Dvorsky. Absent or not voting, 2: Kramer and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2517, a bill for an act relating to the operations of and programs for school districts, accredited nonpublic schools, and community colleges.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5171.

Final Vote: Ayes, 13: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 2: Kramer and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2549, a bill for an act relating to students and school district employees by amending the student achievement and teacher quality program and language pertaining to retirement incentives and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 2: Kramer and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: HOUSE FILE 2507, a bill for an act creating a criminal offense for possession or distribution of anthrax, and providing a penalty.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5169.

Final Vote: Ayes, 12: Maddox, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Miller, and Tinsman. Nays, none. Absent or not voting, 3: Redfern, Lamberti, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2539, a bill for an act relating to trusts and estates and their relationship to medical assistance benefits, the right to disclaim on behalf of a ward, the creation of total return unitrusts, and providing an effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5168.

Final Vote: Ayes, 12: Maddox, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Miller, and Tinsman. Nays, none. Absent or not voting, 3: Redfern, Lamberti, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2546, a bill for an act classifying the criminal offense of assault as a general intent crime.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Maddox, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Miller, and Tinsman. Nays, none. Absent or not voting, 3: Redfern, Lamberti, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2563, a bill for an act relating to legal representation of an indigent person in a parole proceeding.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Maddox, Holveck, Angelo, Boettger, Fraise, Hammond, Hansen, Horn, King, Miller, and Tinsman. Nays, 1: Fiegen. Absent or not voting, 3: Redfern, Lamberti, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2565, a bill for an act requiring contract disclosure statements for certain residential real estate installment contracts, providing for a penalty, and providing an applicability date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Maddox, Holveck, Angelo, Boettger, Fiegen, Fraise, Hansen, Horn, King, Miller, and Tinsman. Nays, none. Absent or not voting, 4: Redfern, Hammond, Lamberti, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: HOUSE FILE 2009, a bill for an act allowing an assessor to be a candidate for elective public office and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Miller, Angelo, Black, Fraise, Gaskill, Horn, Houser, McKibben, Tinsman, and Zieman. Nays, none. Absent or not voting, 3: Hansen, Lord, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2416, a bill for an act relating to mental health and developmental disability services requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Miller, Black, Gaskill, Horn, Houser, McKibben, and Zieman. Nays, none. Present, 1: Fraise. Absent or not voting, 5: Angelo, Hansen, Lord, McCoy, and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2448, a bill for an act relating to diverting township taxes to a municipality providing emergency services to the township.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Miller, Black, Fraise, Gaskill, Horn, Houser, McKibben, and Zieman. Nays, none. Absent or not voting, 5: Angelo, Hansen, Lord, McCoy, and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: HOUSE FILE 2554, a bill for an act relating to the use of moneys appropriated to the department of natural resources for purposes of tire-related initiatives, disposal fees charged by retail tire dealers, and the registration of waste tire haulers and providing an effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5167.

Final Vote: Ayes, 10: Sexton, Freeman, Fink, Black, Bolkcom, Houser, Kibbie, Lord, Lundby, and Rittmer. Nays, none. Absent or not voting, 5: Dearden, Deluhery, Drake, McKean, and Miller.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Final Bill Action: HOUSE FILE 2202, a bill for an act establishing an economic development council.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rehberg, Zieman, Shearer, Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Holveck, McKinley, and Veenstra. Nays, none. Absent or not voting, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2378, a bill for an act relating to the enterprise zone program and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rehberg, Zieman, Shearer, Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, McKinley, and Veenstra. Nays, 1: Holveck. Absent or not voting, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 2248, a bill for an act relating to the designation of a Bill of Rights Day.

Recommendation: DO PASS.

Final Vote: Ayes, 12: King, Kibbie, Bolkcom, Connolly, Dearden, Drake, Fink, Jensen, Maddox, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, 3: Lamberti, Deluhery, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2418, a bill for an act relating to the applicability of the thermal efficiency energy conservation standards in the state building code.

Recommendation: DO PASS.

Final Vote: Ayes, 12: King, Kibbie, Bolkcom, Connolly, Dearden, Drake, Fink, Jensen, Maddox, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, 3: Lamberti, Deluhery, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2486, a bill for an act relating to redistricting, the process of congressional and legislative redistricting, and review by the ethics and campaign disclosure board of county supervisor redistricting plans, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: King, Kibbie, Bolkcom, Connolly, Dearden, Drake, Fink, Jensen, Maddox, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, 3: Lamberti, Deluhery, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 466)

A conference committee report, signed by the following Senate and House members, was filed March 14, 2002, on Senate File 466, a bill for an act relating to child care and protection public policy provisions involving children:

On the part of the Senate:

DAVID MILLER, Chair
JOHNIE HAMMOND
STEVE KING
MARK SHEARER
MAGGIE TINSMAN

On the part of the House:

ROGER BROERS, Chair
DANIEL BODDICKER
MIKE CORMACK
PATRICK MURPHY
MARK SMITH

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 14th day of March, 2002:

Senate File 2145.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 14, 2002, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2084 – Relating to business relationships between persons involved in the sale of certain vehicles, including suppliers and dealers of all-terrain vehicles.

S.F. 2207 – Relating to the acquisition, enforceability, and purpose of conservation easements.

AMENDMENTS FILED

S-5163	S.F.	2292	Steve King Tom Flynn John W. Jensen
S-5164	S.F.	2292	Thomas Fiegen
S-5165	S.F.	2292	Robert E. Dvorsky
S-5166	S.F.	2292	Joe Bolkcom
S-5167	H.F.	2554	Natural Resources and Environment
S-5168	H.F.	2539	Judiciary
S-5169	H.F.	2507	Judiciary
S-5170	H.F.	2515	Education
S-5171	H.F.	2517	Education

JOURNAL OF THE SENATE

SIXTY-FOURTH CALENDAR DAY
THIRTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 18, 2002

The Senate met in regular session at 1:17 p.m., President Kramer presiding.

Prayer was offered by the Honorable John Redwine, member of the Senate from Plymouth County, Sioux City, Iowa.

PLEDGE OF ALLEGIANCE

The colors were posted and the Pledge of Allegiance was led by members of Girl Scout Troop 176 from Orchard Hills Elementary School in Cedar Falls, Iowa. They were guests of Senators Harper and Redfern.

The Journal of Thursday, March 14, 2002, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 14, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 429, a bill for an act relating to price regulation for local exchange carriers, by changing certain definitions related to price regulation, permitting certain rate increases, requiring certain network infrastructure investments, and making related changes. (S-5172)

ALSO: That the House has on March 14, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2455, a bill for an act prohibiting the inclusion of federal social security numbers in documents prepared for recording in the office of county recorder.

Read first time and referred to committee on **Local Government**.

House File 2555, a bill for an act creating new criminal offenses, providing for enhancements and penalties, relating to judicial records, and providing an effective date.

Read first time and referred to committee on **Judiciary**.

ANNOUNCEMENT OF VACANCY

President Kramer announced the following vacancy had occurred in a senatorial district since the commencement of the 2002 Regular Session:

District 10 – Merlin Bartz, resignation effective February 11, 2002.

COMMITTEE ON CREDENTIALS

Senator Iverson moved that a committee on credentials be appointed to examine and report on the election in Senate District 10.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Behn, Chair; Rehberg, Drake, Hammond, and Hansen.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:23 p.m.

RECONVENED

The Senate reconvened at 1:27 p.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 remainder of the 2002 Session of the Seventy-ninth General Assembly.

JERRY BEHN, Chair
KITTY REHBERG
RICHARD F. DRAKE
JOHNIE HAMMOND
STEVE HANSEN

CERTIFICATION — STATE OF IOWA OFFICE OF THE SECRETARY OF THE 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 March 12, 2002, Amanda Ragan was elected to fill a vacancy in the office of State Senator of the Tenth District, for the balance of the term that began on January 2, 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 March, 2002.

CHESTER J. CULVER
Secretary of State

I hereby acknowledge receipt of the original copy of this document on this eighteenth day of March, 2002.

MICHAEL E. MARSHALL
Secretary of the Senate

Senator Behn moved the adoption of the report of the committee on credentials, which motion prevailed by a voice vote.

Senator-elect Ragan approached the bar of the Senate, was duly sworn, and subscribed her name to the oath of office.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:34 p.m. until the completion of a meeting of the committee on Rules and Administration and a Democratic caucus.

RECONVENED

The Senate reconvened at 2:54 p.m., President Kramer presiding.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that the following bills on the Senate Calendar, no longer eligible under Senate Rule 60, be referred to committee:

S.F. 2007	State Government
S.F. 2017	State Government
S.F. 2029	Commerce
S.F. 2067	Human Resources
S.F. 2099	Education
S.F. 2122	Judiciary
S.F. 2163	State Government
S.F. 2194	Commerce
S.F. 2198	Judiciary
S.F. 2199	Natural Resources and Environment
S.F. 2209	Natural Resources and Environment
S.F. 2233	Commerce
S.F. 2247	Commerce
S.F. 2248	Natural Resources and Environment
S.F. 2249	Natural Resources and Environment
S.F. 2252	Commerce
S.F. 2254	Commerce
S.F. 2266	Judiciary
S.F. 2269	Transportation
S.F. 2281	State Government
S.F. 2287	State Government
S.F. 2290	Local Government
S.F. 2291	Small Business, Economic Development, and Tourism
S.F. 2294	Agriculture

S.F. 2295 State Government
S.F. 2297 State Government
S.F. 2300 Judiciary

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 March 18, 2002, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2156, a bill for an act authorizing all counties not served by a permanent state department of transportation facility to issue driver's licenses, nonoperator identification cards, and persons with disabilities identification devices under certain conditions.

Senate File 2210, a bill for an act relating to the acquisition and holding of agricultural land by qualified enterprises, by providing for activities related to baby chicks and fertilized chicken eggs, providing penalties, and providing an effective date.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKibben, for the day, on request of Senator Miller; Senators Deluhery and Flynn, for the day, and Senator Shearer, until he returns, on request of Senator Gronstal; and Senator Redfern, for the day, on request of Senator Angelo.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2394, 2317, and 2230.

House File 2394

On motion of Senator Angelo, **House File 2394**, a bill for an act eliminating teacher licensure of community college faculty; requiring community colleges to develop, approve, and implement a quality faculty plan; and providing for related matters and effective dates,

with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2394), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Shearer			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2317

On motion of Senator Freeman, **House File 2317**, a bill for an act relating to restrictions on advertising devices placed along interstate highways and providing a delayed effective date, with report of committee recommending passage, was taken up for consideration.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2317), the vote was:

Ayes, 32:

Angelo	Behn	Boettger	Connolly
Dearden	Drake	Fiegen	Fraise
Freeman	Gaskill	Greiner	Gronstal
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Maddox	McCoy	McKinley	Miller
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 12:

Black	Bolkcom	Dvorsky	Fink
Hammond	Harper	Holveck	Horn
Lundby	McKean	Ragan	Soukup

Absent or not voting, 6:

Deluhery	Flynn	Hansen	McKibben
Redfern	Shearer		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2230

On motion of Senator Maddox, **House File 2230**, a bill for an act relating to sentences of incarceration for third or subsequent operating-while-intoxicated motor vehicle offenses, with report of committee recommending passage, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2230), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy

McKean	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Shearer			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2230** and **2394** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2538, 2190, and 2109.

House File 2538

On motion of Senator Lamberti, **House File 2538**, a bill for an act relating to campaign finance, including a reporting threshold for filing organizational committee statements, providing for the filing of reports with the Iowa ethics and campaign disclosure board, providing a document retention period, and relating to certain signature requirements, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2538), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Shearer			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2190

On motion of Senator Behn, **House File 2190**, a bill for an act relating to the procedural requirements for foreign and international adoption, providing for applicability, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Behn offered amendment S-5154, filed by Senators Behn and Hammond on March 13, 2002, to page 1 of the bill, and moved its adoption.

Amendment S-5154 was adopted by a voice vote.

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. 2190), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Shearer			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2109

On motion of Senator Jensen, **House File 2109**, a bill for an act relating to the regulation of games of skill or chance and raffles conducted for fundraising by charitable, religious, educational, public, civic, or patriotic organizations, or other entities, or between individuals, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie asked and received unanimous consent that action on **House File 2109** be **deferred**.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2153 and 2417.

House File 2153

On motion of Senator Miller, **House File 2153**, a bill for an act relating to presentation of victim impact statements at criminal sentencing hearings, with report of committee recommending passage, was taken up for consideration.

Senator Maddox asked and received unanimous consent that action on **House File 2153** be **deferred**.

House File 2417

On motion of Senator Sexton, **House File 2417**, a bill for an act relating to statewide standards, site-specific cleanup standards, and public participation in the Iowa land recycling and environmental remediation standards Act, with report of committee recommending passage, was taken up for consideration.

Senator Sexton moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2417), the vote was:

Ayes, 42:

Angelo	Behn	Black	Boettger
Connolly	Dearden	Drake	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKinley	Miller
Ragan	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Soukup	Tinsman
Veenstra	Zieman		

Nays, 3:

Bolkcom	Dvorsky	Holveck
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Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Shearer			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

House File 2109

The Senate resumed consideration of **House File 2109**, a bill for an act relating to the regulation of games of skill or chance and raffles conducted for fundraising by charitable, religious, educational, public, civic, or patriotic organizations, or other entities, or between individuals, previously deferred.

Senator Kibbie offered amendment S-5177, filed by him from the floor to page 1 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 19, nays 24.

Amendment S-5177 lost.

Senator Connolly asked and received unanimous consent that action on **House File 2109** be **deferred**.

BUSINESS PENDING

House File 2153

The Senate resumed consideration of **House File 2153**, a bill for an act relating to presentation of victim impact statements at criminal sentencing hearings, previously deferred.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5036, filed by Senators Maddox and Dvorsky on February 13, 2002, to page 1 of the bill.

Senator Maddox offered amendment S-5039, filed by him on February 13, 2002, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5039 was adopted by a voice vote.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2153), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Shearer			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2153, 2190, 2417, and 2538** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2454, 2246, and 2082.

House File 2454

On motion of Senator Boettger, **House File 2454**, a bill for an act encouraging school districts to establish character education programs, and directing the department of education to partner with local educational institutions and agencies and nonprofit organizations in the design and implementation of character education programs, with report of committee recommending passage, was taken up for consideration.

Senator King asked and received unanimous consent that action on **House File 2454** be **deferred**.

House File 2246

On motion of Senator Angelo, **House File 2246**, a bill for an act relating to administrative procedures of county treasurers for property taxation and vehicle registration, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Angelo offered amendment S-5107, filed by the committee on Local Government on March 5, 2002, to pages 2 and 3 of the bill, and moved its adoption.

Amendment S-5107 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2246), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan

Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Shearer			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2082

On motion of Senator Freeman, **House File 2082**, a bill for an act expanding the time periods within which watercraft must be registered after a sale or transfer and within which watercraft may be operated without an identification number, with report of committee recommending passage, was taken up for consideration.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2082), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Shearer			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration House File 2151.

House File 2151

On motion of Senator Tinsman, **House File 2151**, a bill for an act adding certain information concerning school security or emergency preparedness to the list of public records kept confidential, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2151), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Deluhery
Shearer

Flynn

McKibben

Redfern

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2082, 2151, and 2246** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2152, 2467, and 2409.

House File 2152

On motion of Senator Kibbie, **House File 2152**, a bill for an act eliminating the prospective repeal of the volunteer emergency services provider death benefit and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator King offered amendment S-5114, filed by the committee on State Government on March 5, 2002, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5114 was adopted by a voice vote.

With the adoption of amendment S-5114, the Chair ruled amendment S-5069, filed by Senators Drake and Kibbie on February 26, 2002, to page 1 and to the title page of the bill, out of order.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2152), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Shearer			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senator Angelo took the chair at 4:30 p.m.

House File 2467

On motion of Senator Redwine, **House File 2467**, a bill for an act providing for licensure sanctions against defaulters of designated loan and scholarship programs, with report of committee recommending passage, was taken up for consideration.

Senator Redwine offered amendment S-5143, filed by him on March 12, 2002, to page 1 of the bill, and moved its adoption.

Amendment S-5143 was adopted by a voice vote.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2467), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Shearer			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2409

On motion of Senator McKean, **House File 2409**, a bill for an act relating to election misconduct and providing criminal penalties, with report of committee recommending passage, was taken up for consideration.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2409), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKean

McKinley	Miller	Ragan	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Deluhery	Flynn	Greiner	McKibben
Redfern	Shearer		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Kramer took the chair at 4:58 p.m.

BUSINESS PENDING

House File 2109

The Senate resumed consideration of **House File 2109**, a bill for an act relating to the regulation of games of skill or chance and raffles conducted for fundraising by charitable, religious, educational, public, civic, or patriotic organizations, or other entities, or between individuals, previously deferred.

Senator Connolly offered amendment S-5181, filed by him from the floor to page 6 and to the title page of the bill.

Senator Connolly withdrew amendment S-5181.

Senator Sexton offered amendment S-5182, filed by Senators Sexton and Fink from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5182 lost by a voice vote.

Senator Sexton offered amendment S-5183, filed by Senators Sexton and Fink from the floor to page 4 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 19, nays 26.

Amendment S-5183 lost.

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. 2109), the vote was:

Ayes, 38:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Harper	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Rehberg	Rittmer	Schuerer	Soukup
Tinsman	Zieman		

Nays, 7:

Hammond	Hansen	Holveck	Lord
Redwine	Sexton	Veenstra	

Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Shearer			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

MOTIONS TO RECONSIDER WITHDRAWN

House File 2317

Senator Freeman withdrew the following motion to reconsider filed by her from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which House File 2317 passed the Senate on March 18, 2002.

Senator Connolly withdrew the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which House File 2317 passed the Senate on March 18, 2002.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2109, 2152, 2317, 2409, and 2467** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2150 and 583.

House File 2150

On motion of Senator Drake, **House File 2150**, a bill for an act relating to the performance of honor guard services on public property by members of a reserve officer training corps, with report of committee recommending passage, was taken up for consideration.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2150), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKean
McKinley	Miller	Ragan	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Soukup	Tinsman	Veenstra	Zieman

Nays, 1:

Hammond

Absent or not voting, 5:

Deluhery
Shearer

Flynn

McKibben

Redfern

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 583

On motion of Senator Freeman, **House File 583**, a bill for an act relating to the certification of persons providing water pump services, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Sexton offered amendment S-5016, filed by the committee on Natural Resources and Environment on February 5, 2002, to page 4 of the bill.

Senator Greiner offered amendment S-5175, filed by her from the floor to page 1 of amendment S-5016, and moved its adoption.

Amendment S-5175 was adopted by a voice vote.

Senator Sexton moved the adoption of amendment S-5016, as amended, which motion prevailed by a voice vote.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 583), the vote was:

Ayes, 34:

Angelo
Connolly
Fraise
Hammond
Houser
Kramer

Black
Dearden
Freeman
Harper
Iverson
Lamberti

Boettger
Drake
Gaskill
Holveck
Jensen
Lundby

Bolkcom
Dvorsky
Gronstal
Horn
Kibbie
Maddox

McCoy	Ragan	Redwine	Rehberg
Rittmer	Sexton	Soukup	Tinsman
Veenstra	Zieman		

Nays, 11:

Behn	Fiegen	Fink	Greiner
Hansen	King	Lord	McKean
McKinley	Miller	Schuerer	

Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Shearer			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

Senate File 2229

On motion of Senator Veenstra, **Senate File 2229**, a bill for an act relating to psychiatric medical institutions for children requirements involving complaint response and behavioral health care coverage, placed on the Unfinished Business Calendar on March 14, 2002, was taken up for consideration.

Senator Veenstra withdrew amendment S-5146, filed by him on March 12, 2002, to pages 1-3 and to the title page of the bill.

Senator Veenstra offered amendment S-5153, filed by him on March 13, 2002, to pages 1-3 and to the title page of the bill, and moved its adoption.

Amendment S-5153 was adopted by a voice vote.

Senator Veenstra asked and received unanimous consent that action on **Senate File 2229** be **deferred**.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration House Files 2229 and 2453.

House File 2229

On motion of Senator Behn, **House File 2229**, a bill for an act relating to use of moneys in the strategic investment fund, with report of committee recommending passage, was taken up for consideration.

Senator Behn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2229), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKinley	Miller	Ragan	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Deluhery	Flynn	Lord	McKibben
Redfern	Shearer		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2453

On motion of Senator Dvorsky, **House File 2453**, a bill for an act relating to the offices of the state and county medical examiners, establishing fees, and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2453), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Shearer			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 583, 2150, 2229, and 2453** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2146

Senator Maddox called up for consideration **Senate File 2146**, a bill for an act establishing a criminal offense for an act of terrorism, changing related criminal penalties, and providing a penalty, amended by the House in House amendment S-5139, filed March 11, 2002.

Senator Gronstal asked and received unanimous consent that action on House amendment S-5139 and **Senate File 2146** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 374

Senator Jensen called up for consideration **Senate File 374**, a bill for an act relating to the qualifications and authorization of therapeutically certified optometrists engaged in the practice of optometry, amended by the House, and moved that the Senate concur in House amendment S-5140, filed March 11, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Jensen moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 374), the vote was:

Ayes, 43:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Drake	Dvorsky
Fiegen	Fink	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Holveck	Horn	Houser
Iverson	Jensen	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKinley

Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, 1:

Harper

Absent or not voting, 6:

Dearden	Deluhery	Flynn	McKibben
Redfern	Shearer		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 374** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2192 and 2399.

House File 2192

On motion of Senator Tinsman, **House File 2192**, a bill for an act relating to the establishment of a state agency work group to develop an interstate prescription drug purchasing cooperative, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Tinsman offered amendment S-5155, filed by the committee on Human Resources on March 13, 2002, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5155 was adopted by a voice vote.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2192), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Drake	Dvorsky
Fiegen	Fink	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKean
McKinley	Miller	Ragan	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Dearden	Deluhery	Flynn	McKibben
Redfern	Shearer		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

House File 2399

On motion of Senator Hammond, **House File 2399**, a bill for an act relating to the requirements of a case permanency plan for a child in an out-of-home placement who is age sixteen or older, with report of committee recommending passage, was taken up for consideration.

Senator Hammond moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2399), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Drake	Dvorsky
Fiegen	Fink	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord

Lundby	Maddox	McCoy	McKean
McKinley	Miller	Ragan	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Dearden	Deluhery	Flynn	McKibben
Redfern	Shearer		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2192** and **2399** 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 March 18, 2002, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2133, a bill for an act relating to real estate brokers, including defining the activities of a real estate broker, licensure and insurance coverage, and providing a penalty.

Senate File 2155, a bill for an act providing for the issuance of out-of-hospital do-not-resuscitate orders and making penalties applicable.

Senate File 2201, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions.

Senate File 2260, a bill for an act relating to the reorganization or dissolution of area education agencies and providing an effective date.

ALSO: That the House has on March 18, 2002, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 2192, a bill for an act relating to highways and motor vehicles, including condemnation of property by the state department of transportation, registration, sale, and operation of certain vehicles, issuance of driver's licenses and nonoperator's identification cards, regulation of oversize vehicles, and vehicle manufacturers, distributors, and dealers, and providing penalties and effective dates. (S-5186)

Senate File 2277, a bill for an act creating a new category of confidential public records in the custody of certain airports, municipal corporations, utilities, or water districts, and allowing a governmental body to hold a closed session to discuss such confidential records. (S-5184)

The Senate stood at ease at 6:30 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:15 p.m., Senator Boettger presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 7:17 p.m. until the completion of meetings of the committees on Appropriations and Education.

APPENDIX

APPOINTMENTS FROM THE GOVERNOR

The following appointees were submitted by the Governor to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

TERM

ACCOUNTANCY EXAMINING BOARD (Sec. 542C.3)	
Thomas Engelmann, Davenport	05/01/2002 – 04/30/2005
Marianne Mickelson, West Des Moines	05/01/2002 – 04/30/2005
COMMISSION ON THE STATUS OF AFRICAN-AMERICANS (Sec. 216A.142)	
George Baugh, Pella	05/01/2002 – 04/30/2006
Isaiah Johnson, Denison	05/01/2002 – 04/30/2006
AGRICULTURAL DEVELOPMENT AUTHORITY (Sec. 175.3)	
E. Joyce Schulte, Creston	05/01/2002 – 04/30/2008
Gary Steinlage, West Union	05/01/2002 – 04/30/2008
Annette Townsley, Letts	05/01/2002 – 04/30/2008
ALCOHOLIC BEVERAGES COMMISSION (Sec. 123.5)	
Mary Hunter, Urbandale	05/01/2002 – 04/30/2007
ADMINISTRATOR OF THE ALCOHOLIC BEVERAGES DIVISION (Sec. 123.10)	
Lynn M. Walding, Des Moines	05/01/2002 – 04/30/2006
ARCHITECTURAL EXAMINING BOARD (Sec. 544A.1)	
Annabelle Diehl, Osceola	05/01/2002 – 04/30/2005
Gordon Mills, Dubuque	05/01/2002 – 04/30/2005
Teresa Petrzalek, Cedar Rapids	05/01/2002 – 04/30/2005
BOARD OF ATHLETIC TRAINING EXAMINERS (Sec. 147.14(18))	
Mark Coberley, Ames	05/01/2002 – 04/30/2005
Holly Healey, Urbandale	05/01/2002 – 04/30/2005
Lynn Lindaman, West Des Moines	05/01/2002 – 04/30/2005
BOARD OF BARBER EXAMINERS (Sec. 147.14(1))	
G. L. Rushenberg, West Des Moines	05/01/2001 – 04/30/2005
Robert Van Vooren, Durant	05/01/2002 – 04/30/2005
BOARD OF BEHAVIORAL SCIENCE EXAMINERS (Sec. 147.14(13))	
David Brown, Boone	05/01/2002 – 04/30/2005
Elizabeth Shannahan, West Des Moines	05/01/2002 – 04/30/2005
COMMISSION FOR THE BLIND (Sec. 216B.2)	
Julia Scurr, Coralville	05/01/2002 – 04/30/2005

BOARD OF CHIROPRACTIC EXAMINERS (Sec. 147.14(8))

Pamela Bair, Ankeny	05/01/2002 – 04/30/2005
Steven Kraus, Carroll	05/01/2002 – 04/30/2005
Thomas Stanzel, Oskaloosa	05/01/2002 – 04/30/2005

CITY DEVELOPMENT BOARD (Sec. 368.9)

Susan Cosner, Panora	05/01/2002 – 04/30/2008
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IOWA STATE CIVIL RIGHTS COMMISSION (Sec. 216.3)

Dinh VanLo, Des Moines	05/01/2002 – 04/30/2003
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COMMISSION ON COMMUNITY ACTION AGENCIES (Sec. 216A.92A)

Kathy Beauchamp, Des Moines	05/01/2002 – 04/30/2005
Ethel Campbell, Shannon City	03/15/2002 – 04/30/2003
Michael Coverdale, Nevada	05/01/2002 – 04/30/2005
Bob Knowler, Sioux City	05/01/2002 – 04/30/2004
Merl McFarlane, Oelwein	05/01/2002 – 04/30/2005

BOARD OF CORRECTIONS (Sec. 904.104)

Haywood Belle, Iowa City	05/01/2002 – 04/30/2006
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BOARD OF COSMETOLOGY ARTS AND SCIENCES EXAMINERS (Sec. 147.14(14))

Lois Leytem, Dubuque	05/01/2002 – 04/30/2005
Teresa Mertens, Mount Pleasant	05/01/2002 – 04/30/2005
Mary Myers, Carlisle	05/01/2002 – 04/30/2005
Sheila O'Hern, Manson	05/01/2002 – 04/30/2005
Michael Salvner, Des Moines	05/01/2002 – 04/30/2005

CREDIT UNION REVIEW BOARD (Sec. 533.53)

Don Gettings, Ottumwa	05/01/2002 – 04/30/2005
Barbara Oliver-Hall, Johnston	05/01/2002 – 04/30/2005

CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL (Sec. 216A.132)

Elaine Armstrong, Clarinda	05/01/2002 – 04/30/2006
Mary Barakat, Des Moines	05/01/2002 – 04/30/2006
Thomas Ferguson, Waterloo	05/01/2002 – 04/30/2006
Monica Murray, Mason City	05/01/2002 – 04/30/2006
Ronald Stehl, Des Moines	05/01/2002 – 04/30/2006
Marvin Van Haften, Pella	05/01/2002 – 04/30/2006
Carol Wood, Council Bluffs	05/01/2002 – 04/30/2006

COMMISSION ON THE DEAF (Sec. 216A.112)

Jacquelyn Fletcher, Burlington	05/01/2002 – 04/30/2005
James Grover, Sioux City	05/01/2002 – 04/30/2005
Loren Woods, Ankeny	05/01/2002 – 04/30/2005

ADMINISTRATOR OF THE DIVISION OF DEAF SERVICES (Sec. 216A.2)

Kathryn L. Baumann-Reese, Des Moines	05/01/2002 – Pleasure of the Governor
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BOARD OF DENTAL EXAMINERS (Sec. 147.14(4))

Alan Hathaway, Davenport	05/01/2002 – 04/30/2005
Suzan Stewart, Sioux City	05/01/2002 – 04/30/2005
Debra Yossi, Cedar Rapids	05/01/2002 – 04/30/2005

BOARD OF DIETETIC EXAMINERS (Sec. 147.14(11))

Marcy Rolenc, Iowa City	05/01/2002 – 04/30/2005
Robert Schweers, Ankeny	05/01/2002 – 04/30/2005

ADMINISTRATOR OF THE DIVISION OF PERSONS WITH DISABILITIES (Sec. 216A.2)

Jill Avery, Des Moines	03/18/2002 – Pleasure of the Governor
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IOWA DRUG POLICY ADVISORY COUNCIL (Sec. 80E.2)

Robert Torgerson, Muscatine	05/01/2002 – 04/30/2006
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IOWA ECONOMIC DEVELOPMENT BOARD (Sec. 15.103)

Robert Pulver, West Des Moines	05/01/2002 – 04/30/2006
Marcia Rogers, Cedar Rapids	05/01/2002 – 04/30/2006

STATE BOARD OF EDUCATION (Sec. 256.3)

James Billings, Spirit Lake	05/01/2002 – 04/30/2008
Jude Fitzpatrick, Davenport	05/01/2002 – 04/30/2008
Mary Montgomery, Spencer	05/01/2002 – 04/30/2008
Gene Vincent, Carroll	05/01/2002 – 04/30/2008

BOARD OF EDUCATIONAL EXAMINERS (Sec. 272.3)

Brian Carter, Mount Pleasant	05/01/2002 – 04/30/2006
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EMPLOYMENT APPEAL BOARD (Sec. 10A.601)

Mary Ann Spicer, Des Moines	05/01/2002 – 04/30/2008
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IOWA EMPOWERMENT BOARD (Sec. 28.3)

Theresa Christoffersen, Toddville	05/01/2002 – 04/30/2005
Mary Odell, Muscatine	05/01/2002 – 04/30/2005
Nancy Van Milligen, Dubuque	05/01/2002 – 04/30/2005

ENGINEERING AND LAND SURVEYING EXAMINING BOARD (Sec. 542B.3)

Susan Albright, Urbandale	05/01/2002 – 04/30/2005
Randall Beavers, Des Moines	05/01/2002 – 04/30/2005
Nicholas Konrady, Webster City	05/01/2002 – 04/30/2005

STATE CITIZEN FOSTER CARE REVIEW BOARD (Sec. 237.16)

Don Ross, Iowa City	05/01/2002 – 04/30/2006
NancyLee Ziese, Cedar Rapids	05/01/2002 – 04/30/2006

DIRECTOR OF THE DEPARTMENT OF GENERAL SERVICES (Sec. 18.2)

Richard J. Haines, Des Moines	05/01/2002 – Pleasure of the Governor
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IOWA GRAIN INDEMNITY FUND BOARD (Sec. 203D.4)

Carolyn Roberts, Peterson	05/01/2002 – 04/30/2005
Donna Winburn, Grinnell	05/01/2002 – 04/30/2005

GRAPE AND WINE DEVELOPMENT COMMISSION (Sec. 175A.2)

Dr. William T. Brown, Leon	05/01/2002 – 04/30/2005
Benjamin Jung, West Des Moines	05/01/2002 – 04/30/2003
Ron Mark, Indianola	05/01/2002 – 04/30/2004
Horst "John" Priebe, Council Bluffs	05/01/2002 – 04/30/2005
Dr. Paul Tabor, Baldwin	05/01/2002 – 04/30/2004

HEALTHY AND WELL KIDS IN IOWA (HAWK-I) BOARD (Sec. 514I.4)

Eldon Huston, Panora	05/01/2002 – 04/30/2004
Susan Salter, Mount Vernon	05/01/2002 – 04/30/2004
Wanda Wyatt-Hardwick, Clinton	05/01/2002 – 04/30/2004

BOARD FOR THE LICENSING AND REGULATION OF HEARING AID DISPENSERS
(Sec 154A.2)

Corinna Huntrods, Collins	05/01/2002 – 04/30/2005
Patricia Stark, Sabula	05/01/2002 – 04/30/2005
Leslie Whippen, Des Moines	02/25/2002 – 04/30/2003

IOWA HIGHER EDUCATION LOAN AUTHORITY (Sec. 261A.6)

Carol Burns, Cedar Rapids	05/01/2002 – 04/30/2008
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INFORMATION TECHNOLOGY COUNCIL (Sec. 14B.105)

Ron Dardis, Johnston	05/01/2002 – 04/30/2006
Frederick Stilwill, Des Moines	05/01/2002 – 04/30/2006

ADMINISTRATOR OF THE OPERATIONS DIVISION OF THE DEPARTMENT OF
INFORMATION TECHNOLOGY (Sec. 14B.106)

Lorrie L. Tritch, Indianola	02/15/2002 – Pleasure of the Governor
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IOWACCESS ADVISORY COUNCIL (Sec. 14B.201)

Jane Ginapp, Mason City	05/01/2002 – 04/30/2006
Miriam Ubben, Pleasant Hill	05/01/2002 – 04/30/2006

IPERS, INVESTMENT BOARD OF THE (Sec. 97B.8)

Mary Williams, Moravia	05/01/2002 – 04/30/2007
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LANDSCAPE ARCHITECTURAL EXAMINING BOARD (Sec. 544B.3)

Carolyn Magnani, Johnston	05/01/2002 – 04/30/2005
Ann Reinhart, Des Moines	05/01/2002 – 04/30/2005

IOWA LAW ENFORCEMENT ACADEMY COUNCIL (Sec. 80B.6)

Thomas Gustafson, Denison	05/01/2002 – 04/30/2006
Brian Guy, Clinton	05/01/2002 – 04/30/2006

LOTTERY BOARD (Sec. 99E.5)

William Brosnahan, Dubuque	05/01/2002 – 04/30/2006
Mary Junge, Cedar Rapids	05/01/2002 – 04/30/2006

BOARD OF MASSAGE THERAPY EXAMINERS (Sec. 147.14(17))

Kenneth Lang, Emmetsburg	05/01/2002 – 04/30/2005
Mary McGuire, Pleasantville	05/01/2002 – 04/30/2005
E. Howard Sonksen, Mason City	05/01/2002 – 04/30/2005
Jane Sward, Dubuque	05/01/2002 – 04/30/2005

BOARD OF MEDICAL EXAMINERS (Sec. 147.14(2))

Susan Johnson, Iowa City	05/01/2002 – 04/30/2005
Diane Nagle, Cedar Falls	05/01/2002 – 04/30/2005
Dana Shaffer, Exira	05/01/2002 – 04/30/2005

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMISSION (Sec. 225C.5)	
Michael Flaum, Iowa City	05/01/2002 – 04/30/2005
Jackie Kibbie-Williams, Sheldon	05/01/2002 – 04/30/2005
Nancy McKlveen, Des Moines	05/01/2002 – 04/30/2005
MENTAL HEALTH RISK POOL (Sec. 426B.5(3))	
Lynn Ferrell, Des Moines	05/01/2002 – 04/30/2005
Julie Jetter, Independence	05/01/2002 – 04/30/2005
Karen Strawn, Storm Lake	05/01/2002 – 04/30/2005
BOARD OF MORTUARY SCIENCE EXAMINERS (Sec. 147.14(1))	
J. Craig Fratzke, Storm Lake	05/01/2002 – 04/30/2005
Karen Thomsen, Cumberland	05/01/2002 – 04/30/2005
Marcus Vigen, Keokuk	05/01/2002 – 04/30/2005
BOARD OF NURSING EXAMINERS (Sec. 147.14(3))	
Anna Fallon, Fort Dodge	05/01/2002 – 04/30/2005
Patrick Greenwood, Lamoni	05/01/2002 – 04/30/2005
Pauline Taylor, Iowa City	05/01/2002 – 04/30/2005
STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS (Sec. 155.2)	
Larry Hertel, Coralville	05/01/2002 – 04/30/2005
Timothy Moe, Davenport	05/01/2002 – 04/30/2005
BOARD OF OPTOMETRY EXAMINERS (Sec. 147.14(6))	
Terry Brown, Jefferson	05/01/2002 – 04/30/2005
Connie Connolly, Mason City	02/28/2002 – 04/30/2004
Michael Ohlson, West Union	05/01/2002 – 04/30/2005
Marilyn Spina, Des Moines	05/01/2002 – 04/30/2005
CHAIRPERSON OF THE BOARD OF PAROLE (Sec. 904A.3)	
Elizabeth Robinson-Ford, Des Moines	05/01/2002 – 04/30/2006
BOARD OF PAROLE (Sec. 904A.3)	
Karen Muelhaupt, West Des Moines	05/01/2002 – 04/30/2006
PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM TRUSTEE (Sec. 97A.5)	
Terrance Lillis, Urbandale	05/01/2002 – 04/30/2004
BOARD OF PHARMACY EXAMINERS (Sec. 147.14(5))	
Paul Abramowitz, Coralville	05/01/2002 – 04/30/2005
Vernon Benjamin, West Point	05/01/2002 – 04/30/2005
Barbara O'Roake, Council Bluffs	05/01/2002 – 04/30/2005
BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY EXAMINERS (Sec. 147.14(10))	
Theodore Peterson, Cedar Rapids	05/01/2002 – 04/30/2005
Armando Rosales, Atlantic	05/01/2002 – 04/30/2005
Henrietta Scholten, Sioux City	05/01/2002 – 04/30/2005
BOARD OF PHYSICIAN ASSISTANT EXAMINERS (Sec. 147.14(12))	
Kenneth Talcott, Des Moines	05/01/2002 – 04/30/2005
Gloria Welte, Sergeant Bluff	05/01/2002 – 04/30/2005

BOARD OF PODIATRY EXAMINERS (Sec. 147.14(1A))

Angela Langrehr, Des Moines	05/01/2002 – 04/30/2005
Robert Yoho, West Des Moines	05/01/2002 – 04/30/2005

PREVENTION OF DISABILITIES POLICY COUNCIL (Sec. 225B.3)

Patricia Crosley, Audubon	05/01/2002 – 04/30/2004
Kurt Hoppe, West Des Moines	05/01/2002 – 04/30/2005
Mickey McDaniel, Ankeny	05/01/2002 – 04/30/2003
Patricia Moreland, West Des Moines	05/01/2002 – 04/30/2005
Thomas Slater, Des Moines	05/01/2002 – 04/30/2004
Frank Strong, Des Moines	05/01/2002 – 04/30/2005
Melva Urban, Newell	05/01/2002 – 04/30/2003
Don Van Dyke, Iowa City	05/01/2002 – 04/30/2004
Verna Welte, Sioux City	05/01/2002 – 04/30/2003

ADMINISTRATOR OF PROFESSIONAL LICENSING AND REGULATION (Sec. 546.10)

Kathleen Halloran, Cedar Rapids	05/01/2002 – 04/30/2006
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BOARD OF PSYCHOLOGY EXAMINERS (Sec. 147.14(7))

Ruth Daggett, Creston	05/01/2002 – 04/30/2005
Susan Enzle, Iowa City	05/01/2002 – 04/30/2005
Jacob Sines, Iowa City	05/01/2002 – 04/30/2005

PUBLIC EMPLOYMENT RELATIONS BOARD (Sec. 20.5)

James Riordan, West Des Moines	05/01/2002 – 04/30/2006
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ADMINISTRATOR OF THE STATE RACING AND GAMING COMMISSION (Sec. 99D.6)

Jack P. Ketterer, Altoona	05/01/2002 – 04/30/2006
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STATE RACING AND GAMING COMMISSION (Sec. 99D.5)

Steven Chapman, West Des Moines	05/01/2002 – 04/30/2005
Lee Clancey, Cedar Rapids	05/01/2002 – 04/30/2005

IOWA RAILWAY FINANCE AUTHORITY (Sec. 327L.6)

Philip Dorweiler, West Des Moines	05/01/2002 – 04/30/2008
Emil Pavich, Council Bluffs	05/01/2002 – 04/30/2008

REAL ESTATE APPRAISER EXAMINING BOARD (Sec. 543D.4)

Sharon Chism, Ankeny	05/01/2002 – 04/30/2005
Luther Gammon, Glenwood	05/01/2002 – 04/30/2005

REAL ESTATE COMMISSION (Sec. 543B.8)

Patricia Daniels, Des Moines	05/01/2002 – 04/30/2005
Barbara Leestamper, Waterloo	05/01/2002 – 04/30/2005

RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE (Sec. 159A.4)

Mary Lucile Norton, Clive	05/01/2002 – 04/30/2005
Steven Rau, Stanley	05/01/2002 – 04/30/2005
Eric Seuren, West Des Moines	05/01/2002 – 04/30/2005

STATE BOARD FOR RESPIRATORY CARE (Sec. 152B.13)

Gregory Hicklin, Urbandale	05/01/2002 – 04/30/2005
Amy Love, Jefferson	05/01/2002 – 04/30/2005

SCHOOL BUDGET REVIEW COMMITTEE (Sec. 257.30)	
Connie Cook, Des Moines	05/01/2002 – 04/30/2005
SMALL BUSINESS ADVISORY COUNCIL (Sec. 15.108(7h))	
Alison Doyle, Ames	05/01/2002 – 04/30/2006
Derek Holmes, Clive	05/01/2002 – 04/30/2006
David Mackaman, Des Moines	05/01/2002 – 04/30/2006
BOARD OF SOCIAL WORK EXAMINERS (Sec. 147.14(1))	
Thomas Capshew, Reinbeck	05/01/2002 – 04/30/2003
W. Robert Schmidt, Davenport	05/01/2002 – 04/30/2005
Joyce Westphal, Lenox	05/01/2002 – 04/30/2005
BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY EXAMINERS (Sec. 147.14(9))	
Connie Honken, Clarinda	05/01/2002 – 04/30/2005
Robert MacDougall, Urbandale	05/01/2002 – 04/30/2005
CHAIRPERSON OF THE IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION (Sec. 8D.3(2))	
Mary Elizabeth Brandsgard, Davenport	05/01/2002 – 04/30/2006
IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION (Sec. 8D.3(2))	
Robert Hardman, Cedar Falls	05/01/2002 – 04/30/2008
COMMISSION ON TOBACCO USE PREVENTION AND CONTROL (Sec. 142A.3)	
Noreen Humphrey, North Liberty	05/01/2002 – 04/30/2005
Christopher Squier, Iowa City	05/01/2002 – 04/30/2005
STATE TRANSPORTATION COMMISSION (Sec. 307.3)	
Donald Carmody, Mount Pleasant	05/01/2002 – 04/30/2006
Barry Cleaveland, Council Bluffs	05/01/2002 – 04/30/2006
COMMISSION OF VETERANS AFFAIRS (Sec. 35A.2)	
Robert Leeman, Guttenberg	05/01/2002 – 04/30/2006
IOWA BOARD OF VETERINARY MEDICINE (Sec. 169.5)	
Sarah Garst, West Des Moines	05/01/2002 – 04/30/2005
Paul Willis, Thornton	05/01/2002 – 04/30/2005
VISION IOWA BOARD (Sec. 15F.102)	
Mary Ellen Chamberlin, Davenport	05/01/2002 – 04/30/2005
Sharon Juon, Waterloo	05/01/2002 – 04/30/2005
Bradford Parks, Dubuque	05/01/2002 – 04/30/2005
COMMISSION ON THE STATUS OF WOMEN (Sec. 216A.52)	
Victoria Brown, Oskaloosa	05/01/2002 – 04/30/2006
Sue Mullins, Corwith	05/01/2002 – 04/30/2006
Susan Unger, Sioux City	05/01/2002 – 04/30/2006
Matthew Wissing, Davenport	05/01/2002 – 04/30/2006

IOWA WORKFORCE DEVELOPMENT BOARD (Sec. 84A.1A)

Benjamin Duehr, Dubuque	05/01/2002 – 04/30/2003
Dean Hicks, Clive	05/01/2002 – 04/30/2006
Patricia Marshall, Cedar Rapids	05/01/2002 – 04/30/2006
Earnest Nelson, Fort Madison	05/01/2002 – 04/30/2006
Norma Schmoker, Fort Dodge	05/01/2002 – 04/30/2006

The appointments were referred to the committee on **Rules and Administration**.

GOVERNOR'S DEFERRAL LETTERS

The following letters from the Governor were received in the office of the Secretary of the Senate on March 15, 2002:

Pursuant to Iowa Code Section 2.32(4), the appointment for the Commission on the Status of African-Americans vacancy, formerly held by Jim Hester, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code Section 2.32(4), the appointment for the Iowa Drug Policy Advisory Council vacancy is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code Section 2.32(4), the appointment for the Healthy and Well Kids in Iowa (*hawk-i*) Board vacancy, formerly held by Barry Cleaveland, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code Section 2.32(4), the appointment for the Landscape Architectural Examining Board vacancy is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code Section 2.32(4), the appointment for the Mental Health and Developmental Disabilities Commission vacancy, formerly held by Lori Bears, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code Section 2.32(4), the appointment for the Mental Health and Developmental Disabilities Commission vacancy is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code Section 2.32(4), the appointment for the Board of Parole vacancy, formerly held by Rogers Kirk, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code Section 2.32(4), the appointment for the Public Employment Relations Board vacancy, formerly held by James Riordan, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code Section 2.32(4), the appointment for the Public Employment Relations Board vacancy, formerly held by M. Sue Warner, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code Section 2.32(4), the appointment for the Iowa Railway Finance Authority vacancy, formerly held by Susan Cosner, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code Section 2.32(4), the appointment for the Commission of Veterans Affairs vacancy, formerly held by Muriel Allan, is being deferred because no appropriate candidate has been found for this position at this time.

Sincerely,
 THOMAS J. VILSACK
 Governor

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 18, 2002:

AGRICULTURE

E. Joyce Schulte – Agricultural Development Authority
 Gary Steinlage – Agricultural Development Authority
 Annette Townsley – Agricultural Development Authority

Carolyn Roberts – Iowa Grain Indemnity Fund Board
 Donna Winburn – Iowa Grain Indemnity Fund Board

Dr. William T. Brown – Grape and Wine Development Commission
 Benjamin Jung – Grape and Wine Development Commission
 Ron Mark – Grape and Wine Development Commission
 Horst "John" Priebe – Grape and Wine Development Commission
 Dr. Paul Tabor – Grape and Wine Development Commission

BUSINESS AND LABOR RELATIONS

Mary Ann Spicer – Employment Appeal Board

James Riordan – Public Employment Relations Board

Benjamin Duehr – Iowa Workforce Development Board
 Dean Hicks – Iowa Workforce Development Board
 Patricia Marshall – Iowa Workforce Development Board
 Ernest Nelson – Iowa Workforce Development Board
 Norma Schmoker – Iowa Workforce Development Board

COMMERCE

Don Gettings – Credit Union Review Board
 Barbara Oliver-Hall – Credit Union Review Board

Mary Elizabeth Brandsgard – Chairperson of the Iowa Telecommunications and Technology Commission

Robert Hardman – Iowa Telecommunications and Technology Commission

EDUCATION

James Billings – State Board of Education

Jude Fitzpatrick – State Board of Education

Mary Montgomery – State Board of Education

Gene Vincent – State Board of Education

Brian Carter – Board of Educational Examiners

Carol Burns – Iowa Higher Education Loan Authority

Connie Cook – School Budget Review Committee

HUMAN RESOURCES

Mark Coberley – Board of Athletic Training Examiners

Holly Healey – Board of Athletic Training Examiners

Lynn Lindaman – Board of Athletic Training Examiners

David Brown – Board of Behavioral Science Examiners

Elizabeth Shannahan – Board of Behavioral Science Examiners

Julia Scurr – Commission for the Blind

Kathy Beauchamp – Commission on Community Action Agencies

Ethel Campbell – Commission on Community Action Agencies

Michael Coverdale – Commission on Community Action Agencies

Bob Knowler – Commission on Community Action Agencies

Merl McFarlane – Commission on Community Action Agencies

Jacquelyn Fletcher – Commission on the Deaf

James Grover – Commission on the Deaf

Loren Woods – Commission on the Deaf

Kathryn L. Baumann-Reese – Administrator of the Division of Deaf Services

Jill Avery – Administrator of the Division of Persons with Disabilities

Theresa Christoffersen – Iowa Empowerment Board

Mary Odell – Iowa Empowerment Board

Nancy Van Milligen – Iowa Empowerment Board

Don Ross – State Citizen Foster Care Review Board

Nancy Ziese – State Citizen Foster Care Review Board

Eldon Huston – Healthy and Well Kids in Iowa (*hawk-i*) Board

Susan Salter – Healthy and Well Kids in Iowa (*hawk-i*) Board

Wanda Wyatt-Hardwick – Healthy and Well Kids in Iowa (*hawk-i*) Board

Michael Flaum – Mental Health and Developmental Disabilities Commission
 Jackie Kibbie-Williams – Mental Health and Developmental Disabilities Commission
 Nancy McKlveen – Mental Health and Developmental Disabilities Commission

Kenneth Talcott – Board of Physician Assistant Examiners
 Gloria Welte – Board of Physician Assistant Examiners

Patricia Crosley – Prevention of Disabilities Policy Council
 Kurt Hoppe – Prevention of Disabilities Policy Council
 Mickey McDaniel – Prevention of Disabilities Policy Council
 Patricia Moreland – Prevention of Disabilities Policy Council
 Thomas Slater – Prevention of Disabilities Policy Council
 Frank Strong – Prevention of Disabilities Policy Council
 Melva Urban – Prevention of Disabilities Policy Council
 Don Van Dyke – Prevention of Disabilities Policy Council
 Verna Welte – Prevention of Disabilities Policy Council

Noreen Humphrey – Commission on Tobacco Use Prevention and Control
 Christopher Squier – Commission on Tobacco Use Prevention and Control

Victoria Brown – Commission on the Status of Women
 Sue Mullins – Commission on the Status of Women
 Susan Unger – Commission on the Status of Women
 Matthew Wissing – Commission on the Status of Women

JUDICIARY

Dinh VanLo – Iowa State Civil Rights Commission

Haywood Belle – Board of Corrections

Elaine Armstrong – Criminal and Juvenile Justice Planning Advisory Council
 Mary Barakat – Criminal and Juvenile Justice Planning Advisory Council
 Thomas Ferguson – Criminal and Juvenile Justice Planning Advisory Council
 Monica Murray – Criminal and Juvenile Justice Planning Advisory Council
 Ronald Stehl – Criminal and Juvenile Justice Planning Advisory Council
 Marvin Van Haften – Criminal and Juvenile Justice Planning Advisory Council
 Carol Wood – Criminal and Juvenile Justice Planning Advisory Council

Robert Torgerson – Iowa Drug Policy Advisory Council

Elizabeth Robinson-Ford – Chairperson of the Board of Parole

Karen Muelhaupt – Board of Parole

LOCAL GOVERNMENT

Susan Cosner – City Development Board

Lynn Ferrell – Mental Health Risk Pool
 Julie Jetter – Mental Health Risk Pool
 Karen Strawn – Mental Health Risk Pool

NATURAL RESOURCES AND ENVIRONMENT

Mary Lucile Norton – Renewable Fuels and Coproducts Advisory Committee
Steven Rau – Renewable Fuels and Coproducts Advisory Committee
Eric Seuren – Renewable Fuels and Coproducts Advisory Committee

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Robert Pulver – Iowa Economic Development Board
Marcia Rogers – Iowa Economic Development Board

Alison Doyle – Small Business Advisory Council
Derek Holmes – Small Business Advisory Council
David Mackaman – Small Business Advisory Council

STATE GOVERNMENT

Thomas Engelmann – Accountancy Examining Board
Marianne Mickelson – Accountancy Examining Board

George Baugh – Commission on the Status of African-Americans
Isaiah Johnson – Commission on the Status of African-Americans

Mary Hunter – Alcoholic Beverages Commission

Lynn M. Walding – Administrator of the Alcoholic Beverages Division

Annabelle Diehl – Architectural Examining Board
Gordon Mills – Architectural Examining Board
Teresa Petrzalek – Architectural Examining Board

G. L. Rushenberg – Board of Barber Examiners
Robert Van Vooren – Board of Barber Examiners

Pamela Bair – Board of Chiropractic Examiners
Steven Kraus – Board of Chiropractic Examiners
Thomas Stanzel – Board of Chiropractic Examiners

Lois Leytem – Board of Cosmetology Arts and Sciences Examiners
Teresa Mertens – Board of Cosmetology Arts and Sciences Examiners
Mary Myers – Board of Cosmetology Arts and Sciences Examiners
Sheila O'Hern – Board of Cosmetology Arts and Sciences Examiners
Michael Salvner – Board of Cosmetology Arts and Sciences Examiners

Alan Hathaway – Board of Dental Examiners
Suzan Stewart – Board of Dental Examiners
Debra Yossi – Board of Dental Examiners

Marcy Rolenc – Board of Dietetic Examiners
Robert Schweers – Board of Dietetic Examiners

Susan Albright – Engineering and Land Surveying Examining Board
Randall Beavers – Engineering and Land Surveying Examining Board
Nicholas Konrady – Engineering and Land Surveying Examining Board

Richard J. Haines – Director of the Department of General Services

Corinna Huntrods – Board for the Licensing and Regulation of Hearing Aid Dealers
Patricia Stark – Board for the Licensing and Regulation of Hearing Aid Dealers
Leslie Whippen – Board for the Licensing and Regulation of Hearing Aid Dealers

Ron Dardis – Information Technology Council
Frederick Stilwill – Information Technology Council

Lorrie L. Tritch – Administrator of the Operations Division of the Department of Information Technology

Jane Ginapp – IowAccess Advisory Council
Miriam Ubben – IowAccess Advisory Council

Mary Williams – Investment Board of the IPERS

Carolyn Magnani – Landscape Architectural Examining Board
Ann Reinhart – Landscape Architectural Examining Board

William Brosnahan – Lottery Board
Mary Junge – Lottery Board

Kenneth Lang – Board of Massage Therapy Examiners
Mary McGuire – Board of Massage Therapy Examiners
E. Howard Sonksen – Board of Massage Therapy Examiners
Jane Sward – Board of Massage Therapy Examiners

Susan Johnson – Board of Medical Examiners
Diane Nagle – Board of Medical Examiners
Dana Shaffer – Board of Medical Examiners

J. Craig Fratzke – Board of Mortuary Science Examiners
Karen Thomsen – Board of Mortuary Science Examiners
Marcus Vigen – Board of Mortuary Science Examiners

Anna Fallon – Board of Nursing Examiners
Patrick Greenwood – Board of Nursing Examiners
Pauline Taylor – Board of Nursing Examiners

Larry Hertel – State Board of Examiners for Nursing Home Administrators
Timothy Moe – State Board of Examiners for Nursing Home Administrators

Terry Brown – Board of Optometry Examiners
Connie Connolly – Board of Optometry Examiners
Michael Ohlson – Board of Optometry Examiners
Marilyn Spina – Board of Optometry Examiners

Terrance Lillis – Peace Officers' Retirement, Accident, and Disability System Trustee

Paul Abramowitz – Board of Pharmacy Examiners
Vernon Benjamin – Board of Pharmacy Examiners
Barbara O'Roake – Board of Pharmacy Examiners

Theodore Peterson – Board of Physical and Occupational Therapy Examiners
Armando Rosales – Board of Physical and Occupational Therapy Examiners
Henrietta Scholten – Board of Physical and Occupational Therapy Examiners

Angela Langrehr – Board of Podiatry Examiners
Robert Yoho – Board of Podiatry Examiners

Kathleen Halloran – Administrator of Professional Licensing and Regulation

Ruth Daggett – Board of Psychology Examiners
Susan Enzle – Board of Psychology Examiners
Jacob Sines – Board of Psychology Examiners

Jack P. Ketterer – Administrator of the State Racing and Gaming Commission

Steven Chapman – State Racing and Gaming Commission
Lee Clancey – State Racing and Gaming Commission

Sharon Chism – Real Estate Appraiser Examining Board
Luther Gammon – Real Estate Appraiser Examining Board

Patricia Daniels – Real Estate Commission
Barbara Leestamper – Real Estate Commission

Gregory Hicklin – State Board for Respiratory Care
Amy Love – State Board for Respiratory Care

Thomas Capshew – Board of Social Work Examiners
W. Robert Schmidt – Board of Social Work Examiners
Joyce Westphal – Board of Social Work Examiners

Connie Honken – Board of Speech Pathology and Audiology Examiners
Robert MacDougall – Board of Speech Pathology and Audiology Examiners

Robert Leeman – Commission of Veterans Affairs

Sarah Garst – Iowa Board of Veterinary Medicine
Paul Willis – Iowa Board of Veterinary Medicine

Mary Ellen Chamberlin – Vision Iowa Board
Sharon Juon – Vision Iowa Board
Bradford Parks – Vision Iowa Board

TRANSPORTATION

Thomas Gustafson – Iowa Law Enforcement Academy Council
Brian Guy – Iowa Law Enforcement Academy Council

Donald Carmody – State Transportation Commission
Barry Cleaveland – State Transportation Commission

WAYS AND MEANS

Philip Dorweiler – Iowa Railway Finance Authority
Emil Pavich – Iowa Railway Finance Authority

REPORT OF COMMITTEE MEETING**RULES AND ADMINISTRATION**

Convened: March 18, 2002, 1:35 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer.

Members Absent: McKean (excused).

Committee Business: Passed SCRs 109, 110, 115, and 117 and SRs 112, 113, 114, and 115.

Adjourned: 1:39 p.m.

STUDY BILLS RECEIVED**SSB 3185 Appropriations**

Relating to gambling by providing for agreements for purses and supplements for pari-mutuel horse racing, creating a governing board for a pari-mutuel horse racetrack, and providing an effective date.

SSB 3186 Appropriations

Relating to the sale of certain farmland by Iowa State university of science and technology, providing for the appropriation and use of proceeds from the sale, and providing an effective date.

SSB 3187 Appropriations

Relating to the creation of a registered nurse recruitment program and fund to be administered by the college student aid commission.

SSB 3188 Appropriations

Appropriating state school foundation aid and making related changes to the state percent of growth for school budgets and to the funding for area education agencies, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2311**

TRANSPORTATION: Rittmer, Chair; Drake and McCoy

SSB 3185

APPROPRIATIONS: Lamberti, Chair; Deluhery and Kramer

SSB 3186

APPROPRIATIONS: Lamberti, Chair; Hammond and Kramer

SSB 3187

APPROPRIATIONS: Redfern, Chair; Horn and Rehberg

SSB 3188

APPROPRIATIONS: Kramer, Chair; Connolly and Lamberti

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 18th day of March, 2002:

Senate Files 2141 and 2212.

MICHAEL E. MARSHALL
Secretary of the Senate

RECONVENED

The Senate reconvened at 7:49 p.m., President Kramer presiding.

INTRODUCTION OF BILL

Senate File 2315, by committee on Appropriations, a bill for an act appropriating state school foundation aid and making related changes to the state percent of growth for school budgets and to the funding for area education agencies, and providing an effective date.

Read first time and **placed on Appropriations calendar.**

BILL PLACED ON UNFINISHED BUSINESS CALENDAR

Senator McKean asked and received unanimous consent that **Senate File 2315** be placed on the Unfinished Business Calendar.

BILL REFERRED TO COMMITTEE

Senator McKean asked and received unanimous consent that **Senate File 2315** be referred from the Senate Calendar to the committee on Education.

RECESS

On motion of Senator McKean, the Senate recessed at 7:50 p.m. until the completion of a meeting of the committee on Education.

RECONVENED

The Senate reconvened at 8:25 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Soukup, for the remainder of the day, on request of Senator Gronstal.

QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent, and a quorum present.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Brett Raasch, Board of Athletic Training Examiners

Barbara Brown, City Development Board

Jack Morlan, Board of Cosmetology Arts and Sciences Examiners

Kathy Miller, Commission on the Deaf

Karen Potter-Maxwell, Commission on the Deaf

Deena Kuempel, Board of Dental Examiners

John Aboud, Board of Educational Examiners

Hazel Chuck, Commission of Elder Affairs

Yogesh Shah, Commission of Elder Affairs

Julie Bell, Iowa Emergency Response Commission

Sally Hartley, Iowa Empowerment Board

Carmela Brown, Iowa Finance Authority

Amy Sarchet, State Citizen Foster Care Review Board

Edward Nichols, Chairperson of the Health Facilities Council

Mary Wegner, Information Technology Council

Angela Bonar, Iowa Law Enforcement Academy Council

Carole Frier, Board of Medical Examiners
 Mary Hoppa, Board of Medical Examiners
 Dana Shaffer, Board of Medical Examiners

Julie Jetter, Mental Health and Developmental Disabilities
 Commission

David VanNingen, Mental Health and Developmental Disabilities
 Commission

Margaret Eicher, Board of Mortuary Science Examiners

Patrick Greenwood, Board of Nursing Examiners

Elizabeth Robinson-Ford, Chairperson of the Board of Parole

Richard Bordwell, Vice Chairperson of the Board of Parole

Armando Rosales, Board of Physical and Occupational Therapy
 Examiners

Linda Ferris, Board of Psychology Examiners

M. Christina Santos Cruse, Commission on Tobacco Use
 Prevention and Control

Patrick J. Palmersheim, Executive Director of the Commission of
 Veterans Affairs

Earl Goerdts, Iowa Board of Veterinary Medicine

Holly Mennen, Commission on the Status of Women

Senator Iverson moved that the foregoing appointees be confirmed
 by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise

Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Soukup			

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2248.

House File 2248

On motion of Senator Schuerer, **House File 2248**, a bill for an act relating to the designation of a Bill of Rights Day, with report of committee recommending passage, was taken up for consideration.

The Senate stood at ease at 8:53 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 9:01 p.m., President Kramer presiding.

Senator Iverson asked and received unanimous consent that action on **House File 2248** be **deferred**.

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2315 (SSB 3188), a bill for an act appropriating state school foundation aid and making related changes to the state percent of growth for school budgets and to the funding for area education agencies, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 21: Lamberti, Kramer, Angelo, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKinley, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann. Nays, 1: Fiegen. Absent or not voting, 3: Flynn, McKibben, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: SENATE FILE 2315, a bill for an act appropriating state school foundation aid and making related changes to the state percent of growth for school budgets and to the funding for area education agencies, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redwine, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 2: Redfern and Soukup.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

UNFINISHED BUSINESS

Senate File 2315

On motion of Senator Boettger, **Senate File 2315**, a bill for an act appropriating state school foundation aid and making related changes to the state percent of growth for school budgets and to the funding for area education agencies, and providing an effective date, placed on the Unfinished Business Calendar on March 18, 2002, with report of committee on Education recommending passage, was taken up for consideration.

Senator Connolly offered amendment S-5190, filed by Senator Connolly, et al., from the floor to pages 1, 2, 4, and to the title page of the bill.

Senator Boettger raised the point of order that amendment S-5190 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5190 out of order.

Senator Connolly offered amendment S-5189, filed by Senator Connolly, et al., from the floor to page 2 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5189 be adopted?" (S.F. 2315), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Ragan	Shearer	

Nays, 26:

Angelo	Behn	Boettger	Drake
Gaskill	Greiner	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKinley	Miller	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Soukup			

Amendment S-5189 lost.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2315), the vote was:

Ayes, 41:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKinley
Ragan	Redwine	Rehberg	Rittmer
Schuerer	Shearer	Tinsman	Veenstra
Zieman			

Nays, 4:

Greiner	Houser	Miller	Sexton
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Absent or not voting, 5:

Deluhery	Flynn	McKibben	Redfern
Soukup			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2315** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:25 p.m. until 9:00 a.m. Tuesday, March 19, 2002.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: March 18, 2002, 7:20 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Angelo, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKinley, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann.

Members Absent: Flynn, Ranking Member; McKibben and Redfern (all excused).

Committee Business: Approved SSB 3188.

Adjourned: 7:40 p.m.

EDUCATION

Convened: March 18, 2002, 7:53 p.m.

Members Present: Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redwine, Shearer, Tinsman, and Veenstra.

Members Absent: Redfern and Soukup (both excused).

Committee Business: Passed SF 2315.

Adjourned: 8:05 p.m.

SUBCOMMITTEE ASSIGNMENT

Senate File 2315

EDUCATION: Boettger, Chair; Connolly and Rehberg

COMMITTEE REPORTS

LOCAL GOVERNMENT

Final Bill Action: *HOUSE FILE 2430, a bill for an act providing for the mental health and developmental disabilities commission to assume the duties of the state-county management committee and provides new rulemaking authority associated with those duties.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5173.

Final Vote: Ayes, 8: Miller, Black, Fraise, Gaskill, Horn, Houser, McKibben, and Zieman. Nays, none. Absent or not voting, 5: Angelo, Hansen, Lord, McCoy, and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on House File 2430, and they were attached to the committee report.

ALSO:

Final Bill Action: *HOUSE FILE 2459, a bill for an act relating to the authority of city hospital and health care facility boards of trustees.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5174.

Final Vote: Ayes, 10: Miller, Angelo, Black, Fraise, Gaskill, Horn, Houser, McKibben, Tinsman, and Zieman. Nays, none. Absent or not voting, 3: Hansen, Lord, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on House File 2459, and they were attached to the committee report.

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 109, a concurrent resolution requesting that the governor annually designate the third week in the month of October as Cultural Awareness Week.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 110, a concurrent resolution honoring Dr. William Campbell for more than fifty years of service to the people of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 115, a concurrent resolution designating March 2002 as Iowa Women's History Month.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 117, a concurrent resolution honoring Mr. Harold "Tommy" Thompson upon his retirement as the Executive Director of the Iowa Communications Network.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 112, a Senate resolution honoring NASCAR racer Shawna Robinson.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 113, a Senate resolution congratulating Ms. Jennifer Quinn and Mr. Justin Carlson for receiving a 2002 Prudential Spirit of Community Award.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 114, a Senate resolution recognizing the success of the University of Iowa Dance Marathon.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 115, a Senate resolution congratulating Ms. Carissa Meadows for receiving a 2002 Prudential Spirit of Community Award.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 2532, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5178.

Final Vote: Ayes, 12: King, Kibbie, Bolcom, Connolly, Dearden, Drake, Fink, Jensen, Maddox, Rittmer, Schuerer, and Sexton. Nays, none. Absent or not voting, 3: Lamberti, Deluhery, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 18, 2002, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2145 – Relating to terminology and eligibility for assistance under the sewage treatment and drinking water facilities financing program.

COMMITTEE CHANGES

Senator Iverson announced the following committee change on March 6, 2002:

Senator David Miller replaces Senator Jerry Behn as the Vice Chair of the Economic Development Appropriations Subcommittee.

Senator Gronstal announced that beginning immediately Senator Amanda Ragan will assume the following committee assignments:

Agriculture (replacing Senator Dennis H. Black)

Human Resources (replacing Senator Patricia Harper)

Local Government (replacing Senator Senator Wally E. Horn)

Small Business, Economic Development, and Tourism (replacing Senator Robert E. Dvorsky)

Health and Human Rights Appropriations Subcommittee (replacing Senator Dick Dearden)

AMENDMENTS FILED

S-5172	S.F.	429	House
S-5173	H.F.	2430	Local Government
S-5174	H.F.	2459	Local Government
S-5175	H.F.	583	Sandra Greiner
S-5176	H.F.	2530	Sandra Greiner John P. Kibbie
S-5177	H.F.	2109	John P. Kibbie
S-5178	H.F.	2532	State Government
S-5179	H.F.	2404	Kitty Rehberg
S-5180	S.F.	2283	Kitty Rehberg
S-5181	H.F.	2109	Mike Connolly
S-5182	H.F.	2109	Mike Sexton Bill Fink
S-5183	H.F.	2109	Mike Sexton Bill Fink
S-5184	S.F.	2277	House
S-5185	H.F.	2516	Steve King
S-5186	S.F.	2192	House
S-5187	H.F.	2454	Nancy Boettger Steve King Thomas Fiegen
S-5188	H.F.	2264	Patricia Harper

S-5189	S.F.	2315	Mike Connolly Michael E. Gronstal Thomas Fiegen Wally E. Horn John P. Kibbie Dennis H. Black Johnie Hammond Joe Bolkcom Amanda Ragan Robert E. Dvorsky Jack Holveck Steven D. Hansen Patricia Harper Bill Fink Mark Shearer Matt McCoy Eugene S. Fraise
S-5190	S.F.	2315	Mike Connolly Michael E. Gronstal Thomas Fiegen Wally E. Horn John P. Kibbie Dennis H. Black Johnie Hammond Jack Holveck Dick L. Dearden Patricia Harper Bill Fink Mark Shearer Amanda Ragan Matt McCoy Steven D. Hansen Joe Bolkcom Robert E. Dvorsky Eugene S. Fraise

JOURNAL OF THE SENATE

SIXTY-FIFTH CALENDAR DAY
THIRTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 19, 2002

The Senate met in regular session at 9:07 a.m., President Kramer presiding.

Prayer was offered by Miss Sarah Carlson from Rockwell City, Iowa. Miss Carlson, a vocal performance major at the University of Northern Iowa and former Senate Page, sang "Be Thou My Vision." She was the guest of Senator Sexton.

The Journal of Monday, March 18, 2002, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:17 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:22 p.m., President Kramer presiding.

SPECIAL GUESTS

Senator Boettger welcomed to the Senate chamber the following international guests in association with the Marshall Memorial Fellowship program:

Mr. Stephane Arteta – Paris, France
Mr. Fernando Garcia Lopez – Barcelona, Spain
Mr. Evripidis Stylianidis – Athens, Greece
Mr. Corina Vasile – Bucharest, Romania
Mr. Karol Zimmer – Bratislava, Slovak Republic
Ms. Isabella Falautano – Rome, Italy

The goal of the program is to provide the next generation of European leaders a better understanding of the political, social, and economic institutions in the United States.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 115.

Senate Concurrent Resolution 115

On motion of Senator Maddox, **Senate Concurrent Resolution 115**, a concurrent resolution designating March 2002 as Iowa Women's History Month, with report of committee recommending passage, was taken up for consideration.

Senator Maddox moved the adoption of Senate Concurrent Resolution 115, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senators Maddox and McCoy welcomed ten student winners of the 18th Annual "Write Women Back Into History" Essay Contest sponsored by the Iowa Commission on the Status of Women, Iowa Department of Education, and the Iowa State Historical Society. Approximately 1,500 students participated in the contest statewide in celebration of Women's History Month.

Sixth and Seventh Grades:

First Place: Brianna Routh of Parkview Middle School in Ankeny.

Second Place: Kathryn M. Skilton of Nashua Elementary.

Third Place: Lauren Davidson of Roosevelt Middle School in Cedar Rapids.

Eighth and Ninth Grades:

First Place: Robert Martin of Central Academy in Des Moines.

Second Place: Alyssa Hedrick of Wilson Junior High School in Council Bluffs.

Third Place: Chelsea Combs of Central Academy in Des Moines.

Best Essays on Women in Science and Engineering for Sixth and Seventh Grades:

First Place: Kiersten Ruff of Wilson Junior High School in Council Bluffs.

Best Essays on Women in Science and Engineering for Eighth and Ninth Grades:

First Place: Stephanie Schulze of Goodrell Middle School in Des Moines.

Second Place: Emily Nagle of Jefferson Junior High School in Dubuque.

Edith Rose Murphy Sackett Award for the Best Essay on a Woman Volunteer:

Quinnetta Claytor of Central Academy in Des Moines.

The Senate stood at ease at 1:40 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:40 p.m., President Kramer presiding.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 115** be **immediately messaged** to the House.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hammond, until she returns, on request of Senator Harper; Senator Flynn, for the day, on request of Senator Fraise; Senator Veenstra, until he returns, on request of Senator McKinley; and Senator Houser, until he returns, on request of Senator Boettger.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 518 and 2488.

House File 518

On motion of Senator Miller, **House File 518**, a bill for an act relating to jurisdictional changes to small claims court cases, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Miller offered amendment S-5159, filed by the committee on Judiciary on March 13, 2002, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5159 was adopted by a voice vote.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 518), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hansen	Harper	Holveck
Horn	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Zieman			

Nays, none.

Absent or not voting, 5:

Flynn	Hammond	Houser	Redfern
Veenstra			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, for the day, on request of Senator Maddox.

House File 2488

On motion of Senator Harper, **House File 2488**, a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act, with report of committee recommending passage, was taken up for consideration.

Senator Harper moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2488), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Ragan	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Flynn	Hammond	Redfern	Veenstra
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 429

Senator King called up for consideration **Senate File 429**, a bill for an act relating to price regulation for local exchange carriers, by changing certain definitions related to price regulation, permitting certain rate increases, requiring certain network infrastructure investments, and making related changes, amended by the House, and moved that the Senate concur in House amendment S-5172, filed March 18, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator King moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 429), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hansen	Harper	Holveck
Horn	Houser	Iverson	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKean
McKinley	Miller	Ragan	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Soukup	Tinsman	Veenstra	Zieman

Nays, 2:

McKibben	Shearer
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Absent or not voting, 4:

Flynn	Hammond	Jensen	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 518** and **2488** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fink, for the remainder of the day, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2516.

House File 2516

On motion of Senator Angelo, **House File 2516**, a bill for an act relating to the display of a United States flag in each classroom during school hours and the daily observance of a minute of silence in a school district, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Angelo offered amendment S-5162, filed by the committee on Education on March 13, 2002, to page 1 and to the title page of the bill.

Senator King offered amendment S-5185, filed by him on March 18, 2002, to page 1 of amendment S-5162.

Senator Fiegen asked and received unanimous consent that action on amendment S-5185 to amendment S-5162, amendment S-5162, and **House File 2516** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen, until he returns, on request of Senator Rittmer.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2518 and 2510.

House File 2518

On motion of Senator Behn, **House File 2518**, a bill for an act relating to child foster care and adoption requirements involving licensing periods, foster parent training, and annual reports, with report of committee recommending passage, was taken up for consideration.

Senator Behn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2518), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Fink	Flynn	Jensen	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2510

On motion of Senator Zieman, **House File 2510**, a bill for an act relating to the movement of dairy cattle from livestock markets, and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Senator Zieman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2510), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Fink	Flynn	Jensen	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

Senate File 2168

On motion of Senator Lamberti, **Senate File 2168**, a bill for an act authorizing the state board of regents to issue bonds to construct, improve, remodel, repair, furnish, and equip inpatient and outpatient facilities and patient care facilities at the university of Iowa hospitals and clinics, placed on the Unfinished Business Calendar on March 14, 2002, was taken up for consideration.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2168), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Ragan	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Fink	Flynn	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2168** and **House Files 2510** and **2518** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2516

The Senate resumed consideration of **House File 2516**, a bill for an act relating to the display of a United States flag in each classroom during school hours and the daily observance of a minute of silence in a school district, and providing an effective date, amendment S-5162, and amendment S-5185 to amendment S-5162, previously deferred.

President Pro Tempore McKean took the chair at 4:01 p.m.

Senator King moved the adoption of amendment S-5185 to amendment S-5162.

A record roll call was requested.

On the question "Shall amendment S-5185 to amendment S-5162 be adopted?" (H.F. 2516), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Behn	Boettger	Drake	Fiegen
Horn	Houser	King	Lord
McKean	McKibben	McKinley	Miller
Redwine	Rehberg	Schuerer	Sexton
Shearer	Veenstra	Zieman	

Nays, 27:

Angelo	Black	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Iverson
Jensen	Kibbie	Kramer	Lamberti
Lundby	Maddox	McCoy	Ragan
Rittmer	Soukup	Tinsman	

Absent or not voting, 4:

Fink	Flynn	Holveck	Redfern
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Amendment S-5185 lost.

Senator Connolly withdrew amendment S-5191, filed by him from the floor to page 1 and to the title provisions of amendment S-5162.

Senator King offered amendment S-5221, filed by Senators King, Behn, and Rehberg from the floor to page 1 and to the title provisions of amendment S-5162.

Senator King asked and received unanimous consent to withdraw amendment S-5221.

Senator Angelo moved the adoption of amendment S-5162, which motion prevailed by a voice vote.

Senator Fiegen offered amendment S-5222, filed by him from the floor to page 1 and to the title page of the bill.

The Senate stood at ease at 4:33 p.m. until the fall of the gavel.

The Senate resumed session at 4:41 p.m., President Pro Tempore McKean presiding.

Senator Fiegen withdrew amendment S-5222.

Senator Fiegen offered amendment S-5224, filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5224 was adopted by a voice vote.

President Kramer took the chair at 5:24 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Dearden.

BUSINESS PENDING

House File 2516

The Senate resumed consideration of House File 2516.

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. 2516), the vote was:

Ayes, 39:

Angelo	Behn	Black	Boettger
Deluhery	Drake	Fiegen	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hansen	Holveck	Horn	Houser
Iverson	Jensen	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Tinsman	Veenstra	Zieman	

Nays, 7:

Bolkcom	Connolly	Dearden	Dvorsky
Hammond	Harper	Soukup	

Absent or not voting, 4:

Fink	Flynn	McCoy	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dearden, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2249 and 2291.

House File 2249

On motion of Senator McKean, **House File 2249**, a bill for an act relating to the administration of the Iowa lottery by providing for criminal history checks of applicants for certain licenses and major vendors contracting with the lottery, marketing materials, and the identification of instant lottery tickets, providing for a fee, and providing for an effective date, with report of committee recommending passage, was taken up for consideration.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2249), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Deluhery	Drake
Dvorsky	Fiegen	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Ragan	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Dearden	Fink	Flynn	McCoy
Redfern			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2291

On motion of Senator Lord, **House File 2291**, a bill for an act relating to judgment liens attaching to city real estate, with report of committee recommending passage, was taken up for consideration.

Senator Lord moved that the bill be read the last time now and placed upon 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. 2291), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Deluhery	Drake
Dvorsky	Fiegen	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Ragan	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Zieman

Nays, none.

Absent or not voting, 6:

Dearden	Fink	Flynn	McCoy
Redfern	Veenstra		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2249, 2291, and 2516** 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 March 19, 2002, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2116, a bill for an act relating to the preservation and enhancement of the state capitol.

Senate File 2167, a bill for an act establishing a health insurance administration fund relating to the payment of the administrative costs of state health insurance plans and providing for its prospective repeal.

Senate File 2195, a bill for an act relating to the uniform anatomical gift Act including the document of gift, the release of identifying information, donors other than the subject of the donation, and immunity provisions.

Senate File 2231, a bill for an act providing for hospital access to abuse registries for purposes of employment checks.

Senate File 2288, a bill for an act relating to the appointment of an acting or a temporary county attorney.

Senate File 2315, a bill for an act appropriating state school foundation aid and making related changes to the state percent of growth for school budgets and to the funding for area education agencies, and providing an effective date.

ALSO: That the House has on March 19, 2002, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2190, a bill for an act relating to the procedural requirements for foreign and international adoption, providing for applicability, and providing an effective date.

ALSO: That the House has on March 19, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2278, a bill for an act relating to analyzing the confinement and detention needs of jails, and other local or regional confinement facilities, prohibiting certain financial interests in the construction of a jail or facility, and providing an effective date. (S-5226)

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:21 p.m. until 9:00 a.m. Wednesday, March 20, 2002.

APPENDIX

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 19, 2002, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As members of the Agricultural Development Authority:

E. JOYCE SCHULTE – Angelo, Chair; Black and Boettger
GARY STEINLAGE – Black, Chair; Angelo and Boettger
ANNETTE TOWNSLEY – Boettger, Chair; Angelo and Black

As members of the Iowa Grain Indemnity Fund Board:

CAROLYN ROBERTS – Gaskill, Chair; Greiner and Kibbie
DONNA WINBURN – Greiner, Chair; Gaskill and Kibbie

As members of the Grape and Wine Development Commission:

DR. WILLIAM T. BROWN – Kibbie, Chair; Gaskill and Greiner
BENJAMIN JUNG – Sexton, Chair; Shearer and Zieman
RON MARK – Zieman, Chair; Sexton and Shearer
HORST "JOHN" PRIEBE – Shearer, Chair; Sexton and Zieman
DR. PAUL TABOR – Houser, Chair; Behn and Fraise

BUSINESS AND LABOR RELATIONS

As a member of the Employment Appeal Board:

MARY ANN SPICER – Behn, Chair; Lundby and Schuerer

As a member of the Public Employment Relations Board:

JAMES RIORDAN – Dearden, Chair; Greiner and Schuerer

As members of the Iowa Workforce Development Board:

BENJAMIN DUEHR – Hammond, Chair; King and McKibben
 DEAN HICKS – King, Chair; Behn and Hammond
 PATRICIA MARSHALL – Horn, Chair; Greiner and Lundby
 EARNEST NELSON – Fraise, Chair; Greiner and Lundby
 NORMA SCHMOKER – Freeman, Chair; Dearden and King

COMMERCE

As members of the Credit Union Review Board:

DON GETTINGS – Flynn, Chair; Freeman and Jensen
 BARBARA OLIVER-HALL – Redwine, Chair; Maddox and McCoy

As Chairperson of the Iowa Telecommunications and Technology Commission:

MARY ELIZABETH BRANDSGARD – Deluhery, Chair; King and Lundby

As a member of the Iowa Telecommunications and Technology Commission:

ROBERT HARDMAN – Redfern, Chair; Bolkcom and Schuerer

EDUCATION

As members of the State Board of Education:

JAMES BILLINGS – Connolly, Chair; Rehberg and Veenstra
 JUDE FITZPATRICK – Fink, Chair; Redwine and Rehberg
 MARY MONTGOMERY – McKinley, Chair; Boettger and Soukup
 GENE VINCENT – Rehberg, Chair; Boettger and Fink

As a member of the Board of Educational Examiners:

BRIAN CARTER – Shearer, Chair; Redfern and Redwine

As a member of the Iowa Higher Education Loan Authority:

CAROL BURNS – Dvorsky, Chair; McKinley and Redfern

As a member of the School Budget Review Committee:

CONNIE COOK – Angelo, Chair; Redwine and Soukup

HUMAN RESOURCES

As members of the Board of Athletic Training Examiners:

MARK COBERLEY – Hammond, Chair; Boettger and Veenstra
 HOLLY HEALEY – Hammond, Chair; Boettger and Veenstra
 LYNN LINDAMAN – Veenstra, Chair; Boettger and Hammond

As members of the Board of Behavioral Science Examiners:

DAVID BROWN – Behn, Chair; Dvorsky and Schuerer
ELIZABETH SHANNAHAN – Schuerer, Chair; Behn and Dvorsky

As a member of the Commission for the Blind:

JULIA SCURR – Dvorsky, Chair; Behn and Schuerer

As members of the Commission on Community Action Agencies:

KATHY BEAUCHAMP – Holveck, Chair; McKibben and Tinsman
ETHEL CAMPBELL – Tinsman, Chair; Holveck and McKibben
MICHAEL COVERDALE – McKibben, Chair; Holveck and Tinsman
BOB KNOWLER – Redwine, Chair; Harper and Veenstra
MERL McFARLANE – Harper, Chair; Redwine and Veenstra

As members of the Commission on the Deaf:

JACQUELYN FLETCHER – Veenstra, Chair; Harper and Redwine
JAMES GROVER – Shearer, Chair; Miller and Tinsman
LOREN WOODS – Miller, Chair; Shearer and Tinsman

As Administrator of the Division of Deaf Services:

KATHRYN L. BAUMANN-REESE – Tinsman, Chair; Miller and Shearer

As Administrator of the Division of Persons with Disabilities:

JILL AVERY – Boettger, Chair; Behn and Dvorsky

As members of the Iowa Empowerment Board:

THERESA CHRISTOFFERSEN – Dvorsky, Chair; Behn and Boettger
MARY ODELL – Behn, Chair; Boettger and Dvorsky
NANCY VAN MILLIGEN – Behn, Chair; Dvorsky and Harper

As members of the State Citizen Foster Care Review Board:

DON ROSS – Dvorsky, Chair; Behn and Harper
NANCYLEE ZIESE – Harper, Chair; Behn and Dvorsky

As members of the Healthy and Well Kids in Iowa (*hawk-i*) Board:

ELDON HUSTON – McKibben, Chair; Hammond and Schuerer
SUSAN SALTER – Hammond, Chair; McKibben and Schuerer
WANDA WYATT-HARDWICK – Schuerer, Chair; Hammond and McKibben

As members of the Mental Health and Developmental Disabilities Commission:

MICHAEL FLAUM – Dvorsky, Chair; Miller and Veenstra
JACKIE KIBBIE-WILLIAMS – Veenstra, Chair; Dvorsky and Miller
NANCY McKLVEEN – Miller, Chair; Dvorsky and Veenstra

As members of the Board of Physician Assistant Examiners:

KENNETH TALCOTT – Shearer, Chair; Behn and Tinsman
GLORIA WELTE – Tinsman, Chair; Behn and Shearer

As members of the Prevention of Disabilities Policy Council:

PATRICIA CROSLEY – Behn, Chair; Shearer and Tinsman
KURT HOPPE – Harper, Chair; McKibben and Schuerer
MICKEY McDANIEL – McKibben, Chair; Harper and Schuerer
PATRICIA MORELAND – Schuerer, Chair; Harper and McKibben
THOMAS SLATER – Miller, Chair; Holveck and Veenstra
FRANK STRONG – Holveck, Chair; Miller and Veenstra
MELVA URBAN – Veenstra, Chair; Holveck and Miller
DON VAN DYKE – Dvorsky, Chair; McKibben and Tinsman
VERNA WELTE – Tinsman, Chair; Dvorsky and McKibben

As members of the Commission on Tobacco Use Prevention and Control:

NOREEN HUMPHREY – McKibben, Chair; Dvorsky and Tinsman
CHRISTOPHER SQUIER – Behn, Chair; Hammond and Miller

As members of the Commission on the Status of Women:

VICTORIA BROWN – Hammond, Chair; Behn and Miller
SUE MULLINS – Miller, Chair; Behn and Hammond
SUSAN UNGER – Hammond, Chair; Boettger and Tinsman
MATTHEW WISSING – Tinsman, Chair; Boettger and Hammond

JUDICIARY

As a member of the Iowa State Civil Rights Commission:

DINH VANLO – Boettger, Chair; Angelo and Holveck

As a member of the Board of Corrections:

HAYWOOD BELLE – Horn, Chair; Boettger and Redfern

As members of the Criminal and Juvenile Justice Planning Advisory Council:

ELAINE ARMSTRONG – Tinsman, Chair; Fiegen and Miller
MARY BARAKAT – Hansen, Chair; Lamberti and McKean
THOMAS FERGUSON – Redfern, Chair; Fraise and King
MONICA MURRAY – Angelo, Chair; Hammond and King
RONALD STEHL – Fraise, Chair; Lamberti and McKean
MARVIN VAN HAAFTEN – Miller, Chair; Fiegen and Redfern
CAROL WOOD – King, Chair; Boettger and Hansen

As a member of the Iowa Drug Policy Advisory Council:

ROBERT TORGERSON – Fiegen, Chair; Miller and Tinsman

As Chairperson of the Board of Parole:

ELIZABETH ROBINSON-FORD – Maddox, Chair; Angelo and Fraise

As a member of the Board of Parole:

KAREN MUELHAUPT – Holveck, Chair; Maddox and Tinsman

LOCAL GOVERNMENT

As a member of the City Development Board:

SUSAN COSNER – Angelo, Chair; Houser and McCoy

As members of the Mental Health Risk Pool:

LYNN FERRELL – Houser, Chair; Fraise and Tinsman

JULIE JETTER – Zieman, Chair; Fraise and Houser

KAREN STRAWN – Tinsman, Chair; Hansen and Houser

NATURAL RESOURCES AND ENVIRONMENT

As members of the Renewable Fuels and Coproducts Advisory Committee:

MARY LUCILE NORTON – Lord, Chair; Freeman and Kibbie

STEVEN RAU – Lord, Chair; Freeman and Kibbie

ERIC SEUREN – Lord, Chair; Freeman and Kibbie

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

As members of the Iowa Economic Development Board:

ROBERT PULVER – Lamberti, Chair; Gaskill and Shearer

MARCIA ROGERS – Zieman, Chair; Dvorsky and Greiner

As members of the Small Business Advisory Council:

ALISON DOYLE – McKinley, Chair; Fiegen and Veenstra

DEREK HOLMES – Gaskill, Chair; Behn and Flynn

DAVID MACKAMAN – Greiner, Chair; Holveck and Veenstra

STATE GOVERNMENT

As members of the Accountancy Examining Board:

THOMAS ENGELMANN – Deluhery, Chair; Lamberti and Maddox

MARIANNE MICKELSON – Maddox, Chair; Deluhery and Lamberti

As members of the Commission on the Status of African-Americans:

GEORGE BAUGH – Lamberti, Chair; Deluhery and Maddox

ISALIAH JOHNSON – King, Chair; Dearden and McKean

As a member of the Alcoholic Beverages Commission:

MARY HUNTER – Dearden, Chair; King and McKean

As Administrator of the Alcoholic Beverages Division:

LYNN M. WALDING – Maddox, Chair; Deluhery and Lamberti

As members of the Architectural Examining Board:

ANNABELLE DIEHL – Fink, Chair; Drake and Sexton
GORDON MILLS – Connolly, Chair; Jensen and Schuerer
TERESA PETRZALEK – McKean, Chair; Dearden and King

As members of the Board of Barber Examiners:

G. L. RUSHENBERG – Dearden, Chair; King and McKean
ROBERT VAN VOOREN – Bolkcom, Chair; Lamberti and Rittmer

As members of the Board of Chiropractic Examiners:

PAMELA BAIR – Lamberti, Chair; Deluhery and Maddox
STEVEN KRAUS – Sexton, Chair; Drake and Fink
THOMAS STANZEL – Fink, Chair; Drake and Sexton

As members of the Board of Cosmetology Arts and Sciences Examiners:

LOIS LEYTEM – Connolly, Chair; Jensen and Schuerer
TERESA MERTENS – Drake, Chair; Fink and Sexton
MARY MYERS – Fink, Chair; Drake and Sexton
SHEILA O'HERN – Sexton, Chair; Drake and Fink
MICHAEL SALVNER – Dearden, Chair; King and McKean

As members of the Board of Dental Examiners:

ALAN HATHAWAY – Deluhery, Chair; Lamberti and Maddox
SUZAN STEWART – King, Chair; Dearden and McKean
DEBRA YOSSEI – Bolkcom, Chair; Lamberti and Rittmer

As members of the Board of Dietetic Examiners:

MARCY ROLENC – Bolkcom, Chair; Lamberti and Rittmer
ROBERT SCHWEERS – Lamberti, Chair; Deluhery and Maddox

As members of the Engineering and Land Surveying Examining Board:

SUSAN ALBRIGHT – Maddox, Chair; Deluhery and Lamberti
RANDALL BEAVERS – Dearden, Chair; King and McKean
NICHOLAS KONRADY – Sexton, Chair; Drake and Fink

As Director of the Department of General Services:

RICHARD J. HAINES – Lamberti, Chair; Deluhery and Maddox

As members of the Board for the Licensing and Regulation of Hearing Aid Dealers:

CORINNA HUNTRODS – Schuerer, Chair; Connolly and Jensen
PATRICIA STARK – Rittmer, Chair; Bolkcom and Lamberti
LESLIE WHIPPEN – Jensen, Chair; Connolly and Schuerer

As members of the Information Technology Council:

RON DARDIS – Jensen, Chair; Connolly and Schuerer
FREDERICK STILWILL – Schuerer, Chair; Connolly and Jensen

As Administrator of the Operations Division of the Department of Information Technology:

LORRIE L. TRITCH – Fink, Chair; Drake and Sexton

As members of the IowAccess Advisory Council:

JANE GINAPP – Jensen, Chair; Connolly and Schuerer
MIRIAM UBBEN – Kibbie, Chair; Deluhery and Schuerer

As a member of the Investment Board of the IPERS:

MARY WILLIAMS – Kibbie, Chair; Deluhery and Schuerer

As members of the Landscape Architectural Examining Board:

CAROLYN MAGNANI – Rittmer, Chair; Bolkcom and Lamberti
ANN REINHART – Deluhery, Chair; Lamberti and Maddox

As members of the Lottery Board:

WILLIAM BROSNAHAN – Connolly, Chair; Jensen and Schuerer
MARY JUNGE – McKean, Chair; Dearden and King

As members of the Board of Massage Therapy Examiners:

KENNETH LANG – Kibbie, Chair; Deluhery and Schuerer
MARY McGUIRE – Schuerer, Chair; Connolly and Jensen
E. HOWARD SONKSEN – Kibbie, Chair; Deluhery and Schuerer
JANE SWARD – Connolly, Chair; Jensen and Schuerer

As members of the Board of Medical Examiners:

SUSAN JOHNSON – Bolkcom, Chair; Lamberti and Rittmer
DIANE NAGLE – Jensen, Chair; Connolly and Schuerer
DANA SHAFFER – King, Chair; Dearden and McKean

As members of the Board of Mortuary Science Examiners:

J. CRAIG FRATZKE – King, Chair; Dearden and McKean
KAREN THOMSEN – Sexton, Chair; Drake and Fink
MARCUS VIGEN – Drake, Chair; Fink and Sexton

As members of the Board of Nursing Examiners:

ANNA FALLON – King, Chair; Dearden and McKean
PATRICK GREENWOOD – Rittmer, Chair; Bolcom and Lamberti
PAULINE TAYLOR – Bolcom, Chair; Lamberti and Rittmer

As members of the State Board of Examiners for Nursing Home Administrators:

LARRY HERTEL – Schuerer, Chair; Connolly and Jensen
TIMOTHY MOE – Deluhery, Chair; Lamberti and Maddox

As members of the Board of Optometry Examiners:

TERRY BROWN – Sexton, Chair; Drake and Fink
CONNIE CONNOLLY – Connolly, Chair; Jensen and Schuerer
MICHAEL OHLSON – Jensen, Chair; Connolly and Schuerer
MARILYN SPINA – King, Chair; Dearden and McKean

As Peace Officers' Retirement, Accident, and Disability System Trustee:

TERRANCE LILLIS – Rittmer, Chair; Bolcom and Lamberti

As members of the Board of Pharmacy Examiners:

PAUL ABRAMOWITZ – Bolcom, Chair; Lamberti and Rittmer
VERNON BENJAMIN – Drake, Chair; Dearden and McKean
BARBARA O'ROAKE – King, Chair; Dearden and McKean

As members of the Board of Physical and Occupational Therapy Examiners:

THEODORE PETERSON – Schuerer, Chair; Connolly and Jensen
ARMANDO ROSALES – King, Chair; Dearden and McKean
HENRIETTA SCHOLTEN – King, Chair; Dearden and McKean

As members of the Board of Podiatry Examiners:

ANGELA LANGREHR – Jensen, Chair; Connolly and Lamberti
ROBERT YOHO – Maddox, Chair; Deluhery and Lamberti

As Administrator of Professional Licensing and Regulation:

KATHLEEN HALLORAN – Schuerer, Chair; Connolly and Jensen

As members of the Board of Psychology Examiners:

RUTH DAGGETT – Jensen, Chair; Connolly and Schuerer
SUSAN ENZLE – Bolcom, Chair; Lamberti and Rittmer
JACOB SINES – Bolcom, Chair; Lamberti and Rittmer

As Administrator of the State Racing and Gaming Commission:

JACK P. KETTERER – McKean, Chair; Bolcom and King

As members of the State Racing and Gaming Commission:

STEVEN CHAPMAN – Kibbie, Chair; Drake and Rittmer
LEE CLANCEY – Schuerer, Chair; Bolkcom and King

:
As members of the Real Estate Appraiser Examining Board

SHARON CHISM – Lamberti, Chair; Deluhery and Maddox
LUTHER GAMMON – King, Chair; Dearden and McKean

As members of the Real Estate Commission:

PATRICIA DANIELS – Dearden, Chair; King and McKean
BARBARA LEESTAMPER – Schuerer, Chair; Connolly and Jensen

As members of the State Board for Respiratory Care:

GREGORY HICKLIN – Fink, Chair; Drake and Sexton
AMY LOVE – Sexton, Chair; Drake and Fink

As members of the Board of Social Work Examiners:

THOMAS CAPSHEW – Jensen, Chair; Connolly and Schuerer
W. ROBERT SCHMIDT – Deluhery, Chair; Lamberti and Maddox
JOYCE WESTPHAL – Kibbie, Chair; Deluhery and Schuerer

As members of the Board of Speech Pathology and Audiology Examiners:

CONNIE HONKEN – McKean, Chair; Dearden and King
ROBERT MacDOUGALL – Schuerer, Chair; Deluhery and Kibbie

As a member of the Commission of Veterans Affairs:

ROBERT LEEMAN – Drake, Chair; Jensen and Kibbie

As members of the Iowa Board of Veterinary Medicine:

SARAH GARST – Lamberti, Chair; Deluhery and Maddox
PAUL WILLIS – Sexton, Chair; Drake and Fink

As members of the Vision Iowa Board:

MARY ELLEN CHAMBERLIN – McKean, Chair; Dearden and King
SHARON JUON – Jensen, Chair; Connolly and Schuerer
BRADFORD PARKS – Connolly, Chair; Jensen and Schuerer

TRANSPORTATION

As members of the Iowa Law Enforcement Academy Council:

THOMAS GUSTAFSON – Fraise, Chair; Freeman and Kibbie
BRIAN GUY – Rittmer, Chair; Fink and Ziemann

As members of the State Transportation Commission:

DONALD CARMODY – Drake, Chair; Dearden and Jensen
BARRY CLEAVELAND – Houser, Chair; McCoy and McKinley

WAYS AND MEANS

As members of the Iowa Railway Finance Authority:

PHILIP DORWEILER – Maddox, Chair; Holveck and Redwine
EMIL PAVICH – Bolkcom, Chair; McKinley and Rehberg

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

March 19, 2002

DEPARTMENT OF EDUCATION

Phase III Summary Report for the 2000–2001 School Year, pursuant to Iowa Code chapter 294A.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Chelsea Combs, Norwalk — For being a winner in the Write Women Back Into Iowa Essay Contest. Senator Fink (03/19/02).

Alyssa Hedrick, Council Bluffs – For winning second place in the Write Women Back Into History Essay Contest. Senator Gronstal (03/19/02).

Emily Nagle, Dubuque — For being a second place winner for 8th and 9th grades in the Write Women Back Into Iowa Essay Contest – best essay on women in science and engineering. Senator Connolly (03/19/02).

Kiersten Ruff, Council Bluffs – For winning first place in the Write Women Back Into History Essay Contest. Senator Gronstal (03/19/02).

Nathan James White, Iowa City — For achieving the rank of Eagle Scout, Boy Scout Troop 211. Senator Bolkcom (03/19/02).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

High school seniors from Ruthven-Aryshire Community School in Ruthven, accompanied by Jon Josephson. Senator Kibbie.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 19, 2002, 9:44 a.m.

Members Present: Rehberg, Vice Chair; Horn, Ranking Member; Boettger and Kibbie.

Members Absent: Redfern, Chair (excused).

Committee Business: Presentation by representatives of the Board of Regents and University of Iowa, Iowa State University, and University of Northern Iowa.

Adjourned: 11:11 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: March 19, 2002, 9:45 a.m.

Members Present: Tinsman, Chair; Rittmer, Vice Chair; Bolcom, Ranking Member; Lord and Ragan.

Members Absent: None.

Committee Business: Presentation by Department of Public Health concerning budget issues.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: March 19, 2002, 9:45 a.m.

Members Present: Jensen, Chair.

Members Absent: Lamberti, Vice Chair; Soukup, Ranking Member; Connolly and McKibben (all excused).

Committee Business: Presentations by the following departments: Public Defense, Management, Information Technology, Iowa Public Television, and Iowa Communications Network.

Adjourned: 11:10 a.m.

STUDY BILLS RECEIVED

SSB 3189 Ways and Means

Relating to the tax on premiums and subscriber contract payments received by insurance companies and health services corporations by phasing in a reduction in the tax and increasing the prepayment of the tax.

SSB 3190 Ways and Means

Relating to the income limit for purposes of receiving the disabled veteran tax credit on the veteran's homestead and including effective and retroactive applicability date provisions.

SSB 3191 Ways and Means

Relating for fees for the registration of a birth certificate.

SUBCOMMITTEE ASSIGNMENTS

SSB 3189

WAYS AND MEANS: McKibben, Chair; Harper and McKinley

SSB 3190

WAYS AND MEANS: Drake, Chair; Deluhery and Greiner

SSB 3191

WAYS AND MEANS: Rehberg, Chair; Holveck and Maddox

MOTION TO RECONSIDER FILED

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 429 passed the Senate on March 19, 2002.

STEVE KING

AMENDMENTS FILED

S-5191	H.F.	2516	Mike Connolly
S-5192	H.F.	2264	Patricia Harper
S-5193	H.F.	2264	Patricia Harper
S-5194	H.F.	2264	Patricia Harper
S-5195	H.F.	2264	Patricia Harper
S-5196	H.F.	2264	Patricia Harper
S-5197	H.F.	2264	Robert E. Dvorsky
S-5198	H.F.	2264	Robert E. Dvorsky
S-5199	H.F.	2264	Robert E. Dvorsky
S-5200	H.F.	2264	Robert E. Dvorsky
S-5201	H.F.	2264	Robert E. Dvorsky
S-5202	H.F.	2515	Robert E. Dvorsky
S-5203	H.F.	2248	Steven D. Hansen
S-5204	H.F.	2248	Steven D. Hansen
S-5205	H.F.	2264	Jack Holveck
S-5206	H.F.	2264	Jack Holveck
S-5207	H.F.	2248	Steven D. Hansen
S-5208	H.F.	2339	Jeff Angelo
S-5209	H.F.	2264	Jack Holveck
S-5210	H.F.	2264	Joe Bolkcom
S-5211	H.F.	2264	Joe Bolkcom
S-5212	H.F.	2264	Joe Bolkcom
S-5213	H.F.	2264	Joe Bolkcom
S-5214	S.F.	2146	Robert E. Dvorsky John Redwine Jack Holveck Steve King
S-5215	H.F.	2559	Steve King
S-5216	H.F.	2264	Mark Shearer
S-5217	H.F.	2264	Mark Shearer
S-5218	H.F.	2264	Mark Shearer
S-5219	H.F.	2264	Mark Shearer
S-5220	H.F.	2365	E. Thurman Gaskill
S-5221	H.F.	2516	Steve King Jerry Behn Kitty Rehberg
S-5222	H.F.	2516	Thomas Fiegen
S-5223	H.F.	2554	Mary A. Lundby

S-5224	H.F.	2516	Thomas Fiegen
S-5225	H.F.	2532	John P. Kibbie
			Sheldon Rittmer
			Richard F. Drake
S-5226	S.F.	2278	House

JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY
FORTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 20, 2002

The Senate met in regular session at 9:07 a.m., President Kramer presiding.

Prayer was offered by the Reverend Alvin Koeneman, pastor of Wartburg College in Waverly, Iowa. He was the guest of Senator Jensen.

The Journal of Tuesday, March 19, 2002, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 19, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2098, a bill for an act relating to the criminal offense of unauthorized computer access, and providing a penalty.

ALSO: That the House has on March 19, 2002, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 2138, a bill for an act authorizing the college student aid commission to waive or modify statutory or regulatory provisions applicable to state financial aid programs for affected students in the event of a national emergency.

House File 2246, a bill for an act relating to administrative procedures of county treasurers for property taxation and vehicle registration.

ALSO: That the House has on March 19, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2499, a bill for an act relating to requirements for securing children transported in certain motor vehicles and making a penalty applicable.

Read first time and **attached to similar Senate File 2265**.

House File 2509, a bill for an act regarding business corporations, and providing an effective date.

Read first time and **attached to similar Senate File 2285**.

SPECIAL GUEST

Senator Jensen welcomed to the Senate chamber Dr. Jack R. Ohle, President of Wartburg College in Waverly, Iowa. The internationally acclaimed Wartburg Choir would be performing in the rotunda.

SPECIAL GUEST

Senator Jensen welcomed to the Senate chamber Ms. Nadine Hawbaker. Ms. Hawbaker is a watercolorist from Grimes, Iowa. Two of Ms. Hawbaker's paintings were on display in the back of the chamber.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:20 a.m. until 2:00 p.m.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

March 20, 2002

STATE APPEAL BOARD

Denied claims against the state of Iowa during February–March 2002.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Loran and Lirlene Bamford, Belmond — For celebrating your 60th wedding anniversary on March 21, 2002. Senator Iverson (03/20/02).

Dale and Marilyn Daniels, Eagle Grove — For celebrating your 40th wedding anniversary on March 25, 2002. Senator Iverson (03/20/02).

Jared Josten, Webster City — For being named to the Des Moines Sunday Register Boys' All-State Tournament Team. Senator Iverson (03/20/02).

Katheryn Spencer, Eagle Grove — For 35 years of dedication and service in elementary education. Senator Iverson (03/20/02).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: March 20, 2002, 9:40 a.m.

Members Present: Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; and Greiner.

Members Absent: Fink (excused).

Committee Business: Presentation on the FY 2003 budget by Deb Kozel of the Legislative Fiscal Bureau.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: March 20, 2002, 9:30 a.m.

Members Present: McKinley, Chair; Miller, Vice Chair; Fiegen, Ranking Member; and Behn.

Members Absent: Holveck (excused).

Committee Business: Mark Ketchum spoke about Performance Measurement.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 20, 2002, 9:38 a.m.

Members Present: Rehberg, Vice Chair; Horn, Ranking Member; Boettger and Kibbie.

Members Absent: Redfern, Chair (excused).

Committee Business: Presentations by representatives of Department of Cultural Affairs, Iowa School for the Deaf, Iowa Braille and Sight-Saving School, and Vocational Rehabilitation.

Adjourned: 9:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: March 20, 2002, 9:40 a.m.

Members Present: McKean, Vice Chair; Dvorsky, Ranking Member; Fraise and Maddox.

Members Absent: Angelo, Chair (excused).

Committee Business: Budget targets were announced.

Adjourned: 9:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: March 20, 2002, 9:38 a.m.

Members Present: Jensen, Chair; Lamberti, Vice Chair; Soukup, Ranking Member; Connolly and McKibben.

Members Absent: None.

Committee Business: Passed LSB 6023ja79. Presentation by Department of Cultural Affairs. Board of Regents infrastructure requests. Update on the Capitol Complex parking structure.

Adjourned: 11:07 a.m.

APPROPRIATIONS

Convened: March 20, 2002, 1:08 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, McKibben, McKinley, Rehberg, Schuerer, Tinsman, Veenstra, and Ziemann.

Members Absent: Black, Lundby, Redfern, and Soukup (all excused).

Committee Business: Passed SSBs 3184 (as amended) and 3186.

Adjourned: 1:27 p.m.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2048, the following correction was made:

1. Page 1, line 1, a space was added between the number 12.72A and the word VISION.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 20th day of March, 2002:

Senate File 2048.

MICHAEL E. MARSHALL
Secretary of the Senate

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 18, 2002, when the votes were taken on Senate Files 374 and 2315 and House Files 583, 2082, 2109, 2150, 2151, 2152, 2153, 2190, 2192, 2229, 2230, 2246, 2317, 2394, 2399, 2409, 2417, 2453, 2467, and 2538. Had I been present, I would have voted "Aye" on all. Also, I was necessarily absent from the Senate chamber on March 19, 2002, when the votes were taken on Senate Files 429 and 2168 and House Files 518, 2249, 2291, 2488, 2510, 2516, and 2518. Had I been present, I would have voted "Aye" on all.

TOM FLYNN

AFTERNOON SESSION

The Senate reconvened at 2:15 p.m., President Pro Tempore McKean presiding.

QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

President Kramer took the chair at 2:21 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senators Fink and McCoy, until they arrive, on request of Senator Hansen.

UNFINISHED BUSINESS
(Deferred March 18, 2002)**House File 2454**

The Senate resumed consideration of **House File 2454**, a bill for an act encouraging school districts to establish character education programs, and directing the department of education to partner with local educational institutions and agencies and nonprofit organizations in the design and implementation of character education programs, deferred March 18, 2002.

Senator Boettger offered amendment S-5187, filed by Senators Boettger, Fiegen, and King on March 18, 2002, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5187 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2454), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Ragan	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Fink	McCoy	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, for the day, on request of Senator Freeman.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2497.

House File 2497

On motion of Senator Jensen, **House File 2497**, a bill for an act relating to charges imposed on unclaimed gift certificates, with report of committee recommending passage, was taken up for consideration.

Senator Jensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2497), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Fink	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2192

Senator Rittmer called up for consideration **Senate File 2192**, a bill for an act relating to highways and motor vehicles, including condemnation of property by the state department of transportation, registration, sale, and operation of certain vehicles, issuance of driver's licenses and nonoperator's identification cards, regulation of oversize vehicles, and vehicle manufacturers, distributors, and dealers, and providing penalties and effective dates, amended by the House, and moved that the Senate concur in House amendment S-5186, filed March 18, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Rittmer moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2192), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Fink	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2192** and **House Files 2454** and **2497** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2554 and 2310.

House File 2554

On motion of Senator Freeman, **House File 2554**, a bill for an act relating to the use of moneys appropriated to the department of natural resources for purposes of tire-related initiatives, disposal fees charged by retail tire dealers, and the registration of waste tire haulers and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Lundby offered amendment S-5167, filed by the committee on Natural Resources and Environment on March 14, 2002, to page 1 of the bill.

Senator Lundby offered amendment S-5223, filed by her on March 19, 2002, to page 1 of amendment S-5167, and moved its adoption.

Amendment S-5223 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent that action on amendment S-5167, as amended, and **House File 2554** be **deferred**.

House File 2310

On motion of Senator King, **House File 2310**, a bill for an act relating to vendor contracts for the statewide underground facility notification center, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky asked and received unanimous consent that action on **House File 2310** be **deferred**.

CONFERENCE COMMITTEE REPORT CONSIDERED

Senator Miller called up the conference committee report on **Senate File 466**, a bill for an act relating to child care and protection

public policy provisions involving children, filed on March 14, 2002, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 466), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Fink	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2289.

House File 2289

On motion of Senator Houser, **House File 2289**, a bill for an act relating to the preparation and filing of an assessment schedule for abatement of a nuisance by a city, with report of committee recommending passage, was taken up for consideration.

Senator Houser moved that the bill be read the last time now and placed upon 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. 2289), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Fink	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Deluhery, until he returns, on request of Senator Hammond.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House Files 2281 and 2514.

House File 2281

On motion of Senator Maddox, **House File 2281**, a bill for an act requiring the licensure of landscape architects, with report of committee recommending passage, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2281), the vote was:

Ayes, 40:

Angelo	Black	Boettger	Bolkcom
Connolly	Dearden	Drake	Dvorsky
Fiegen	Flynn	Fraise	Freeman
Gaskill	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Houser
Iverson	Jensen	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	Miller
Ragan	Redwine	Rittmer	Schuerer
Sexton	Shearer	Tinsman	Veenstra

Nays, 7:

Behn	Greiner	Lord	McKinley
Rehberg	Soukup	Zieman	

Absent or not voting, 3:

Deluhery	Fink	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2514

On motion of Senator Gaskill, **House File 2514**, a bill for an act relating to the indemnification of owners of animals with a contagious disease under a plan of eradication, with report of committee recommending passage, was taken up for consideration.

Senator Gaskill moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2514), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Ragan	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Deluhery	Fink	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator Boettger.

BUSINESS PENDING

House File 2554

The Senate resumed consideration of **House File 2554**, a bill for an act relating to the use of moneys appropriated to the department of natural resources for purposes of tire-related initiatives, disposal fees charged by retail tire dealers, and the registration of waste tire haulers and providing an effective date, previously deferred.

Senator Lundby moved the adoption of amendment S-5167, as amended.

Amendment S-5167 was adopted by a voice vote.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2554), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Flynn	Fraise
Freeman	Gaskill	Greiner	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 2:

Gronstal	McCoy
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Absent or not voting, 4:

Deluhery	Fink	Houser	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator McKean asked and received unanimous consent to take up for consideration House Files 2507 and 2532.

House File 2507

On motion of Senator Maddox, **House File 2507**, a bill for an act creating a criminal offense for possession or distribution of anthrax, and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Maddox offered amendment S-5169, filed by the committee on Judiciary on March 14, 2002, to page 1 of the bill, and moved its adoption.

Amendment S-5169 was adopted by a voice vote.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2507), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Ragan	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Deluhery	Fink	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2532

On motion of Senator Rittmer, **House File 2532**, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Rittmer offered amendment S-5178, filed by the committee on State Government on March 18, 2002, to pages 11 and 13 of the bill.

Senator Drake called for the following division of amendment S-5178:

Division S-5178A: Lines 3-25; and
Division S-5178B: Lines 26 and 27.

Senator Rittmer moved the adoption of division S-5178A, which motion prevailed by a voice vote.

Senator Rittmer moved the adoption of division S-5178B.

A nonrecord roll call was requested.

The ayes were 28, nays 19.

Division S-5178B was adopted.

Senator Kibbie offered amendment S-5225, filed by Senators Kibbie, Rittmer, and Drake on March 19, 2002, to page 24 of the bill, and moved its adoption.

Amendment S-5225 was adopted by a voice vote.

Senator Gronstal asked and received unanimous consent that action on **House File 2532** be **deferred**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 466** and **House Files 2281, 2289, 2507, 2514, and 2554** be immediately messaged to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sexton, until he returns, on request of Senator Greiner.

HOUSE AMENDMENT CONSIDERED
(Deferred March 18, 2002)**Senate File 2146**

The Senate resumed consideration of **Senate File 2146**, a bill for an act establishing a criminal offense for an act of terrorism, changing related criminal penalties, and providing a penalty, and House amendment S-5139, deferred March 18, 2002.

Senator Dvorsky offered amendment S-5214, filed by Senator Dvorsky, et al., on March 19, 2002, to page 1 of House amendment S-5139.

Senator Maddox offered amendment S-5232, filed by him from the floor to page 1 of amendment S-5214 to House amendment S-5139, and moved its adoption.

Amendment S-5232 was adopted by a voice vote.

Senator Dvorsky moved the adoption of amendment S-5214, as amended, to House amendment S-5139.

Amendment S-5214 was adopted by a voice vote.

Senator Maddox moved that the Senate concur in House amendment S-5139, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Maddox moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2146), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Deluhery	Redfern	Sexton
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN

Senate File 429

Senator King withdrew the motion to reconsider **Senate File 429**, a bill for an act relating to price regulation for local exchange carriers, by changing certain definitions related to price regulation, permitting certain rate increases, requiring certain network infrastructure investments, and making related changes, filed by him on March 19, 2002, and found on page 724 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 429** and **2146** be **immediately messaged** to the House.

The Senate stood at ease at 4:34 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:30 p.m., President Kramer presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2264.

House File 2264

On motion of Senator Redwine, **House File 2264**, a bill for an act relating to informed consent to an abortion and providing a criminal penalty, and providing an effective date, was taken up for consideration.

Senator Shearer withdrew amendment S-5217, filed by him on March 19, 2002, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Holveck withdrew amendment S-5206, filed by him on March 19, 2002, to the title page of the bill.

Senator Harper withdrew amendment S-5192, filed by her on March 19, 2002, to page 1 and to the title page of the bill.

Senator Harper withdrew amendment S-5193, filed by her on March 19, 2002, to page 1 and to the title page of the bill.

Senator Harper withdrew amendment S-5194, filed by her on March 19, 2002, to page 1 and to the title page of the bill.

Senator Shearer withdrew amendment S-5218, filed by him on March 19, 2002, to page 1 and to the title page of the bill.

Senator Hammond withdrew amendment S-5229, filed by her from the floor to page 1 and to the title page of the bill.

Senator Hammond withdrew amendment S-5231, filed by her from the floor to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment S-5212, filed by him on March 19, 2002, to pages 1 and 4 of the bill.

Senator Bolkcom withdrew amendment S-5213, filed by him on March 19, 2002, to pages 1 and 5 of the bill.

Senator Bolkcom withdrew amendment S-5210, filed by him on March 19, 2002, to page 1 and to the title page of the bill.

Senator Dvorsky withdrew amendment S-5197, filed by him on March 19, 2002, to pages 1, 2, 4, and 5 of the bill.

Senator Dvorsky withdrew amendment S-5201, filed by him on March 19, 2002, to page 1 of the bill.

Senator Hammond withdrew amendment S-5227, filed by her from the floor to page 2 of the bill.

Senator Hammond withdrew amendment S-5228, filed by her from the floor to page 2 of the bill.

Senator Harper withdrew amendment S-5196, filed by her on March 19, 2002, to page 2 of the bill.

Senator Dvorsky withdrew amendment S-5198, filed by him on March 19, 2002, to page 2 of the bill.

Senator Hammond withdrew amendment S-5230, filed by her from the floor to page 2 of the bill.

Senator Shearer withdrew amendment S-5219, filed by him on March 19, 2002, to pages 2 and 5 of the bill.

Senator Shearer withdrew amendment S-5216, filed by him on March 19, 2002, to pages 2-4 of the bill.

Senator Harper withdrew amendment S-5195, filed by her on March 19, 2002, to page 3 of the bill.

Senator Dvorsky withdrew amendment S-5200, filed by him on March 19, 2002, to page 3 of the bill.

Senator Dvorsky withdrew amendment S-5199, filed by him on March 19, 2002, to pages 3 and 4 of the bill.

Senator Harper withdrew amendment S-5188, filed by her on March 18, 2002, to page 4 of the bill.

Senator Holveck withdrew amendment S-5205, filed by him on March 19, 2002, to page 4 of the bill.

Senator Dearden withdrew amendment S-5111, filed by him on March 5, 2002, to page 5 and to the title page of the bill.

Senator Holveck withdrew amendment S-5209, filed by him on March 19, 2002, to page 5 of the bill.

Senator Bolkcom withdrew amendment S-5211, filed by him on March 19, 2002, to page 5 and to the title page of the bill.

Senator Lundby asked and received unanimous consent that action on **House File 2264** be **deferred**.

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 March 20, 2002, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2086, a bill for an act relating to the kilowatt threshold for electric transmission line franchises, making related changes, and providing an effective date.

Senate File 2140, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Senate File 2160, a bill for an act relating to the dry fire hydrant and rural water supply education and demonstration project.

ALSO: That the House has on March 20, 2002, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2153, a bill for an act relating to presentation of victim impact statements at criminal sentencing hearings.

ALSO: That the House has on March 20, 2002, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 2197, a bill for an act prohibiting a registered sex offender from residing near a school or child care facility, and providing a penalty. (S-5234)

Senate File 2203, a bill for an act providing for access to the Iowa communications network by homeland security or defense facilities. (S-5233)

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:50 p.m. until 9:00 a.m. Thursday, March 21, 2002.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Erin Scherrer, Riverside — For achieving the highest award for Senior Girl Scouts, "The Gold Award." Senator Flynn (03/20/02).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

High school students from Brooklyn and Montezuma. Senator Black.

High school juniors from Underwood High School in Underwood. Senator Boettger.

Eighty third grade students from Mary Welsh Elementary School in Williamsburg, accompanied by Doyle Geyer. Senator Schuerer.

Eleventh and twelfth grade students from Davenport West High School in Davenport. Senator Tinsman.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: March 20, 2002, 1:30 p.m.

Members Present: McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Lamberti, and Rehberg.

Members Absent: Holveck, Maddox, Miller, and Redwine (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 1:32 p.m.

INTRODUCTION OF BILLS

Senate File 2316, by committee on Appropriations, a bill for an act relating to the sale of certain farmland by Iowa state university of science and technology, providing for the appropriation and use of proceeds from the sale, and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations calendar.**

Senate File 2317, by committee on Appropriations, a bill for an act relating to the tobacco master settlement agreement, including tobacco product manufacturer compliance, making an appropriation, and providing penalties.

Read first time under Rule 28 and **placed on Appropriations calendar.**

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2316 (SSB 3186), a bill for an act relating to the sale of certain farmland by Iowa state university of science and technology, providing for the appropriation and use of proceeds from the sale, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 21: Lamberti, Kramer, Flynn, Angelo, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, McKibben, McKinley, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 4: Black, Lundby, Redfern, and Soukup.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2317 (SSB 3184), a bill for an act relating to the tobacco master settlement agreement, including tobacco product manufacturer compliance, making an appropriation, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 21: Lamberti, Kramer, Flynn, Angelo, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, McKibben, McKinley, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 4: Black, Lundby, Redfern, and Soukup.

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 2317, and they were attached to the committee report.

GOVERNOR'S DEFERRAL LETTERS

The following letters from the Governor were received in the office of the Secretary of the Senate on March 12, 2002:

Pursuant to Iowa Code section 216A, the appointment for the Administrator of the Division on the Status of African-Americans, formerly held by Traevana L. Potter-Hall, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 14B.106, the appointment for the Administrator of the Administration Division of the Department of Information Technology, formerly held by Sandra L. Dell, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 25A, the appointment for the Commandant of the Iowa Veterans Home, formerly held by Jack Dack, is being deferred because no appropriate candidate has been found for this position at this time.

Sincerely,
THOMAS J. VILSACK
Governor

AMENDMENTS FILED

S-5227	H.F.	2264	Johnie Hammond
S-5228	H.F.	2264	Johnie Hammond
S-5229	H.F.	2264	Johnie Hammond
S-5230	H.F.	2264	Johnie Hammond
S-5231	H.F.	2264	Johnie Hammond
S-5232	S.F.	2146	Gene Maddox
S-5233	S.F.	2203	House
S-5234	S.F.	2197	House
S-5235	H.F.	2365	E. Thurman Gaskill
S-5236	H.F.	2247	Jack Holveck Nancy Boettger

JOURNAL OF THE SENATE

SIXTY-SEVENTH CALENDAR DAY
FORTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 21, 2002

The Senate met in regular session at 9:12 a.m., President Kramer presiding.

Prayer was offered by the Reverend Sharon Mahood, pastor of St. Paul's Episcopal Cathedral in Des Moines, Iowa. She was the guest of Senator Tinsman.

The Journal of Wednesday, March 20, 2002, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 20, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2272, a bill for an act providing for agricultural land held by individuals lawfully admitted into the United States for permanent residence, and making penalties applicable.

ALSO: That the House has on March 20, 2002, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2467, a bill for an act providing for licensure sanctions against defaulters of designated loan and scholarship programs.

ALSO: That the House has on March 20, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2301, a bill for an act relating to representation of indigent persons and the duties of the state public defender. (S-5237)

ALSO: That the House has on March 20, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2582, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Read first time and referred to committee on **Appropriations**.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:18 a.m. until 2:00 p.m.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Gus and Nancy Derman, Webster City — For celebrating your 50th wedding anniversary on March 23, 2002. Senator Iverson (03/21/02).

Tammy Duehr, Dubuque — For being selected the 2002 Alternate Iowa Teacher of the Year. Senator Connolly (03/21/02).

Robert (Bud) L. Seip, Sigourney — For receiving the National Oceanic and Atmospheric Administration Award. Senator Greiner (03/21/02).

Sandra K. Smithart, Sigourney — For receiving the National Oceanic and Atmospheric Administration Award. Senator Greiner (03/21/02).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: March 21, 2002, 9:35 a.m.

Members Present: Schuerer, Chair; Zieman, Vice Chair; Flynn, Ranking Member; Drake and Hansen.

Members Absent: None.

Committee Business: Discussed policy issues and reviewed budget targets.

Adjourned: 10:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: March 21, 2002, 9:50 a.m.

Members Present: McKinley, Chair; Miller, Vice Chair; Fiegen, Ranking Member; Behn and Holveck.

Members Absent: None.

Committee Business: Discussed budget targets.

Recessed: 10:40 a.m.

Reconvened: 10:45 a.m.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: March 21, 2002, 9:46 a.m.

Members Present: Tinsman, Chair; Rittmer, Vice Chair; Bolkcom, Ranking Member; Lord and Ragan.

Members Absent: None.

Committee Business: Discussed the proposed budget for FY 2003.

Recessed: 10:02 a.m.

Reconvened: 10:21 a.m.

Adjourned: 10:36 a.m.

APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

Convened: March 21, 2002, 9:40 a.m.

Members Present: Lundby, Chair; Deluhery, Ranking Member; Freeman and Shearer.

Members Absent: King, Vice Chair (excused).

Committee Business: Discussed funding priorities for technology projects.

Adjourned: 10:20 a.m.

WAYS AND MEANS

Convened: March 21, 2002, 1:08 p.m.

Members Present: McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

Members Absent: Connolly (excused).

Committee Business: Passed SF 2298 and approved SSB 3189. Approved Governor's appointees.

Adjourned: 1:40 p.m.

INTRODUCTION OF BILLS

Senate File 2318, by committee on Ways and Means, a bill for an act relating to the tax on premiums and subscriber contract payments received by insurance companies and health service corporations by phasing in a reduction in the tax and increasing the prepayment of the tax.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

Senate File 2319, by committee on Ways and Means, a bill for an act relating to fire fighter preparedness by creating a fire fighter preparedness fund, by creating an income tax checkoff for fire fighter preparedness, by removing the limitation on income tax checkoffs, and by allocating a certain portion of insurance premiums tax to the fire fighter preparedness fund, and making an appropriation and providing a retroactive applicability date.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

SUBCOMMITTEE ASSIGNMENT

House File 2582

APPROPRIATIONS: Tinsman, Chair; Bolkcom and Lamberti

COMMITTEE REPORTS

WAYS AND MEANS

Final Bill Action: SENATE FILE 2318 (SSB 3189), a bill for an act relating to the tax on premiums and subscriber contract payments received by insurance companies and health service corporations by phasing in a reduction in the tax and increasing the prepayment of the tax.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: McKibben, McKinley, Harper, Bolkcom, Deluhery, Drake, Flynn, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Present, 1: Holveck. Absent or not voting, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2319 (formerly SF 2298), a bill for an act relating to fire fighter preparedness by creating a fire fighter preparedness fund, by creating an income tax checkoff for fire fighter preparedness, by removing the limitation on income tax checkoffs, and by allocating a certain portion of insurance premiums tax to the fire fighter preparedness fund, and making an appropriation and providing a retroactive applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKibben, McKinley, Harper, Bolcom, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

WAYS AND MEANS

Philip Dorweiler – Iowa Railway Finance Authority
Emil Pavich – Iowa Railway Finance Authority

AFTERNOON SESSION

The Senate reconvened at 2:10 p.m., President Kramer presiding.

The Senate stood at ease at 2:39 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:03 p.m., President Kramer presiding.

QUORUM CALL

Senator Angelo requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Gaskill, Jensen, and Redfern, until they return, on request of Senator McKean.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2341.

House File 2341

On motion of Senator Freeman, **House File 2341**, a bill for an act relating to electric transmission lines, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Iverson asked and received unanimous consent to withdraw amendment S-5160, filed by the committee on Commerce on March 13, 2002, to pages 1-3 and to the title page of the bill.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2341), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Ragan	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Gaskill	Jensen	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS (Deferred March 20, 2002)

House File 2310

The Senate resumed consideration of **House File 2310**, a bill for an act relating to vendor contracts for the statewide underground facility notification center, deferred March 20, 2002.

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. 2310), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Ragan	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Gaskill	Jensen	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2116.

House File 2116

On motion of Senator Miller, **House File 2116**, a bill for an act updating the Iowa Code references to the Internal Revenue Code, repealing an adjustment to net income for capital gains from installment sales, relating to an adjustment to income for school district income surtax paid, providing that refunds from the federal rebate are not taxable, correcting a reference in the innocent spouse statute, and providing retroactive applicability dates and an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Harper asked and received unanimous consent that action on **House File 2116** be **deferred**.

UNFINISHED BUSINESS
(Deferred March 18, 2002)

House File 2248

The Senate resumed consideration of **House File 2248**, a bill for an act relating to the designation of a Bill of Rights Day, deferred March 18, 2002.

Senator Hansen offered amendment S-5203, filed by him on March 19, 2002, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5203 lost by a voice vote.

Senator Hansen offered amendment S-5207, filed by him on March 19, 2002, to page 1 of the bill.

Senator Hansen withdrew amendment S-5207.

Senator Hansen offered amendment S-5204, filed by him on March 19, 2002, to page 1 and to the title page of the bill.

Senator Hansen withdrew amendment S-5204.

Senator Schuerer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2248), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg

Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gaskill	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration House File 2546.

House File 2546

On motion of Senator Angelo, **House File 2546**, a bill for an act classifying the criminal offense of assault as a general intent crime, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2546), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gaskill

Redfern

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration House File 2075.

House File 2075

On motion of Senator Lamberti, **House File 2075**, a bill for an act relating to the repayment of moneys appropriated from the endowment for Iowa's health account of the tobacco settlement trust fund for purposes of the student achievement and teacher quality program, with report of committee recommending passage, was taken up for consideration.

Senator Schuerer asked and received unanimous consent to withdraw amendment S-5040, filed by Senators Schuerer and Flynn on February 14, 2002, to page 1 and to the title page of the bill.

Senator Schuerer offered amendment S-5239, filed by Senators Schuerer and Flynn from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5239 was adopted by a voice vote.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2075), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Maddox	McCoy
McKean	McKibben	McKinley	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, 2:

Lundby	Miller
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Absent or not voting, 2:

Gaskill	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2075, 2248, 2310, 2341, and 2546** be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred March 20, 2002)

House File 2532

The Senate resumed consideration of **House File 2532**, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates, deferred March 20, 2002.

Senator Kibbie offered amendment S-5240, filed by Senators Kibbie, Drake, and Rittmer from the floor to pages 21, 32, and 34 of the bill, and moved its adoption.

Amendment S-5240 was adopted by a voice vote.

Senator Rittmer offered amendment S-5241, filed by Senators Rittmer, Drake, and Kibbie from the floor to page 24 of the bill, and moved its adoption.

Amendment S-5241 was adopted by a voice vote.

Senator Rittmer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2532), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Ragan	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Present, 1:

Holveck

Absent or not voting, 2:

Gaskill Redfern

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

House File 2116

The Senate resumed consideration of **House File 2116**, a bill for an act updating the Iowa Code references to the Internal Revenue

Code, repealing an adjustment to net income for capital gains from installment sales, relating to an adjustment to income for school district income surtax paid, providing that refunds from the federal rebate are not taxable, correcting a reference in the innocent spouse statute, and providing retroactive applicability dates and an effective date, previously deferred.

Senator McKibben offered amendment S-5041, filed by the committee on Ways and Means on February 14, 2002, to pages 3, 4, and to the title page of the bill.

Senator Harper offered amendment S-5243, filed by Senators Harper and Hammond from the floor to page 1 of amendment S-5041, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5243 to amendment S-5041 be adopted?" (H.F. 2116), the vote was:

Ayes, 17:

Black	Bolkcom	Dearden	Dvorsky
Fink	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Houser	Kibbie	McCoy	Ragan
Soukup			

Nays, 31:

Angelo	Behn	Boettger	Connolly
Deluhery	Drake	Fiegen	Freeman
Greiner	Horn	Iverson	Jensen
King	Kramer	Lamberti	Lord
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Tinsman	Veenstra	Zieman	

Absent or not voting, 2:

Gaskill	Redfern
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Amendment S-5243 lost.

Senator McKibben moved the adoption of amendment S-5041, which motion prevailed by a voice vote.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2116), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gaskill	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2116** and **2532** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Jensen called up the appointment of John R. Perkins, as Consumer Advocate, placed on the Individual Confirmation Calendar on March 5, 2002, and found on page 490 of the Senate Journal.

Senator Jensen moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gaskill	Redfern
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Lamberti called up the appointment of Steven K. Young, as Director of the Department of Inspections and Appeals, placed on the Individual Confirmation Calendar on March 5, 2002, and found on page 490 of the Senate Journal.

Senator Lamberti moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer

Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gaskill	Redfern
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate

Senator Bolkcom called up the appointment of Susan Enzle, as a member of the Board of Psychology Examiners, and placed on the Individual Confirmation Calendar under Senate Rule 59.

Senator Bolkcom moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gaskill	Redfern
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator McCoy called up the appointment of Kevin W. Techau, as Commissioner of Public Safety, placed on the Individual Confirmation Calendar on February 26, 2002, and found on page 425 of the Senate Journal.

Senator McCoy moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gaskill	Redfern
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Schuerer called up the appointment of Mark Lambert, as a member of the Utilities Board, placed on the Individual Confirmation Calendar on March 5, 2002, and found on page 490 of the Senate Journal.

Senator Schuerer moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gaskill	Redfern
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator King called up the appointment of Elliott Smith, as a member of the Utilities Board, placed on the Individual Confirmation Calendar on March 5, 2002, and found on page 490 of the Senate Journal.

Senator King moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gaskill Redfern

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Jensen called up the appointment of Diane Munns, as Chair of the Utilities Board, placed on the Individual Confirmation Calendar on March 5, 2002, and found on page 490 of the Senate Journal.

Senator Jensen moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gaskill Redfern

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Iverson asked and received unanimous consent that the following bills be placed on the Unfinished Business Calendar:

H.F. 608	H.F. 2377	H.F. 2515
H.F. 678	H.F. 2378	H.F. 2517
H.F. 2009	H.F. 2404	H.F. 2530
H.F. 2135	H.F. 2416	H.F. 2531
H.F. 2191	H.F. 2418	H.F. 2536
H.F. 2193	H.F. 2430	H.F. 2539
H.F. 2201	H.F. 2446	H.F. 2547
H.F. 2202	H.F. 2448	H.F. 2549
H.F. 2247	H.F. 2459	H.F. 2552
H.F. 2319	H.F. 2472	H.F. 2558
H.F. 2339	H.F. 2482	H.F. 2559
H.F. 2344	H.F. 2486	H.F. 2563
H.F. 2363	H.F. 2495	H.F. 2565
H.F. 2365	H.F. 2506	H.F. 2571

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 March 21, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2273, a bill for an act relating to the designation of a Juneteenth National Freedom Day.

ALSO: That the House has on March 21, 2002, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 518, a bill for an act relating to jurisdictional changes to small claims court cases.

House File 2507, a bill for an act creating a criminal offense for possession or distribution of anthrax, and providing a penalty.

ALSO: That the House has on March 21, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2152, a bill for an act expanding the operation recognition program, which awards honorary high school diplomas to World War II veterans, to include veterans of World War I and the Korean and Vietnam conflicts. (S-5242)

ALSO: That the House has on March 21, 2002, **passed** the following bill in which the concurrence of the Senate was asked:

House File 2585, 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**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:27 p.m. until 11:00 a.m. Monday, March 25, 2002.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

The Ely Volunteer Fire Department, Ely — For the dedication of your new fire station. Senator Dvorsky (03/21/02).

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 21, 2002, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2141 – Authorizing sheriffs to appoint civil process servers.

S.F. 2212 – Relating to secured transactions, by providing for landlord liens.

GOVERNOR'S VETO MESSAGE

March 21, 2002

The Honorable Mary Kramer
President of the Senate
State Capitol Building
L O C A L

Dear President Kramer:

I hereby transmit Senate File 2048, an Act prohibiting disbursements of moneys from the Vision Iowa fund to entities entering into certain labor-related agreements, and providing an effective date.

I am unable to approve Senate File 2048. This bill would deny public entities that receive funding from the Vision Iowa program the same tool private entities use regularly to ensure quality work and timely completion on a project. Denying this tool may result in taxpayers paying more for a project due to poor workmanship, incurring cost overruns and repairs following the completion of a project. Poor workmanship can also increase the likelihood of accidents and expose the public to additional liability. Public entities should have the ability to use project labor agreements as a tool if officials deem it to be in the citizens' best interest.

Furthermore, local governments are granted home rule power and authority under the Iowa Constitution to determine local affairs. Senate File 2048 restricts local governments' ability to enter into agreements even if such involvement benefits the public's interests. If project labor agreements were to be banned, public entities would

need a legal framework that ensures minimum qualifications for workers guaranteeing the quality and timeliness of work performed on publicly funded projects.

Ensuring quality and timeliness is a function of the experience and training of workers involved. Experience and training are reflected in the wages paid to workers. I acknowledged early on in the debate that a level playing field must exist for bidding, and I worked to develop a framework with lawmakers that would provide for competitive bids while maintaining quality and timeliness of work. My plan would replace the current project labor agreement structure with a prevailing wage and minimum qualifications for workers on publicly funded projects. With such a plan, quality, timeliness, competitive bidding, and wage concerns are all addressed. Unfortunately, the Legislature declined to address these concerns.

Iowa needs a system that focuses on the lowest qualified competitive bid to ensure that work is done properly, on-time, without increased maintenance and repair expenses, and without increased exposure to liability. Senate File 2048 does not accomplish this goal and, in fact, restricts it in some instances.

For the above reasons, I hereby respectfully disapprove Senate File 2048. Public entities will still have the ability to decide whether to use project labor agreements as a tool or not, depending on what is in the best public interest.

Sincerely,
THOMAS J. VILSACK
Governor

AMENDMENTS FILED

S-5237	S.F.	2301	House
S-5238	H.F.	2515	Robert E. Dvorsky
S-5239	H.F.	2075	Neal Schuerer Tom Flynn
S-5240	H.F.	2532	John P. Kibbie Richard F. Drake Sheldon Rittmer
S-5241	H.F.	2532	Sheldon Rittmer Richard F. Drake John P. Kibbie
S-5242	S.F.	2152	House
S-5243	H.F.	2116	Patricia Harper Johnie Hammond

JOURNAL OF THE SENATE

SEVENTY-FIRST CALENDAR DAY
FORTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 25, 2002

The Senate met in regular session at 11:13 a.m., President Kramer presiding.

Prayer was offered by the Reverend Steven Hetzel, pastor of the Faith Lutheran Church in Onawa, Iowa. He was the guest of Senator King.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Alyssa Beaman, Angie Groh, and Micah Van Mersbergen.

The Journal of Thursday, March 21, 2002, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:18 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:05 p.m., President Kramer presiding.

QUORUM CALL

Senator Lord requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gaskill, until he arrives, on request of Senator Sexton; Senators Gronstal and McCoy, until they arrive, on request of Senator Kibbie; and Senator Rittmer, until he arrives, on request of Senator Greiner.

UNFINISHED BUSINESS

House File 2191

On motion of Senator Boettger, **House File 2191**, a bill for an act relating to notarial acts by judicial officers, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Maddox offered amendment S-5133, filed by the committee on Judiciary on March 7, 2002, to page 1 of the bill, and moved its adoption.

Amendment S-5133 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2191), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Ragan
Redfern	Redwine	Rehberg	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Gaskill

Gronstal

McCoy

Rittmer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2530

On motion of Senator Greiner, **House File 2530**, a bill for an act providing for the control of pseudorabies, and making penalties applicable, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Greiner offered amendment S-5176, filed by Senators Greiner and Kibbie on March 18, 2002, to page 3 and to the title page of the bill, and moved its adoption.

Amendment S-5176 was adopted by a voice vote.

Senator Greiner moved that the bill be read the last time now and placed upon 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. 2530), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Ragan
Redfern	Redwine	Rehberg	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Gaskill

Gronstal

McCoy

Rittmer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2191** and **2530** be **immediately messaged** to the House.

The Senate stood at ease at 1:25 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:39 p.m., President Kramer presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 2301

Senator Lamberti called up for consideration **Senate File 2301**, a bill for an act relating to representation of indigent persons and the duties of the state public defender, amended by the House, and moved that the Senate concur in House amendment S-5237, filed March 21, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Lamberti moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2301), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2203

Senator Schuerer called up for consideration **Senate File 2203**, a bill for an act providing for access to the Iowa communications network by homeland security or defense facilities, amended by the House, and moved that the Senate concur in House amendment S-5233, filed March 20, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Schuerer moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2203), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2203** and **2301** be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred March 20, 2002)

House File 2264

The Senate resumed consideration of **House File 2264**, a bill for an act relating to informed consent to an abortion and providing a criminal penalty, and providing an effective date, deferred March 20, 2002.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2264), the vote was:

Ayes, 31:

Angelo	Behn	Boettger	Connolly
Deluhery	Drake	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	Kibbie
King	Lamberti	Lord	Lundby
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Schuerer
Sexton	Veenstra	Zieman	

Nays, 17:

Black	Bolkcom	Dearden	Dvorsky
Fink	Gronstal	Hammond	Hansen
Harper	Holveck	Kramer	Maddox
Ragan	Rittmer	Shearer	Soukup
Tinsman			

Absent or not voting, 2:

Horn	McCoy
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2009

On motion of Senator Tinsman, **House File 2009**, a bill for an act allowing an assessor to be a candidate for elective public office and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2009), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Deluhery	Drake
Dvorsky	Fink	Flynn	Fraise

Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Horn
Houser	Iverson	Jensen	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 5:

Dearden	Fiegen	Holveck	Kibbie
Rittmer			

Absent or not voting, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2135

On motion of Senator Freeman, **House File 2135**, a bill for an act relating to the membership of the planning and zoning commission in certain cities, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2135), the vote was:

Ayes, 37:

Angelo	Behn	Boettger	Connolly
Drake	Fink	Flynn	Fraise
Freeman	Gaskill	Greiner	Harper
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Schuerer	Sexton

Shearer Zieman	Soukup	Tinsman	Veenstra
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Nays, 12:

Black Dvorsky Hansen	Bolkcom Fiegen Holveck	Dearden Gronstal Horn	Deluhery Hammond Rittmer
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Absent or not voting, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lord, until he returns, on request of Senator Boettger.

UNFINISHED BUSINESS

House File 2448

On motion of Senator Black, **House File 2448**, a bill for an act relating to diverting township taxes to a municipality providing emergency services to the township, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2448), the vote was:

Ayes, 48:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Lord	McCoy
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2201

On motion of Senator Redfern, **House File 2201**, a bill for an act requiring all felons to submit a physical specimen for DNA profiling, and providing for a contingent effective date, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Maddox offered amendment S-5157, filed by the committee on Judiciary on March 13, 2002, to page 2 and to the title page of the bill, and moved its adoption.

Amendment S-5157 was adopted by a voice vote.

President Pro Tempore McKean took the chair at 3:32 p.m.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2201), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 2316.

Senate File 2316

On motion of Senator Lamberti, **Senate File 2316**, a bill for an act relating to the sale of certain farmland by Iowa state university of science and technology, providing for the appropriation and use of proceeds from the sale, and providing an effective date, was taken up for consideration.

President Kramer took the chair at 3:45 p.m.

Senator Fiegen asked and received unanimous consent that action on **Senate File 2316** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shearer, until he returns, on request of Senator Gronstal.

HOUSE AMENDMENT CONSIDERED

Senate File 2277

Senator King called up for consideration **Senate File 2277**, a bill for an act creating a new category of confidential public records in the custody of certain airports, municipal corporations, utilities, or water districts, and allowing a governmental body to hold a closed session to discuss such confidential records, amended by the House, and moved that the Senate concur in House amendment S-5184, filed March 18, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator King moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2277), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2363

On motion of Senator Maddox, **House File 2363**, a bill for an act relating to the possession of firearms or offensive weapons by felons, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2363), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senator Boettger took the chair at 4:17 p.m.

HOUSE AMENDMENT CONSIDERED

Senate File 2278

Senator McKean called up for consideration **Senate File 2278**, a bill for an act relating to analyzing the confinement and detention needs of jails, and other local or regional confinement facilities, prohibiting certain financial interests in the construction of a jail or facility, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S-5226, filed March 19, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator McKean moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2278), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

UNFINISHED BUSINESS

House File 2539

On motion of Senator Miller, **House File 2539**, a bill for an act relating to trusts and estates and their relationship to medical assistance benefits, the right to disclaim on behalf of a ward, the creation of total return unitrusts, and providing an effective date, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Maddox offered amendment S-5168, filed by the committee on Judiciary on March 14, 2002, to pages 1, 2, 9, and 11 of the bill, and moved its adoption.

Amendment S-5168 was adopted by a voice vote.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2539), the vote was:

Ayes, 50:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2277** and **2278** and **House Files 2009, 2135, 2201, 2264, 2363, 2448, and 2539** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2293** be referred from the Unfinished Business Calendar to the committee on **Agriculture**.

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 March 25, 2002, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 681, a bill for an act requiring the pledging of collateral in relation to the deposit of uninsured public funds, making related changes, making penalties applicable, and providing for applicability.

House File 2152, a bill for an act eliminating the prospective repeal of the volunteer emergency services provider death benefit and providing an effective date.

ALSO: That the House has on March 25, 2002, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 144, a bill for an act requiring contracts for the construction or maintenance of highways to include certain provisions for the restoration of areas in which fill dirt or other materials are to be removed. (S-5247)

Senate File 415, a bill for an act relating to the jurisdiction of district associate judges. (S-5248)

ALSO: That the House has on March 25, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2587, a bill for an act relating to the Iowa energy center, including changes relating to salary adjustments, and promotion and administration of the alternative energy revolving loan program.

Read first time and referred to committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:40 p.m. until 9:00 a.m. Tuesday, March 26, 2002.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Trevor Boeckmann, Vinton — For achieving the rank of Eagle Scout, Boy Scout Troop 47. Senator Schuerer (03/25/02).

Robert Davidshofer, Cascade — For being nominated as Teacher of the Year. Senator Connolly (03/25/02).

Joe and Nelly Horn, Clarion — For celebrating your 67th wedding anniversary on March 31, 2002. Senator Iverson (03/25/02).

Kirkwood Eagles Women's Basketball Team, Cedar Rapids — For winning the NJCAA Women's Division II National Basketball Championship. Senator Dvorsky (03/25/02).

David Raithel, Strawberry Point — For achieving the rank of Eagle Scout, Boy Scout Troop 36. Senator Zieman (03/25/02).

Glenn and Edna Smith, Nevada — For celebrating your 60th wedding anniversary. Senator Iverson (03/25/02).

Gladys Summers, Belmond — For celebrating your 100th birthday on March 24, 2002. Senator Iverson (03/25/02).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Four students from the Emmetsburg High School "Young Democrats" group, accompanied by Maureen Horsley. Senator Kibbie.

PETITION

The following petition was presented and placed on file:

From 33 residents of Washington County favoring legislation to regulate large animal confinement operations and application of animal waste. Senator Shearer.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: March 25, 2002, 11:40 a.m.

Members Present: Schuerer, Chair; Zieman, Vice Chair; Flynn, Ranking Member; and Drake.

Members Absent: Hansen (excused).

Committee Business: Received a draft of the committee appropriations bill.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: March 25, 2002, 11:35 a.m.

Members Present: Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

Members Absent: Gaskill, Chair (excused).

Committee Business: Discussed committee appropriations bill.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: March 25, 2002, 9:36 a.m.

Members Present: McKinley, Chair; Miller, Vice Chair; and Behn.

Members Absent: Fiegen, Ranking Member; and Holveck (both excused).

Committee Business: Information was presented on the Workforce Development budget and discussion was held on the committee appropriations bill.

Adjourned: 9:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: March 25, 2002, 11:42 a.m.

Members Present: Veenstra, Chair; Houser, Vice Chair; Hammond, Ranking Member; and Harper.

Members Absent: Redwine (excused).

Committee Business: Discussion held with representatives of the Legislative Fiscal Bureau.

Adjourned: 12:19 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: March 25, 2002, 11:40 a.m.

Members Present: Angelo, Chair; Dvorsky, Ranking Member; and Maddox.

Members Absent: McKean, Vice Chair; and Fraise (both excused).

Committee Business: Discussed committee appropriations bill.

Adjourned: 11:45 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 116, by Harper, Jensen, Connolly, Dvorsky, Deluhery, Hansen, Bolkcom, Ragan, Kibbie, Black, McCoy, Holveck, Dearden, Horn, Fraise, Fink, Shearer, King, Redwine, Redfern, Kramer, Iverson, McKean, Angelo, Veenstra, McKinley, Schuerer, Tinsman, Behn, Sexton, McKibben, Freeman, Greiner, Zieman, Lord, Boettger, Rehberg, Drake, and Lamberti, a Senate resolution congratulating the University of Northern Iowa Panthers Women's Volleyball Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 117, by Jensen, King, Redwine, Kramer, Iverson, McKean, Angelo, Veenstra, McKinley, Schuerer, Tinsman, Behn, Sexton, McKibben, Freeman, Greiner, Lord, Boettger, Rehberg, Drake, Lamberti, Connolly, Deluhery, Bolkcom, Dvorsky, Kibbie, Black, McCoy, Holveck, Dearden, Horn, Fraise, Fink, and Shearer, a Senate resolution honoring Mr. E. Wayne Cooley upon his retirement as the Executive Secretary of the Iowa Girls High School Athletic Union.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILLS RECEIVED

SSB 3192 Ways and Means

Relating to the assessment of court fees by the clerk of district court.

SSB 3193 Appropriations

Relating to certain state agency regulatory functions by reorganizing the duties of the department of inspections and appeals, transferring the court appointed special advocate program to the department of inspections and appeals, renaming and revising the duties of the state citizen foster care review board, reorganizing the administrative structure of the department of natural resources, and providing for legislative review of state agencies.

SUBCOMMITTEE ASSIGNMENTS

House File 2585

WAYS AND MEANS: Miller, Chair; Bolkcom and Greiner

SSB 3192

WAYS AND MEANS: Miller, Chair; Holveck and Maddox

SSB 3193

APPROPRIATIONS: Lundby, Chair; Deluhery and Lamberti

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 437, the following correction was made:

1. Page 3, line 29, the words "a dealer" was changed to the words "A dealer".

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 25th day of March, 2002:

Senate Files 374, 437, 2210, 2260, and 2315.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5244	H.F.	2193	Richard F. Drake John P. Kibbie
S-5245	S.F.	2265	Maggie Tinsman
S-5246	H.F.	678	Maggie Tinsman
S-5247	S.F.	144	House
S-5248	S.F.	415	House
S-5249	S.F.	2197	Jerry Behn

JOURNAL OF THE SENATE

SEVENTY-SECOND CALENDAR DAY
FORTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 26, 2002

The Senate met in regular session at 9:10 a.m., President Kramer presiding.

Prayer was offered by the Honorable Ken Veenstra, member of the Senate from Sioux County, Orange City, Iowa.

The Journal of Monday, March 25, 2002, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:35 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:39 p.m., President Kramer presiding.

QUORUM CALL

Senator Sexton requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent, and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 2197

Senator Maddox called up for consideration **Senate File 2197**, a bill for an act prohibiting a registered sex offender from residing near

a school or child care facility, and providing a penalty, amended by the House in House amendment S-5234, filed March 20, 2002.

Senator Behn offered amendment S-5249, filed by him on March 25, 2002, to page 1 of House amendment S-5234, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 31, nays 8.

Amendment S-5249 was adopted.

Senator Maddox moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Maddox moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2197), the vote was:

Ayes, 49:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 1:

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.

The Senate stood at ease at 2:29 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:18 p.m., President Kramer presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kibbie, until he returns, on request of Senator Gronstal; and Senator McKinley, until he returns, on request of Senator Boettger.

UNFINISHED BUSINESS

House File 2247

On motion of Senator Boettger, **House File 2247**, a bill for an act relating to the regulation of health care facilities and the duties of resident advocate committees, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Holveck offered amendment S-5156, filed by the committee on Human Resources on March 13, 2002, to pages 1-8 of the bill.

Senator Holveck offered amendment S-5236, filed by Senators Holveck and Boettger on March 20, 2002, to page 1 of amendment S-5156, and moved its adoption.

Amendment S-5236 was adopted by a voice vote.

Senator Holveck moved the adoption of amendment S-5156, as amended.

Amendment S-5156 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2247), the vote was:

Ayes, 48:

Angelo	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	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	Miller
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Kibbie McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 25, 2002, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2116, a bill for an act updating the Iowa Code references to the Internal Revenue Code, repealing an adjustment to net income for capital gains from installment sales, relating to an adjustment to income for school district income surtax paid, providing that refunds from the federal rebate are not taxable, correcting a reference in the innocent spouse statute, and providing retroactive applicability dates and an effective date.

ALSO: That the House has on March 25, 2002, **concurred** in the Senate amendment to the House amendment, **and passed** the following bill in which the concurrence of the House was asked:

Senate File 2146, a bill for an act establishing a criminal offense for an act of terrorism, changing related criminal penalties, and providing a penalty.

ALSO: That the House has on March 25, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2586, a bill for an act allowing a tax credit for equity investments in venture capital funds and including an effective and retroactive applicability date provision.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on March 25, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2258, a bill for an act relating to the board of educational examiners' authority to determine whether an applicant for licensure or certification or for renewal of a license is qualified for the license sought. (S-5256)

ALSO: That the House has on March 26, 2002, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the House was asked:

House File 2192, a bill for an act relating to the establishment of a state agency work group to develop an interstate prescription drug purchasing cooperative. (S-5255)

UNFINISHED BUSINESS
(Deferred March 25, 2002)

Senate File 2316

The Senate resumed consideration of **Senate File 2316**, a bill for an act relating to the sale of certain farmland by Iowa state university of science and technology, providing for the appropriation and use of proceeds from the sale, and providing an effective date, deferred March 25, 2002.

Senator Fiegen offered amendment S-5251, filed by Senators Fiegen and Lamberti from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5251 was adopted by a voice vote.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2316), the vote was:

Ayes, 49:

Angelo	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	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Kibbie

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate Resolution 114.

Senate Resolution 114

On motion of Senator Dvorsky, **Senate Resolution 114**, a Senate resolution recognizing the success of the University of Iowa Dance Marathon, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 114, which motion prevailed by a voice vote.

UNFINISHED BUSINESS

House File 2571

On motion of Senator Tinsman, **House File 2571**, a bill for an act relating to the establishment of an Iowa cultural trust, an Iowa cultural trust fund, and an Iowa cultural trust grant account, providing for the issuance of trust fund credits, and providing for related matters, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Boettger offered amendment S-5161, filed by the committee on Education on March 13, 2002, to page 1 of the bill, and moved its adoption.

Amendment S-5161 was adopted by a voice vote.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2571), the vote was:

Ayes, 50:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby

Maddox	McCoy	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2482

On motion of Senator Redfern, **House File 2482**, a bill for an act expanding the board of educational examiners' authority with regard to licensee disciplinary investigations and proceedings, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2482), the vote was:

Ayes, 50:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2552

On motion of Senator Schuerer, **House File 2552**, a bill for an act relating to interviews conducted in association with a child abuse assessment, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Schuerer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2552), the vote was:

Ayes, 50:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Resolution 113.

Senate Resolution 113

On motion of Senator Kibbie, **Senate Resolution 113**, a Senate resolution congratulating Ms. Jennifer Quinn and Mr. Justin Carlson for receiving a 2002 Prudential Spirit of Community Award, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie moved the adoption of Senate Resolution 113, which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Maddox, until he returns, on request of Senator Freeman.

UNFINISHED BUSINESS

House File 2536

On motion of Senator Deluhery, **House File 2536**, a bill for an act relating to advertisements for requests for bids and proposals by state government, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Deluhery moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2536), the vote was:

Ayes, 49:

Angelo
Bolkcom

Behn
Connolly

Black
Dearden

Boettger
Deluhery

Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Houser
Iverson	Jensen	Kibbie	King
Kramer	Lamberti	Lord	Lundby
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Maddox

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 109.

Senate Concurrent Resolution 109

On motion of Senator Hansen, **Senate Concurrent Resolution 109**, a concurrent resolution requesting that the governor annually designate the third week in the month of October as Cultural Awareness Week, with report of committee recommending passage, was taken up for consideration.

Senator Hansen moved the adoption of Senate Concurrent Resolution 109, which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKinley, until he returns, on request of Senator McKibben.

UNFINISHED BUSINESS

House File 2418

On motion of Senator Sexton, **House File 2418**, a bill for an act relating to the applicability of the thermal efficiency energy conservation standards in the state building code, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Sexton moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2418), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rittmer, until he returns, on request of Senator Greiner.

UNFINISHED BUSINESS

House File 2495

On motion of Senator Maddox, **House File 2495**, a bill for an act providing for the issuance of no-contact orders against persons who are arrested for the crime of sexual abuse, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2495), the vote was:

Ayes, 48:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
Miller	Ragan	Redfern	Redwine
Rehberg	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McKinley	Rittmer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2344

On motion of Senator King, **House File 2344**, a bill for an act relating to the retention of unemployment benefits contested case hearing records, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator King offered amendment S-5258, filed by Senators King and Dearden from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5258 was adopted by a voice vote.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2344), the vote was:

Ayes, 48:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
Miller	Ragan	Redfern	Redwine
Rehberg	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McKinley	Rittmer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 109, Senate Files 2197 and 2316, and House Files 2247, 2344, 2418, 2482, 2495, 2536, 2552, and 2571** 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 March 26, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 348, a bill for an act relating to the establishment of Iowa charter schools. (S-5259)

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:57 p.m. until 9:00 a.m. Wednesday, March 27, 2002.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

March 26, 2002

DEPARTMENT OF ELDER AFFAIRS

Senior Living Coordinating Unit Annual Report, pursuant to Iowa Code section 231.58.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: March 25, 2002, 11:45 a.m.

Members Present: Tinsman, Chair; Rittmer, Vice Chair; Bolkom, Ranking Member; Lord and Ragan.

Members Absent: None.

Committee Business: Discussed the appropriations bill.

Adjourned: 12:42 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: March 26, 2002, 9:46 a.m.

Members Present: Schuerer, Chair; Zieman, Vice Chair; Flynn, Ranking Member; Drake and Hansen.

Members Absent: None.

Committee Business: Passed the appropriations bill.

Adjourned: 11:12 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: March 26, 2002, 10:04 a.m.

Members Present: Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

Members Absent: None.

Committee Business: Passed the appropriations bill.

Recessed: 10:07 a.m.

Reconvened: 10:58 a.m.

Recessed: 11:05 a.m.

Reconvened: 11:16 a.m.

Adjourned: 12:07 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: March 26, 2002, 9:52 a.m.

Members Present: McKinley, Chair; Miller, Vice Chair; Fiegen, Ranking Member; Behn and Holveck.

Members Absent: None.

Committee Business: Passed the appropriations bill.

Recessed: 9:57 a.m.

Reconvened: 10:15 a.m.

Adjourned: 12:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 26, 2002, 9:48 a.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Horn, Ranking Member; Boettger and Kibbie.

Members Absent: None.

Committee Business: Reviewed the appropriations bill.

Adjourned: 10:34 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: March 26, 2002, 10:05 a.m.

Members Present: Tinsman, Chair; Rittmer, Vice Chair; Bolkcom, Ranking Member; Lord and Ragan.

Members Absent: None.

Committee Business: Passed the appropriations bill.

Recessed: 10:22 a.m.

Reconvened: 11:15 a.m.

Adjourned: 12:06 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 118, by Hammond, Fink, Hansen, Connolly, Holveck, Deluhery, Bolkcom, Dvorsky, Kibbie, Ragan, Black, McCoy, Dearden, Horn, Fraise, Shearer, Jensen, King, Redwine, Kramer, Iverson, McKean, Veenstra, McKinley, Schuerer, Tinsman, Behn, Sexton, McKibben, Freeman, Greiner, Zieman, Lord, Boettger, Rehberg, Drake, and Lamberti, a Senate resolution honoring Cael Sanderson on his athletic achievements as a wrestler.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 119, by Redfern, Jensen, Hansen, Connolly, Deluhery, Bolkcom, Dvorsky, Ragan, Harper, Kibbie, Black, McCoy, Holveck, Dearden, Horn, Fraise, Fink, Shearer, Kramer, Iverson, McKean, Angelo, Veenstra, Lundby, Schuerer, Tinsman, Behn, Sexton, McKibben, Freeman, Greiner, Zieman, Lord, Boettger, Rehberg, King, Redwine, and Lamberti, a Senate resolution congratulating the 2001 University of Northern Iowa Baseball Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 120, by Rittmer, Jensen, Schuerer, Kramer, Drake, Zieman, Maddox, Rehberg, Gaskill, Lamberti, Houser, Miller, Sexton, Redwine, McKibben, McKinley, Lord, Veenstra, Boettger, Iverson, Redfern, Freeman, Greiner, McKean, Lundby, Tinsman, Kibbie, Gronstal, Dvorsky, Soukup, Shearer, Ragan, Hammond, Harper, McCoy, Fink, Bolkcom, Connolly, Deluhery, Holveck, and Fiegen, a Senate resolution recognizing the centennial of 4-H clubs.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILLS RECEIVED

SSB 3194 Ways and Means

Relating to sales and use taxes by requiring the department of revenue and finance to collect data on the extent and the effect on taxes of electronic commerce in the state, striking the repeal of the tax treatment of sales where the substance of the transaction is delivered by electronic waves, digitally, or by way of cable or fiber optics, and establishing a committee to enter into multistate discussions on the simplification of the sales and use taxes including an effective date.

SSB 3195 Ways and Means

Providing tax credits and related standards for health care coverage for neurobiological disorders, providing for insurance and mental health studies, and providing applicability and effective dates.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 116

RULES AND ADMINISTRATION: Iverson, Chair; Boettger and Harper

Senate Resolution 117

RULES AND ADMINISTRATION: Iverson, Chair; Boettger and Dvorsky

Senate File 2293

AGRICULTURE: Angelo, Chair; Behn, Fraise, Gaskill, and Kibbie

House File 2586

WAYS AND MEANS: McKinley, Chair; Flynn and McKibben

House File 2587

APPROPRIATIONS: Hammond, Chair; Lamberti and McKinley

SSB 3194

WAYS AND MEANS: McKibben, Chair; Harper and Lamberti

SSB 3195

WAYS AND MEANS: McKibben, Chair; Harper and Redwine

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 26th day of March, 2002:

Senate Files 2116, 2133, 2156, 2167, and 2231.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5250	S.F.	2319	Kitty Rehberg
S-5251	S.F.	2316	Thomas Fiegen Jeff Lamberti
S-5252	H.F.	2515	Mike Connolly
S-5253	H.F.	2404	Mike Connolly
S-5254	H.F.	2517	Mike Connolly
S-5255	H.F.	2192	House
S-5256	S.F.	2258	House
S-5257	S.F.	2319	Sheldon Rittmer
S-5258	H.F.	2344	Steve King Dick L. Dearden
S-5259	S.F.	348	House

JOURNAL OF THE SENATE

SEVENTY-THIRD CALENDAR DAY
FORTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 27, 2002

The Senate met in regular session at 9:04 a.m., President Kramer presiding.

Prayer was offered by the Reverend Rick Cox, pastor of the Berean Assembly of God Church in Pleasant Hill, Iowa. He was the guest of Senator Lamberti.

The Journal of Tuesday, March 26, 2002, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 26, 2002, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 2454, a bill for an act encouraging school districts to establish character education programs, and directing the department of education to partner with local educational institutions and agencies and nonprofit organizations in the design and implementation of character education programs.

House File 2539, a bill for an act relating to trusts and estates and their relationship to medical assistance benefits, the right to disclaim on behalf of a ward, the creation of total return unitrusts, and providing an effective date.

ALSO: That the House has on March 26, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2309, a bill for an act providing for regulation of processors, providing for penalties, and providing an effective date and for retroactive applicability. (S-5260)

ALSO: That the House has on March 26, 2002, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bills in which the concurrence of the House was asked:

House File 2532, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates. (S-5261)

House File 2554, a bill for an act relating to the use of moneys appropriated to the department of natural resources for purposes of tire-related initiatives, disposal fees charged by retail tire dealers, and the registration of waste tire haulers and providing an effective date. (S-5262)

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 110.

Senate Concurrent Resolution 110

On motion of Senator Houser, **Senate Concurrent Resolution 110**, a concurrent resolution honoring Dr. William Campbell for more than fifty years of service to the people of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Houser moved the adoption of Senate Concurrent Resolution 110, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Houser introduced to the Senate chamber Dr. William Campbell. The Senate rose and expressed its appreciation.

IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **Senate Concurrent Resolution 110** be **immediately messaged** to the House.

RECESS

On motion of Senator Boettger, the Senate recessed at 9:40 a.m. until 3:00 p.m.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

March 27, 2002

DEPARTMENT OF HUMAN RIGHTS

Iowa Commission on Community Action Agencies recommendations for legislation to improve the status of low-income persons, pursuant to Iowa Code section 216A.92B.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Students from Urbandale High School, accompanied by Linda Templeman. Senator Maddox.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 25, 2002, 4:46 p.m.

Members Present: Behn, Chair; Houser, Vice Chair; Fraise, Ranking Member; Angelo, Boettger, Fiegen, Gaskill, Greiner, Kibbie, Ragan, Sexton, Shearer, Soukup, Veenstra, and Zieman.

Members Absent: None.

Committee Business: Discussed SF 2293.

Adjourned: 5:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: March 26, 2002, 10:10 a.m.

Members Present: Veenstra, Chair; Houser, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

Members Absent: None.

Committee Business: Passed committee appropriations bill, as amended.

Recessed: 10:16 a.m.

Reconvened: 6:10 p.m.

Adjourned: 7:08 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 27, 2002, 11:28 a.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Horn, Ranking Member; Boettger and Kibbie.

Members Absent: None.

Committee Business: Passed committee appropriations bill.

Adjourned: 12:25 p.m.

BUSINESS AND LABOR RELATIONS

Convened: March 27, 2002, 9:50 a.m.

Members Present: Freeman, Chair; Greiner, Vice Chair; Dearden, Ranking Member; Behn, Fraise, Hammond, Horn, King, Lundby, and Schuerer.

Members Absent: McKibben (excused).

Committee Business: Confirmed Governor's appointees.

Adjourned: 9:58 a.m.

HUMAN RESOURCES

Convened: March 27, 2002, 10:17 a.m.

Members Present: Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Behn, Boettger, Dvorsky, Holveck, McKibben, Miller, Ragan, Schuerer, Shearer, and Veenstra.

Members Absent: None.

Committee Business: Confirmed Governor's appointees.

Adjourned: 10:44 a.m.

JUDICIARY

Convened: March 27, 2002, 10:40 a.m.

Members Present: Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, Miller, and Tinsman.

Members Absent: McKean (excused).

Committee Business: Confirmed Governor's appointees.

Adjourned: 10:53 a.m.

LOCAL GOVERNMENT

Convened: March 27, 2002, 11:06 a.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Black, Fraise, Gaskill, Houser, Lord, Ragan, and Tinsman.

Members Absent: McCoy, McKibben, and Zieman (all excused).

Committee Business: Confirmed Governor's appointees.

Adjourned: 11:13 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 121, by Kramer, Schuerer, Drake, Zieman, Rehberg, Gaskill, Lamberti, Houser, Sexton, Redwine, McKibben, McKinley, Lord, Veenstra, Jensen, Boettger, Iverson, Redfern, Rittmer, Freeman, Greiner, McKean, Lundby, Tinsman, Dvorsky, Bolkcom, Shearer, Hammond, Hansen, Holveck, Harper, McCoy, Fink, Deluhery, Connolly, Ragan, Flynn, and Fiegen, a Senate resolution honoring the University of Iowa Women's Basketball Team and Coach Lisa Bluder.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 122, by Hammond, Fink, Bolkcom, Hansen, Holveck, Harper, McCoy, Deluhery, Connolly, Ragan, Flynn, Shearer, Fiegen, Jensen, Schuerer, Drake, Kramer, Zieman, Maddox, Rehberg, Gaskill, Lamberti, Houser, Sexton, Redwine, McKibben, McKinley, Lord, Veenstra, Boettger, Iverson, Redfern, Rittmer, Freeman, Greiner, McKean, Lundby, and Tinsman, a Senate resolution congratulating the Iowa State Cyclones Women's Basketball Team and Coach Bill Fennelly.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 118

RULES AND ADMINISTRATION: Iverson, Chair; Fink and Kramer

Senate Resolution 119

RULES AND ADMINISTRATION: Iverson, Chair; Boettger and Fink

Senate Resolution 120

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 121

RULES AND ADMINISTRATION: Iverson, Chair; Dvorsky and Kramer

Senate Resolution 122

RULES AND ADMINISTRATION: Iverson, Chair; Boettger and Harper

AFTERNOON SESSION

The Senate reconvened at 3:57 p.m., President Kramer presiding.

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 March 27, 2002, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 122, a concurrent resolution requesting the Supreme Court to implement a review and development of options to improve performance of guardian ad litem duties.

Read first time and referred to committee on **Rules and Administration**.

ALSO: That the House has on March 27, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2592, a bill for an act relating to deferment of taxable income for start-up businesses and providing an effective and retroactive applicability date.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on March 27, 2002, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 2075, a bill for an act relating to the repayment of moneys appropriated from the endowment for Iowa's health account of the tobacco settlement trust fund for purposes of the student achievement and teacher quality program.

House File 2201, a bill for an act requiring all felons to submit a physical specimen for DNA profiling, and providing for a contingent effective date.

ALSO: That the House has on March 27, 2002, **refused to concur** in the Senate amendment to the following bills in which the concurrence of the House was asked:

House File 582, a bill for an act relating to the division and development of land by amending provisions relating to subdivision plats and plats of survey and relating to annexation and other boundary adjustments, and providing for the Act's applicability.

House File 2191, a bill for an act relating to notarial acts by judicial officers.

The Senate stood at ease at 3:59 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:45 p.m., President Kramer presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Soukup, until she returns, on request of Senator Dvorsky; Senator Zieman, until he returns, on request of Senator Rehberg; and Senator Redfern, until he returns, on request of Senator Drake.

UNFINISHED BUSINESS

House File 2506

On motion of Senator Maddox, **House File 2506**, a bill for an act relating to the issuance of a no-contact order against a defendant convicted of a sexual offense upon the defendant's release from jail or prison, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator King offered amendment S-5266, filed by Senators King and Angelo from the floor to page 2 and to the title page of the bill.

Senator Fiegen raised the point of order that amendment S-5266 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5266 out of order.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2506), the vote was:

Ayes, 47:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Ragan	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 3:

Redfern	Soukup	Zieman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Way and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2318.

Senate File 2318

On motion of Senator McKibben, **Senate File 2318**, a bill for an act relating to the tax on premiums and subscriber contract payments received by insurance companies and health service corporations by phasing in a reduction in the tax and increasing the prepayment of the tax, was taken up for consideration.

Senator Tinsman offered amendment S-5267, filed by her from the floor to page 5 and to the title page of the bill, and moved its adoption.

Amendment S-5267 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent that action on **Senate File 2318** be **deferred**.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 112.

Senate Resolution 112

On motion of Senator Angelo, **Senate Resolution 112**, a Senate resolution honoring NASCAR racer Shawna Robinson, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved the adoption of Senate Resolution 112, which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hammond, for the remainder of the day, on request of Senator McCoy.

UNFINISHED BUSINESS

House File 678

On motion of Senator Tinsman, **House File 678**, a bill for an act relating to child custody and visitation including the requirement of mediation when a custody arrangement is disputed, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Tinsman offered amendment S-5158, filed by the committee on Judiciary on March 13, 2002, to page 1 of the bill, and moved its adoption.

Amendment S-5158 was adopted by a voice vote.

Senator Tinsman offered amendment S-5246, filed by her on March 25, 2002, to pages 1, 2, and to the title page of the bill, and moved its adoption.

Amendment S-5246 was adopted by a voice vote.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 678), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Tinsman	Veenstra		

Nays, none.

Absent or not voting, 4:

Hammond	Redfern	Soukup	Zieman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

UNFINISHED BUSINESS

House File 2365

On motion of Senator Gaskill, **House File 2365**, a bill for an act relating to certain documents indexed and recorded with the county recorder, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Gaskill offered amendment S-5220, filed by him on March 19, 2002, to page 1 of the bill, and moved its adoption.

Amendment S-5220 was adopted by a voice vote.

Senator Gaskill offered amendment S-5235, filed by him on March 20, 2002, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5235 was adopted by a voice vote.

Senator Gaskill moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2365), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Tinsman	Veenstra		

Nays, none.

Absent or not voting, 4:

Hammond

Redfern

Soukup

Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

BUSINESS PENDING

Senate File 2318

The Senate resumed consideration of **Senate File 2318**, a bill for an act relating to the tax on premiums and subscriber contract payments received by insurance companies and health service corporations by phasing in a reduction in the tax and increasing the repayment of the tax, previously deferred.

Senator Connolly offered amendment S-5271, filed by him from the floor to pages 2, 3, and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5271 be adopted?" (S.F. 2318), the vote was:

Ayes, 15:

Bolkcom

Connolly

Dearden

Dvorsky

Flynn

Freeman

Greiner

Horn

King

Lord

McCoy

Miller

Redwine

Schuerer

Shearer

Nays, 31:

Angelo

Behn

Black

Boettger

Deluhery

Drake

Fiegen

Fink

Fraise

Gaskill

Gronstal

Hansen

Harper

Holveck

Houser

Iverson

Jensen

Kibbie

Kramer

Lamberti

Lundby

Maddox

McKean

McKibben

McKinley

Ragan

Rehberg

Rittmer

Sexton

Tinsman

Veenstra

Absent or not voting, 4:

Hammond	Redfern	Soukup	Zieman
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Amendment S-5271 lost.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2318), the vote was:

Ayes, 41:

Angelo	Behn	Black	Boettger
Bolkcom	Deluhery	Drake	Dvorsky
Fiegen	Fink	Flynn	Freeman
Gaskill	Greiner	Gronstal	Hansen
Harper	Holveck	Horn	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKibben	McKinley	Miller
Ragan	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Tinsman
Veenstra			

Nays, 5:

Connolly	Dearden	Fraise	Kibbie
McKean			

Absent or not voting, 4:

Hammond	Redfern	Soukup	Zieman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2318** and **House Files 678, 2365, and 2506** 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 March 27, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2275, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and including effective and retroactive applicability date provisions. (S-5270)

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:30 p.m. until 9:00 a.m. Thursday, March 28, 2002.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Lyle and Idamay Sorenson, Belmond — For celebrating your 50th wedding anniversary on March 21, 2002. Senator Iverson (03/27/02).

Marlys Vulgamott, Webster City — For celebrating your 90th birthday on March 29, 2002. Senator Iverson (03/27/02).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: March 26, 2002, 9:48 a.m.

Members Present: Angelo, Chair; McKean, Vice Chair; Dvorsky, Ranking Member; Fraise and Maddox.

Members Absent: None.

Committee Business: Passed LSBs 6021ja (as amended) and 6022ja.

Recessed: 12:07 p.m.

Reconvened: 6:00 p.m.

Adjourned: 7:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: March 27, 2002, 8:07 a.m.

Members Present: Jensen, Chair; Lamberti, Vice Chair; Connolly and McKibben.

Members Absent: Soukup, Ranking Member (excused).

Committee Business: Passed LSB 6024ja.

Adjourned: 9:05 a.m.

APPROPRIATIONS

Convened: March 27, 2002, 2:34 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, and Veenstra.

Members Absent: Black and Zieman (both excused).

Committee Business: Passed HF's 2582 and 2587. Approved SSBs 3187 and 3193 (as amended).

Adjourned: 3:50 p.m.

STATE GOVERNMENT

Convened: March 27, 2002, 11:05 a.m.

Members Present: King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Jensen, Maddox, McKean, Rittmer, Schuerer, and Sexton.

Members Absent: Fink (excused).

Committee Business: Confirmed Governor's appointees.

Adjourned: 11:35 a.m.

TRANSPORTATION

Convened: March 27, 2002, 10:05 a.m.

Members Present: Rittmer, Chair; Drake, Vice Chair; Dearden, Fraise, Freeman, Houser, Jensen, McKinley, and Sexton.

Members Absent: McCoy, Ranking Member; Fink, Kibbie, and Zieman (all excused).

Committee Business: Confirmed Governor's appointees.

Adjourned: 10:18 a.m.

WAYS AND MEANS

Convened: March 27, 2002, 1:07 p.m.

Members Present: McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg.

Members Absent: Holveck (excused).

Committee Business: Passed HF's 2584, 2585 (as amended), and 2586. Approved SSBs 3192, 3194, and 3195 (as amended).

Recessed: 1:08 p.m.

Reconvened: 1:20 p.m.

Adjourned: 2:25 p.m.

INTRODUCTION OF BILLS

Senate File 2320, by committee on Ways and Means, a bill for an act relating to the assessment of court fees by the clerk of district court.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

Senate File 2321, by committee on Ways and Means, a bill for an act relating to sales and use taxes by requiring the department of revenue and finance to collect data on the extent and the effect on taxes of electronic commerce in the state, striking the repeal of the tax treatment of sales where the substance of the transaction is delivered by electronic waves, digitally, or by way of cable or fiber optics, and establishing a committee to enter into multistate discussions on the simplification of the sales and use taxes and including an effective date.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

Senate File 2322, by committee on Ways and Means, a bill for an act providing tax credits and related standards for health care coverage for neurobiological disorders, providing for insurance and mental health studies, and providing applicability and effective dates.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

Senate File 2323, by committee on Appropriations, a bill for an act relating to the creation of a registered nurse recruitment program and fund to be administered by the college student aid commission.

Read first time under Rule 28 and **placed on Appropriations calendar.**

Senate File 2324, by Iverson and Gronstal, a bill for an act relating to the use of construction management services on public works projects.

Read first time under Rule 28 and referred to committee on **Commerce**.

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2323 (SSB 3187), a bill for an act relating to the creation of a registered nurse recruitment program and fund to be administered by the college student aid commission.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 23: Lamberti, Kramer, Flynn, Angelo, Bolcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 2: Black and Ziemann.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2582, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Recommendation: DO PASS.

Final Vote: Ayes, 23: Lamberti, Kramer, Flynn, Angelo, Bolcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 2: Black and Ziemann.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2587, a bill for an act relating to the Iowa energy center, including changes relating to salary adjustments, and promotion and administration of the alternative energy revolving loan program.

Recommendation: DO PASS.

Final Vote: Ayes, 23: Lamberti, Kramer, Flynn, Angelo, Bolcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby,

McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 2: Black and Ziemann.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 2320 (SSB 3192), a bill for an act relating to the assessment of court fees by the clerk of district court.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: McKibben, McKinley, Harper, Bolkcom, Deluhery, Drake, Flynn, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, 1: Connolly. Absent or not voting, 1: Holveck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2321 (SSB 3194), a bill for an act relating to sales and use taxes by requiring the department of revenue and finance to collect data on the extent and the effect on taxes of electronic commerce in the state, striking the repeal of the tax treatment of sales where the substance of the transaction is delivered by electronic waves, digitally, or by way of cable or fiber optics, and establishing a committee to enter into multistate discussions on the simplification of the sales and use taxes and including an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Greiner, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 3: Flynn, Holveck, and Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2322 (SSB 3195), a bill for an act providing tax credits and related standards for health care coverage for neurobiological disorders, providing for insurance and mental health studies, and providing applicability and effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: McKibben, McKinley, Drake, Greiner, Lamberti, Miller, Redwine, and Rehberg. Nays, 6: Harper, Bolkcom, Connolly, Deluhery, Flynn, and Maddox. Absent or not voting, 1: Holveck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2584, a bill for an act relating to assessment of certain vineyards for purposes of property taxation and providing a retroactive applicability date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 2: Holveck and Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2585, 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.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5269.

Final Vote: Ayes, 12: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Greiner, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 3: Flynn, Holveck, and Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2586, a bill for an act allowing a tax credit for equity investments in venture capital funds and including an effective and retroactive applicability date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 14: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: Holveck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

BUSINESS AND LABOR RELATIONS

Mary Ann Spicer – Employment Appeal Board

James Riordan – Public Employment Relations Board

Benjamin Duehr – Iowa Workforce Development Board

Dean Hicks – Iowa Workforce Development Board

Patricia Marshall – Iowa Workforce Development Board

Earnest Nelson – Iowa Workforce Development Board

Norma Schmoker – Iowa Workforce Development Board

EDUCATION

James Billings – State Board of Education

Jude Fitzpatrick – State Board of Education

Mary Montgomery – State Board of Education

Gene Vincent – State Board of Education

Brian Carter – Board of Educational Examiners

Carol Burns – Iowa Higher Education Loan Authority

Connie Cook – School Budget Review Committee

HUMAN RESOURCES

Mark Coberley – Board of Athletic Training Examiners

Holly Healey – Board of Athletic Training Examiners

Lynn Lindaman – Board of Athletic Training Examiners

David Brown – Board of Behavioral Science Examiners

Elizabeth Shannahan – Board of Behavioral Science Examiners

Julia Scurr – Commission for the Blind

Kathy Beauchamp – Commission on Community Action Agencies

Ethel Campbell – Commission on Community Action Agencies

Michael Coverdale – Commission on Community Action Agencies

Bob Knowler – Commission on Community Action Agencies

Merl McFarlane – Commission on Community Action Agencies

Jacquelyn Fletcher – Commission on the Deaf

James Grover – Commission on the Deaf

Loren Woods – Commission on the Deaf

Kathryn L. Baumann-Reese – Administrator of the Division of Deaf Services

Jill Avery – Administrator of the Division of Persons with Disabilities

Theresa Christoffersen – Iowa Empowerment Board

Mary Odell – Iowa Empowerment Board

Nancy Van Milligen – Iowa Empowerment Board

Don Ross – State Citizen Foster Care Review Board
Nancy Ziese – State Citizen Foster Care Review Board

Eldon Huston – Healthy and Well Kids in Iowa (*hawk-i*) Board
Susan Salter – Healthy and Well Kids in Iowa (*hawk-i*) Board
Wanda Wyatt-Hardwick – Healthy and Well Kids in Iowa (*hawk-i*) Board

Michael Flaum – Mental Health and Developmental Disabilities Commission
Jackie Kibbie-Williams – Mental Health and Developmental Disabilities Commission
Nancy McKlveen – Mental Health and Developmental Disabilities Commission

Kenneth Talcott – Board of Physician Assistant Examiners
Gloria Welte – Board of Physician Assistant Examiners

Patricia Crosley – Prevention of Disabilities Policy Council
Kurt Hoppe – Prevention of Disabilities Policy Council
Mickey McDaniel – Prevention of Disabilities Policy Council
Patricia Moreland – Prevention of Disabilities Policy Council
Thomas Slater – Prevention of Disabilities Policy Council
Frank Strong – Prevention of Disabilities Policy Council
Melva Urban – Prevention of Disabilities Policy Council
Don Van Dyke – Prevention of Disabilities Policy Council
Verna Welte – Prevention of Disabilities Policy Council

Noreen Humphrey – Commission on Tobacco Use Prevention and Control
Christopher Squier – Commission on Tobacco Use Prevention and Control

Victoria Brown – Commission on the Status of Women
Sue Mullins – Commission on the Status of Women
Susan Unger – Commission on the Status of Women
Matthew Wissing – Commission on the Status of Women

JUDICIARY

Dinh VanLo – Iowa State Civil Rights Commission

Haywood Belle – Board of Corrections

Elaine Armstrong – Criminal and Juvenile Justice Planning Advisory Council
Mary Barakat – Criminal and Juvenile Justice Planning Advisory Council
Thomas Ferguson – Criminal and Juvenile Justice Planning Advisory Council
Monica Murray – Criminal and Juvenile Justice Planning Advisory Council
Ronald Stehl – Criminal and Juvenile Justice Planning Advisory Council
Marvin Van Haaften – Criminal and Juvenile Justice Planning Advisory Council
Carol Wood – Criminal and Juvenile Justice Planning Advisory Council

Robert Torgerson – Iowa Drug Policy Advisory Council

Elizabeth Robinson-Ford – Chairperson of the Board of Parole

Karen Muelhaupt – Board of Parole

LOCAL GOVERNMENT

Susan Cosner – City Development Board

Lynn Ferrell – Mental Health Risk Pool

Julie Jetter – Mental Health Risk Pool

Karen Strawn – Mental Health Risk Pool

STATE GOVERNMENT

Thomas Engelmann – Accountancy Examining Board

Marianne Mickelson – Accountancy Examining Board

George Baugh – Commission on the Status of African-Americans

Isaiah Johnson – Commission on the Status of African-Americans

Mary Hunter – Alcoholic Beverages Commission

Annabelle Diehl – Architectural Examining Board

Gordon Mills – Architectural Examining Board

Teresa Petrzalek – Architectural Examining Board

G. L. Rushenberg – Board of Barber Examiners

Robert Van Vooren – Board of Barber Examiners

Pamela Bair – Board of Chiropractic Examiners

Steven Kraus – Board of Chiropractic Examiners

Thomas Stanzel – Board of Chiropractic Examiners

Lois Leytem – Board of Cosmetology Arts and Sciences Examiners

Teresa Mertens – Board of Cosmetology Arts and Sciences Examiners

Mary Myers – Board of Cosmetology Arts and Sciences Examiners

Sheila O'Hern – Board of Cosmetology Arts and Sciences Examiners

Michael Salvner – Board of Cosmetology Arts and Sciences Examiners

Alan Hathaway – Board of Dental Examiners

Suzan Stewart – Board of Dental Examiners

Debra Yossi – Board of Dental Examiners

Marcy Rolenc – Board of Dietetic Examiners

Robert Schweers – Board of Dietetic Examiners

Susan Albright – Engineering and Land Surveying Examining Board

Randall Beavers – Engineering and Land Surveying Examining Board

Nicholas Konrady – Engineering and Land Surveying Examining Board

Corinna Huntrods – Board for the Licensing and Regulation of Hearing Aid Dealers

Patricia Stark – Board for the Licensing and Regulation of Hearing Aid Dealers

Leslie Whippen – Board for the Licensing and Regulation of Hearing Aid Dealers

Ron Dardis – Information Technology Council

Frederick Stilwill – Information Technology Council

Lorrie L. Tritch – Administrator of the Operations Division of the Department of Information Technology

Jane Ginapp – IowaAccess Advisory Council
Miriam Ubben – IowaAccess Advisory Council

Mary Williams – Investment Board of the IPERS

Carolyn Magnani – Landscape Architectural Examining Board
Ann Reinhart – Landscape Architectural Examining Board

William Brosnahan – Lottery Board
Mary Junge – Lottery Board

Kenneth Lang – Board of Massage Therapy Examiners
Mary McGuire – Board of Massage Therapy Examiners
E. Howard Sonksen – Board of Massage Therapy Examiners
Jane Sward – Board of Massage Therapy Examiners

Susan Johnson – Board of Medical Examiners
Diane Nagle – Board of Medical Examiners
Dana Shaffer – Board of Medical Examiners

J. Craig Fratzke – Board of Mortuary Science Examiners
Karen Thomsen – Board of Mortuary Science Examiners
Marcus Vigen – Board of Mortuary Science Examiners

Anna Fallon – Board of Nursing Examiners
Patrick Greenwood – Board of Nursing Examiners
Pauline Taylor – Board of Nursing Examiners

Larry Hertel – State Board of Examiners for Nursing Home Administrators
Timothy Moe – State Board of Examiners for Nursing Home Administrators

Terry Brown – Board of Optometry Examiners
Connie Connolly – Board of Optometry Examiners
Michael Ohlson – Board of Optometry Examiners
Marilyn Spina – Board of Optometry Examiners

Terrance Lillis – Peace Officers' Retirement, Accident, and Disability System Trustee

Paul Abramowitz – Board of Pharmacy Examiners
Vernon Benjamin – Board of Pharmacy Examiners
Barbara O'Roake – Board of Pharmacy Examiners

Theodore Peterson – Board of Physical and Occupational Therapy Examiners
Armando Rosales – Board of Physical and Occupational Therapy Examiners
Henrietta Scholten – Board of Physical and Occupational Therapy Examiners

Angela Langrehr – Board of Podiatry Examiners
Robert Yoho – Board of Podiatry Examiners

Kathleen Halloran – Administrator of Professional Licensing and Regulation

Ruth Daggett – Board of Psychology Examiners

Susan Enzle – Board of Psychology Examiners

Jacob Sines – Board of Psychology Examiners

Sharon Chism – Real Estate Appraiser Examining Board

Luther Gammon – Real Estate Appraiser Examining Board

Patricia Daniels – Real Estate Commission

Barbara Leestamper – Real Estate Commission

Gregory Hicklin – State Board for Respiratory Care

Amy Love – State Board for Respiratory Care

Thomas Capshew – Board of Social Work Examiners

W. Robert Schmidt – Board of Social Work Examiners

Joyce Westphal – Board of Social Work Examiners

Connie Honken – Board of Speech Pathology and Audiology Examiners

Robert MacDougall – Board of Speech Pathology and Audiology Examiners

Robert Leeman – Commission of Veterans Affairs

Sarah Garst – Iowa Board of Veterinary Medicine

Paul Willis – Iowa Board of Veterinary Medicine

Mary Ellen Chamberlin – Vision Iowa Board

Sharon Juon – Vision Iowa Board

Bradford Parks – Vision Iowa Board

TRANSPORTATION

Thomas Gustafson – Iowa Law Enforcement Academy Council

Brian Guy – Iowa Law Enforcement Academy Council

Donald Carmody – State Transportation Commission

Barry Cleaveland – State Transportation Commission

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendations for confirmation:

STATE GOVERNMENT

Lynn M. Walding – Administrator of the Alcoholic Beverages Division

Richard J. Haines – Director of the Department of General Services

Jack P. Ketterer – Administrator of the State Racing and Gaming Commission

Steven Chapman – State Racing and Gaming Commission

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar without recommendation for confirmation:

STATE GOVERNMENT

Lee Clancey – State Racing and Gaming Commission

AMENDMENTS FILED

S-5260	S.F.	2309	House
S-5261	H.F.	2532	House
S-5262	H.F.	2554	House
S-5263	H.F.	2472	Patricia Harper
S-5264	H.F.	2339	Donald B. Redfern
S-5265	H.F.	2339	Jack Holveck
S-5266	H.F.	2506	Steve King Jeff Angelo
S-5267	S.F.	2318	Maggie Tinsman
S-5268	H.F.	2404	Kitty Rehberg
S-5269	H.F.	2585	Ways and Means
S-5270	S.F.	2275	House
S-5271	S.F.	2318	Mike Connolly

JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY
FORTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 28, 2002

The Senate met in regular session at 9:17 a.m., President Kramer presiding.

Prayer was offered by Ako Abdul-Samad, pastor of the Islamic Center in Des Moines. He was the guest of Senator Holveck.

The Journal of Wednesday, March 27, 2002, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 27, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2190, a bill for an act concerning workers' compensation. (S-5272)

The Senate stood at ease at 9:41 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:20 a.m., President Kramer presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:21 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:24 a.m., President Kramer presiding.

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 March 28, 2002, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 583, a bill for an act relating to the certification of persons providing water pump services.

House File 2344, a bill for an act relating to the retention of unemployment benefits contested case hearing records.

House File 2530, a bill for an act providing for the control of pseudorabies, and making penalties applicable.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Zieman, until he arrives, on request of Senator Rehberg; and Senator Soukup, until she arrives, on request of Senator Gronstal.

UNFINISHED BUSINESS

House File 2193

On motion of Senator Drake, **House File 2193**, a bill for an act relating to modal transportation, including changes in transit coordination requirements, elimination of the Iowa railway finance

authority, and changes in the aircraft registration process, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Drake offered amendment S-5244, filed by Senators Drake and Kibbie on March 25, 2002, to pages 1-12 and to the title page of the bill, and moved its adoption.

Amendment S-5244 was adopted by a voice vote.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2193), the vote was:

Ayes, 48:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Tinsman	Veenstra

Nays, none.

Absent or not voting, 2:

Soukup	Zieman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, until he returns, on request of Senator McKibben.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2582.

House File 2582

On motion of Senator Tinsman, **House File 2582**, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2582), the vote was:

Ayes, 47:

Angelo	Black	Boettger	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 3:

Behn	Soukup	Zieman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2322.

Senate File 2322

On motion of Senator McKibben, **Senate File 2322**, a bill for an act providing tax credits and related standards for health care coverage for neurobiological disorders, providing for insurance and mental health studies, and providing applicability and effective dates, was taken up for consideration.

President Pro Tempore McKean took the chair at 10:53 a.m.

Senator Fiegen offered amendment S-5275, filed by Senator Fiegen, et al., from the floor striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Shearer offered amendment S-5277, filed by Senator Shearer, et al., from the floor to pages 1-4 and to the title provisions of amendment S-5275, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5277 to amendment S-5275 be adopted?" (S.F. 2322), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser

Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra

Absent or not voting, 2:

Soukup	Zieman
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Amendment S-5277 lost.

Senator Fiegen moved the adoption of amendment S-5275.

A record roll call was requested.

On the question "Shall amendment S-5275 be adopted?" (S.F. 2322), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Kibbie	Lundby	Maddox
McCoy	McKean	Ragan	Redfern
Shearer	Tinsman		

Nays, 22:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Jensen	King	Kramer	Lamberti
Lord	McKibben	McKinley	Miller
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Veenstra		

Absent or not voting, 2:

Soukup	Zieman
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Amendment S-5275 was adopted.

With the adoption of amendment S-5275, the Chair ruled amendment S-5278, filed by Senator McKibben from the floor to pages 1, 4, 6, 8, and 9 of the bill, out of order.

Senator Kramer asked and received unanimous consent that action on **Senate File 2322** be **deferred**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2193** and **2582** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:09 p.m. until 10:00 a.m. Monday, April 1, 2002.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Rosalina Wilhelmina Hermania Krause Meyers, Kanawah — For celebrating your 103rd birthday on April 1, 2002. Senator Gaskill (03/28/02).

PETITION

The following petition was presented and placed on file:

From 880 residents of Marion County favoring legislation to stop the construction of a large-scale hog confinement near Lake Red Rock. Senator Angelo.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 28, 2002, 1:30 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, King, Lord, Maddox, McCoy, and Redwine.

Members Absent: Hansen, Lundby, and Redfern (all excused).

Committee Business: Passed SF 2324. Approved Governor's appointees.

Adjourned: 1:45 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 28, 2002, 1:10 p.m.

Members Present: Sexton, Chair; Freeman, Vice Chair; Fink, Ranking Member; Bolkcom, Deluhery, Drake, Houser, Lord, and Rittmer.

Members Absent: Black, Dearden, Kibbie, Lundby, McKean, and Miller (all excused).

Committee Business: Approved Governor's appointees.

Adjourned: 1:12 p.m.

RULES AND ADMINISTRATION

Convened: March 28, 2002, 10:20 a.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer.

Members Absent: McKean (excused).

Committee Business: Passed SRs 116, 117, 118, 119, 120, 121, and 122.

Adjourned: 10:22 a.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: March 28, 2002, 1:15 p.m.

Members Present: Rehberg, Chair; Shearer, Ranking Member; Fiegen, Flynn, Gaskill, Greiner, Holveck, McKinley, Ragan, and Veenstra.

Members Absent: Zieman, Vice Chair; Behn, and Lamberti (all excused).

Committee Business: Approved Governor's appointees.

Adjourned: 1:21 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 123, by Lamberti, Redwine, Drake, Schuerer, Kramer, Gaskill, Sexton, Greiner, Freeman, Houser, Rehberg, Angelo, Behn, McKinley, Lord, Veenstra, Boettger, Iverson, Tinsman, McKean, Maddox, McKibben, Holveck, Kibbie, Dvorsky, Gronstal, Hammond, Harper, Fink, Bolckcom, Connolly, Flynn, Ragan, Horn, Dearden, Hansen, Black, McCoy, and Deluhery, a Senate resolution honoring the Drake Women's Basketball Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 124, by Kramer, Gaskill, Sexton, Greiner, Rehberg, Schuerer, Drake, Freeman, Houser, Angelo, Behn, McKinley, Lord, Veenstra, Boettger, Iverson, Tinsman, McKean, Maddox, McKibben, Redwine, Lamberti, Dvorsky, Hammond, Harper, Fink, Bolckcom, Connolly, Flynn, Ragan, Shearer, Fiegen, Horn, Dearden, Fraise, Hansen, Black, McCoy, and Deluhery, a Senate resolution congratulating Gayle Blevins, Head Coach of the

University of Iowa Women's Softball Team on her successful coaching career.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 2325, by committee on Appropriations, a bill for an act relating to certain state agency regulatory functions by reorganizing the duties of the department of inspections and appeals, transferring the court appointed special advocate program to the department of inspections and appeals, renaming and revising the duties of the state citizen foster care review board, reorganizing the administrative structure of the department of natural resources, providing for legislative review of state agencies, and revising requirements for licensed birth centers.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILL RECEIVED

SSB 3196 Appropriations

Relating to and making appropriations to state departments and agencies from the tobacco settlement trust fund, rebuild Iowa infrastructure fund, and environment first fund, and providing effective dates.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2324

COMMERCE: King, Chair; Flynn and Jensen

Senate Resolution 123

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 124

RULES AND ADMINISTRATION: Iverson, Chair; Dvorsky and Kramer

House Concurrent Resolution 122

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

SSB 3196

APPROPRIATIONS: No subcommittee assigned

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2325 (SSB 3193), a bill for an act relating to certain state agency regulatory functions by reorganizing the duties of the department of inspections and appeals, transferring the court appointed special advocate program to the department of inspections and appeals, renaming and revising the duties of the state citizen foster care review board, reorganizing the administrative structure of the department of natural resources, providing for legislative review of state agencies, and revising requirements for licensed birth centers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Lamberti, Kramer, Angelo, Dvorsky, Fiegen, Gaskill, Hammond, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, and Veenstra. Nays, none. Present, 5: Flynn, Bolckom, Connolly, Deluhery, and Horn. Absent or not voting, 2: Black and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2325, and they were attached to the committee report.

COMMERCE

Final Bill Action: SENATE FILE 2324, a bill for an act relating to the use of construction management services on public works projects.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Jensen, Schuerer, Deluhery, Bolckom, Flynn, Freeman, Gronstal, King, Lord, Maddox, McCoy, and Redwine. Nays, none. Absent or not voting, 3: Hansen, Lundby, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 116, a Senate resolution congratulating the University of Northern Iowa Panthers Women's Volleyball Team.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 117, a Senate resolution honoring Mr. E. Wayne Cooley upon his retirement as the Executive Secretary of the Iowa Girls High School Athletic Union.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 118, a Senate resolution honoring Cael Sanderson on his athletic achievements as a wrestler.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 119, a Senate resolution congratulating the 2001 University of Northern Iowa Baseball Team.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 120, a Senate resolution recognizing the centennial of 4-H clubs.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 121, a Senate resolution honoring the University of Iowa Women's Basketball Team and Coach Lisa Bluder.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 122, a Senate resolution congratulating the Iowa State Cyclones Women's Basketball Team and Coach Bill Fennelly.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2201, the following correction was made:

1. Page 15, line 26, the entire word "department" was struck through.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 28th day of March, 2002:

Senate Files 2086, 2098, 2201, 2278, and 2288.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 28, 2002, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 374 – Relating to the qualifications and authorization of therapeutically certified optometrists engaged in the practice of optometry, and providing an effective date.

S.F. 437 – Relating to the registration and titling of all-terrain vehicles and snowmobiles and removing the restriction on the use of an all-terrain vehicle on public land without a measurable snow cover, and subjecting violators to a penalty.

S.F. 2210 – Relating to the acquisition and holding of agricultural land by qualified enterprises, by providing for activities related to baby chicks and fertilized chicken eggs, providing penalties, and providing an effective date.

S.F. 2260 – Relating to the reorganization or dissolution of area education agencies and providing an effective date.

S.F. 2315 – Appropriating state school foundation aid and making related changes to the state percent of growth for school budgets and to the funding for area education agencies, and providing an effective date.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 26, 2002, when the votes were taken on Senate File 2316 and House File 2247. Had I been present, I would have voted "Aye" on both.

JOHN P. KIBBIE

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

COMMERCE

Don Gettings – Credit Union Review Board
Barbara Oliver-Hall – Credit Union Review Board

Robert Hardman – Iowa Telecommunications and Technology Commission

NATURAL RESOURCES AND ENVIRONMENT

Mary Lucile Norton – Renewable Fuels and Coproducts Advisory Committee
 Steven Rau – Renewable Fuels and Coproducts Advisory Committee
 Eric Seuren – Renewable Fuels and Coproducts Advisory Committee

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Robert Pulver – Iowa Economic Development Board
 Marcia Rogers – Iowa Economic Development Board

Alison Doyle – Small Business Advisory Council
 Derek Holmes – Small Business Advisory Council
 David Mackaman – Small Business Advisory Council

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

COMMERCE

Mary Elizabeth Brandsgard – Chairperson of the Iowa Telecommunications and Technology Commission

AMENDMENTS FILED

S-5272	S.F.	2190	House
S-5273	H.F.	2459	John P. Kibbie
S-5274	H.F.	2404	Kitty Rehberg
S-5275	S.F.	2322	Thomas Fiegen
			Mike Connolly
			Matt McCoy
			Wally E. Horn
			Jack Holveck
			John P. Kibbie
			Joe Bolkcom
			Bill Fink
			Dick L. Dearden
			Eugene S. Fraise
			Robert E. Dvorsky
			Dennis H. Black

			Steven D. Hansen
			Tom Flynn
			Mark Shearer
			Patricia Harper
			Patrick J. Deluhery
			Amanda Ragan
			Johnie Hammond
			Michael E. Gronstal
			Mary A. Lundby
			Maggie Tinsman
S-5276	S.F.	2285	Neal Schuerer
S-5277	S.F.	2322	Mark Shearer
			Steven D. Hansen
			Jack Holveck
			Mike Connolly
			Thomas Fiegen
			Amanda Ragan
			Tom Flynn
			Patrick J. Deluhery
			Joe Bolkcom
			Bill Fink
			Patricia Harper
			Robert E. Dvorsky
			Johnie Hammond
			Michael E. Gronstal
			John P. Kibbie
			Wally E. Horn
			Dick L. Dearden
			Eugene S. Fraise
S-5278	S.F.	2322	Larry McKibben

JOURNAL OF THE SENATE

SEVENTY-EIGHTH CALENDAR DAY
FORTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 1, 2002

The Senate met in regular session at 10:23 a.m., Senator Sexton presiding.

Prayer was offered by the Reverend Vic Groh, deacon of the Sacred Heart Catholic Church in Rockwell, Iowa. He was the guest of Senator Ragan.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Alissa Darrow and Wendy Walker.

QUORUM CALL

Senator Lord requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent, and a quorum present.

The Journal of Thursday, March 28, 2002, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Freeman and Tinsman, until they arrive, on request of Senator Houser; and Senator McKean, for the day, on request of Senator Veenstra.

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 March 28, 2002, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 2228, a bill for an act relating to utilization of school district moneys for physical plant and equipment levy purposes. (S-5280)

Senate File 2279, a bill for an act relating to the regulated commercial activities of insurance and security sales, including rate adjustments for small group coverage, provisions pertaining to state and county mutual insurance associations, termination dates and licensed health care providers for emergency medical malpractice insurance, suspension of an insurer's certificate of authority for delinquency, exceptions to the right of a notice of intent not to renew, coverage requirements in a medical expense policy, tort immunity related to viatical settlement contracts, confidentiality of certain personal information in securities and insurance filings, postponement or suspension of registration under the blue sky law, reporting related to professional liability insurance, annual percentage rate used in calculations of the minimum nonforfeiture amount relating to individual deferred annuities, and providing for a future repeal. (S-5279)

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Connolly, Deluhery, and Hansen, until they arrive, on request of Senator Gronstal; and Senators Miller and McKibben, until they arrive, on request of Senator Freeman.

UNFINISHED BUSINESS

Senate File 2285

On motion of Senator Schuerer, **Senate File 2285**, a bill for an act regarding business corporations, and providing an effective date, placed on the Unfinished Business Calendar on March 14, 2002, was taken up for consideration.

Senator Schuerer offered amendment S-5276, filed by him on March 28, 2002, to pages 3, 7-9, 13, 23, 24, 26, 29, 30, 32, 35, 41-49, 56, 57, 62, 67, 68, 71, 72, 74, 76, 77, 82, 83, 86, 92, 94, and 98 of the bill, and moved its adoption.

Amendment S-5276 was adopted by a voice vote.

Senator Schuerer asked and received unanimous consent that **House File 2509** be **substituted** for **Senate File 2285**.

House File 2509

On motion of Senator Schuerer, **House File 2509**, a bill for an act regarding business corporations, and providing an effective date, was taken up for consideration.

Senator Schuerer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2509), the vote was:

Ayes, 43:

Angelo	Behn	Black	Boettger
Bolkcom	Dearden	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKinley
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Veenstra	Zieman	

Nays, none.

Absent or not voting, 7:

Connolly	Deluhery	Hansen	McKean
McKibben	Miller	Tinsman	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Schuerer asked and received unanimous consent that **Senate File 2285** be **withdrawn** from further consideration of the Senate.

President Kramer took the chair at 11:14 a.m.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House File 2587.

House File 2587

On motion of Senator Hammond, **House File 2587**, a bill for an act relating to the Iowa energy center, including changes relating to salary adjustments, and promotion and administration of the alternative energy revolving loan program, with report of committee recommending passage, was taken up for consideration.

Senator Hammond moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2587), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Dearden	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal

Hammond	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKibben
McKinley	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Connolly	Deluhery	Hansen	McKean
Miller	Tinsman		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2309

Senator Zieman called up for consideration **Senate File 2309**, a bill for an act providing for regulation of processors, providing for penalties, and providing an effective date and for retroactive applicability, amended by the House, and moved that the Senate concur in House amendment S-5260, filed March 27, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Zieman moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2309), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Dearden	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie

King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKibben
McKinley	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Connolly	Deluhery	Hansen	McKean
Miller	Tinsman		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Angelo asked and received unanimous consent that **Senate File 2309** and **House Files 2509** and **2587** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2532

Senator Rittmer called up for consideration, **House File 2532**, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5261 to Senate amendment H-8419, filed March 27, 2002, and requested that the Senate vote "Nay."

A nonrecord roll call was requested.

The ayes were 13, nays 29.

The motion failed and the Senate **refused to concur** in the House amendment to the Senate amendment.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rehberg, until she returns, on request of Senator Freeman.

HOUSE AMENDMENT CONSIDERED

Senate File 144

Senator Jensen called up for consideration **Senate File 144**, a bill for an act requiring contracts for the construction or maintenance of highways to include certain provisions for the restoration of areas in which fill dirt or other materials are to be removed, amended by the House, and moved that the Senate concur in House amendment S-5247, filed March 25, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Jensen moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 144), the vote was:

Ayes, 43:

Angelo	Behn	Black	Boettger
Bolkcom	Dearden	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKibben
McKinley	Ragan	Redfern	Redwine
Rittmer	Schuerer	Sexton	Shearer
Soukup	Veenstra	Zieman	

Nays, none.

Absent or not voting, 7:

Cannolly	Deluhery	Hansen	McKean
Miller	Rehberg	Tinsman	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 608

On motion of Senator Maddox, **House File 608**, a bill for an act relating to delinquency charges on certain precomputed consumer credit transactions, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 608), the vote was:

Ayes, 43:

Angelo	Behn	Black	Boettger
Bolkcom	Dearden	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Harper	Horn	Houser
Iverson	Jensen	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKibben	McKinley
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Veenstra	Zieman	

Nays, 1:

Holveck

Absent or not voting, 6:

Cannolly	Deluhery	Hansen	McKean
Miller	Tinsman		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **Senate File 144** and **House Files 608** and **2532** be **immediately messaged** to the House.

BILL PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Boettger asked and received unanimous consent that **Senate File 2324** be placed on the Unfinished Business Calendar.

RECESS

On motion of Senator Boettger, the Senate recessed at 11:43 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:16 p.m., President Kramer presiding.

The Senate stood at ease at 1:17 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:53 p.m., President Kramer presiding.

SPECIAL GUEST

Senator McKibben welcomed to the Senate chamber the Honorable Ward Handorf, former member of the House of Representatives from Marshall County.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Houser asked and received unanimous consent to take up for consideration Senate File 2323.

Senate File 2323

On motion of Senator Redfern, **Senate File 2323**, a bill for an act relating to the creation of a registered nurse recruitment program and fund to be administered by the college student aid commission, was taken up for consideration.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2323), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKibben	McKinley	Miller	Ragan
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Deluhery	Hansen	McKean
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

Senate File 2324

On motion of Senator King, **Senate File 2324**, a bill for an act relating to the use of construction management services on public works projects, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 1, 2002, was taken up for consideration.

Senator Fiegen asked and received unanimous consent that action on **Senate File 2324** be **deferred**.

UNFINISHED BUSINESS

House File 2531

On motion of Senator Redfern, **House File 2531**, a bill for an act making certain amendments to the Iowa trust code, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2531), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKibben	McKinley	Miller	Ragan
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Deluhery	Hansen	McKean
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Angelo asked and received unanimous consent that **Senate File 2323** and **House File 2531** be **immediately messaged** to the House.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**House File 2192**

Senator Tinsman called up for consideration, **House File 2192**, a bill for an act relating to the establishment of a state agency work group to develop an interstate prescription drug purchasing cooperative, amended by the Senate, further amended by the House, and moved that the Senate refuse to concur in House amendment S-5255 to Senate amendment H-8326, filed March 26, 2002.

The motion prevailed by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

UNFINISHED BUSINESS

House File 2446

On motion of Senator Redfern, **House File 2446**, a bill for an act relating to the proposed uniform computer information transactions Act, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2446), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner

Gronstal	Hammond	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKibben	McKinley	Miller	Ragan
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Deluhery	Hansen	McKean
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2404

On motion of Senator Redfern, **House File 2404**, a bill for an act relating to the amount of additional weighting provided for limited English proficient students, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Rehberg withdrew amendment S-5179, filed by her on March 18, 2002, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Rehberg withdrew amendment S-5268, filed by her on March 27, 2002, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Rehberg offered amendment S-5274, filed by her on March 28, 2002, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Redfern raised the point of order that amendment S-5274 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5274 out of order.

Senator Connolly withdrew amendment S-5253, filed by him on March 26, 2002, to page 1 and to the title page of the bill.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2404), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKibben	McKinley	Miller	Ragan
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Deluhery	Hansen	McKean
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 3:36 p.m. until the fall of the gavel.

The Senate resumed session at 4:00 p.m., President Kramer presiding.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2192, 2404, and 2446** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:01 p.m. until 9:00 a.m. Tuesday, April 2, 2002.

APPENDIX

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 429, the following correction was made:

1. Page 1, line 1, the sentence was indented.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 1st day of April, 2002:

Senate Files 429, 2140, 2155, 2160, and 2192.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 29, 2002, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2116 – Relating to the preservation and enhancement of the state capitol.

S.F. 2133 – Relating to real estate brokers, including defining the activities of a real estate broker, licensure and insurance coverage, and providing a penalty.

S.F. 2156 – Authorizing all counties not served by a permanent state department of transportation facility to issue driver's licenses, nonoperator identification cards, and persons with disabilities identification devices under certain conditions.

S.F. 2167 – Establishing a health insurance administration fund relating to the payment of the administrative costs of state health insurance plans and providing for its prospective repeal.

S.F. 2231 – Providing for hospital access to abuse registries for purposes of employment checks.

ALSO:

A communication was received announcing that on April 1, 2002, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2086 – Relating to the kilowatt threshold for electric transmission line franchises, making related changes, and providing an effective date.

S.F. 2098 – Relating to the criminal offense of unauthorized computer access and criminal mischief, and providing a penalty.

S.F. 2201 – Relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions.

S.F. 2278 – Relating to analyzing the confinement and detention needs of jails, and other local or regional confinement facilities, and providing an effective date.

S.F. 2288 – Relating to the appointment of an acting or a temporary county attorney.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 1, 2002, when the votes were taken on Senate Files 144 and 2309 and House Files 608, 2509, and 2587. Had I been present, I would have voted "Aye" on all.

MAGGIE TINSMAN

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 1, 2002, 4:08 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Black, Bolkcom, Connolly, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann.

Members Absent: Deluhery and Redfern (both excused).

Committee Business: Passed budget bill, LSB 7217xc. Approved SSB 3185 (as amended).

Recessed: 4:10 p.m.

Reconvened: 4:35 p.m.

Adjourned: 6:40 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 125, by Kramer, a Senate resolution honoring Des Moines-area high school seniors Brandon Day, Patrick Swieskowski, and Emily Trump for achieving the highest possible score on the Scholastic Assessment Test.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 2326, by committee on Appropriations, a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters and including effective dates.

Read first time under Rule 28 and **placed on Appropriations calendar**.

SUBCOMMITTEE ASSIGNMENTS

House File 2592

WAYS AND MEANS: McKibben, Chair; Deluhery and McKinley

LSB 7217xc

APPROPRIATIONS: Lamberti, Chair; Flynn and Kramer

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 2326 (LSB 7217xc), a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters and including effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Lamberti, Kramer, Angelo, Gaskill, Jensen, King, McKibben, McKinley, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 10: Flynn, Black, Bolcom, Connolly, Dvorsky, Fiegen, Hammond, Horn, Lundby, and Soukup. Absent or not voting, 2: Deluhery and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5279	S.F.	2279	House
S-5280	S.F.	2228	House
S-5281	S.F.	2258	Jeff Angelo
S-5282	H.F.	2459	Johnie Hammond Hubert M. Houser Jeff Angelo John P. Kibbie
S-5283	S.F.	2321	Larry McKibben
S-5284	H.F.	2547	Maggie Tinsman
S-5285	S.F.	348	Patricia Harper
S-5286	S.F.	348	Patricia Harper
S-5287	S.F.	348	Patricia Harper
S-5288	S.F.	348	Patricia Harper
S-5289	S.F.	348	Patricia Harper
S-5290	S.F.	2324	Robert E. Dvorsky Joe Bolkcom Johnie Hammond
S-5291	S.F.	2275	Donald B. Redfern

JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 2, 2002

The Senate met in regular session at 9:13 a.m., President Kramer presiding.

Prayer was offered by the Reverend Clayton George, pastor of the Apostolic Assembly of Anamosa Church in Anamosa, Iowa. He was the guest of Senator McKean.

The Journal of Monday, April 1, 2002, was approved.

SPECIAL GUESTS

Senator Redfern welcomed a delegation of Russian visitors from Moscow State Linguistics University and introduced Mr. Boris Shhevchenko, head of the Department of Management and Marketing. Professor Shhevchenko was accompanied by four students from the university and three students from the University of Northern Iowa in Cedar Falls.

The Senate rose and expressed its welcome.

INTRODUCTION OF RESOLUTION

Senate Resolution 126, by Horn, Dvorsky, Fiegen, Bolkcom, Lundby, McKean, Schuerer, Shearer, Drake, and Greiner, a Senate resolution honoring the Kirkwood Community College Women's Basketball Team.

Read first time and referred to committee on **Rules and Administration**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 1, 2002, **adopted** the conference committee report **and passed Senate File 466**, a bill for an act relating to child care and protection public policy provisions involving children.

ALSO: That the House has on April 1, 2002, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2365, a bill for an act relating to certain documents indexed and recorded with the county recorder.

ALSO: That the House has on April 1, 2002, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 503, a bill for an act relating to the construction of facilities or installation of practices related to open feedlot manure control, and providing an effective date. (S-5294)

Senate File 2268, a bill for an act relating to animals other than livestock, including the taking of such animals, providing for their disposition, and providing for the reimbursement of dispositional expenses. (S-5295)

ALSO: That the House has on April 1, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2591, a bill for an act relating to an increase in the resident hunting license fee and establishing a pheasant and quail restoration program and making an appropriation.

Read first time and referred to committee on **Ways and Means**.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:20 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:22 a.m., President Kramer presiding.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 126, a Senate resolution honoring the Kirkwood Community College Women's Basketball team.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nay, 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 consideration Senate Resolution 126.

Senate Resolution 126

On motion of Senator Horn, **Senate Resolution 126**, a Senate resolution honoring the Kirkwood Community College Women's Basketball Team, with report of committee recommending passage, was taken up for consideration.

Senators Horn and Lundby moved the adoption of Senate Resolution 126, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Lundby welcomed to the Senate chamber members of the Kirkwood Community College women's basketball team and Coach Kim Muhl. Coach Muhl introduced the team members and addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:38 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:38 a.m., President Kramer presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McCoy and Shearer, until they arrive, on request of Senator Gronstal; and Senator Redfern, until he returns, on request of Senator Drake.

President Pro Tempore McKean took the chair at 10:55 a.m.

HOUSE AMENDMENT CONSIDERED

Senate File 2190

Senator McKibben called up for consideration **Senate File 2190**, a bill for an act concerning workers' compensation, amended by the House in House amendment S-5272, filed March 28, 2002.

Senator Fiegen offered amendment S-5293, filed by Senator Fiegen, et al., from the floor to pages 1 and 2 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5293 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lamberti	Lundby	Ragan
Soukup			

Nays, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser

Iverson	Jensen	King	Kramer
Lord	Maddox	McKean	McKibben
McKinley	Miller	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 3:

McCoy	Redfern	Shearer
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Amendment S-5293 lost.

Senator Dearden offered amendment S-5292, filed by him from the floor to page 2 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5292 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Ragan	Soukup	

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 2:

McCoy	Shearer
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Amendment S-5292 lost.

Senator Fiegen asked and received unanimous consent that action on House amendment S-5272 and **Senate File 2190** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 2279

Senator Gronstal called up for consideration **Senate File 2279**, a bill for an act relating to the regulated commercial activities of insurance and security sales, including rate adjustments for small group coverage, provisions pertaining to state and county mutual insurance associations, termination dates and licensed health care providers for emergency medical malpractice insurance, suspension of an insurer's certificate of authority for delinquency, exceptions to the right of a notice of intent not to renew, coverage requirements in a medical expense policy, tort immunity related to viatical settlement contracts, confidentiality of certain personal information in securities and insurance filings, postponement or suspension of registration under the blue sky law, reporting related to professional liability insurance, annual percentage rate used in calculations of the minimum nonforfeiture amount relating to individual deferred annuities, and providing for a future repeal, amended by the House, and moved that the Senate concur in House amendment S-5279, filed April 1, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Gronstal moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2279), the vote was:

Ayes, 48:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Redwine

Rehberg
Soukup

Rittmer
Tinsman

Schuerer
Veenstra

Sexton
Zieman

Nays, none.

Absent or not voting, 2:

McCoy

Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Resolution 120.

Senate Resolution 120

On motion of Senator Rittmer, **Senate Resolution 120**, a Senate resolution recognizing the centennial of 4-H clubs, with report of committee recommending passage, was taken up for consideration.

Senator Rittmer moved the adoption of Senate Resolution 120, which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

Senate File 2275

Senator Redfern called up for consideration **Senate File 2275**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and including effective and retroactive applicability date provisions, amended by the House in House amendment S-5270, filed March 27, 2002.

Senator Redfern offered amendment S-5291, filed by him on April 1, 2002, to page 1 of House amendment S-5270, and moved its adoption.

Amendment S-5291 was adopted by a voice vote.

Senator Redfern moved the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Redfern moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2275), the vote was:

Ayes, 48:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Shearer	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, until he returns, on request of Senator Veenstra.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Resolution 110.

Senate Resolution 110

On motion of Senator McKinley, **Senate Resolution 110**, a Senate resolution identifying issues to be addressed in order to stimulate and strengthen Iowa's economy, was taken up for consideration.

Senator McKinley moved the adoption of Senate Resolution 110.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.R. 110), the vote was:

Ayes, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer
Soukup			

Absent or not voting, 1:

Redfern

The motion prevailed and the resolution was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Hammond.

UNFINISHED BUSINESS
(Deferred April 1, 2002)**Senate File 2324**

The Senate resumed consideration of **Senate File 2324**, a bill for an act relating to the use of construction management services on public works projects, deferred April 1, 2002.

Senator Dvorsky offered amendment S-5290, filed by Senators Dvorsky, Bolkom, and Hammond on April 1, 2002, striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 17, nays 28.

Amendment S-5290 lost.

Senator King offered amendment S-5309, filed by Senator King, et al., from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5309 was adopted by a voice vote.

Senator Fiegen offered amendment S-5300, filed by him from the floor to page 3 of the bill, and moved its adoption.

Amendment S-5300 lost by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dearden, until he returns, on request of Senator Holveck.

BUSINESS PENDING

Senate File 2324

The Senate resumed consideration of Senate File 2324.

Senator Fiegen offered amendment S-5299, filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5299 be adopted?" (S.F. 2324), the vote was:

Ayes, 18:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	Ragan
Shearer	Soukup		

Nays, 30:

Angelo	Behn	Boettger	Drake
Flynn	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 2:

Dearden	McCoy
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Amendment S-5299 lost.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2324), the vote was:

Ayes, 43:

Angelo	Behn	Black	Boettger
Connolly	Deluhery	Drake	Fink
Flynn	Freeman	Gaskill	Greiner
Gronstal	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Ragan
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, 6:

Bolkcom	Dearden	Dvorsky	Fiegen
Fraise	Hammond		

Absent or not voting, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **Senate Files 2275, 2279, and 2324** be **immediately messaged** to the House.

RECESS

On motion of Senator Boettger, the Senate recessed at 12:23 p.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:37 p.m., President Kramer presiding.

QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 2, 2002, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2193, a bill for an act relating to modal transportation, including changes in transit coordination requirements, elimination of the Iowa railway finance authority, and changes in the aircraft registration process.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 2326.

Senate File 2326

On motion of Senator Lamberti, **Senate File 2326**, a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters and including effective dates, was taken up for consideration.

The Senate stood at ease at 2:02 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:40 p.m., President Kramer presiding.

Senator Lamberti offered amendment S-5323, filed by him from the floor striking and replacing everything after the enacting clause of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5323 be adopted?" (S.F. 2326), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Ragan	Shearer	Soukup

Nays, 30:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, none.

Amendment S-5323 lost.

Senator Flynn offered amendment S-5326, filed by him from the floor to page 6 of the bill, and moved its adoption.

Amendment S-5326 lost by a voice vote.

Senator Flynn offered amendment S-5297, filed by him from the floor to pages 6, 17, and 24 of the bill, and moved its adoption.

Amendment S-5297 lost by a voice vote.

Senator Harper offered amendment S-5313, filed by Senator Harper, et al., from the floor to pages 39-41 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5313 be adopted?" (S.F. 2326), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond

Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer
Soukup			

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, none.

Amendment S-5313 lost.

Senator Fiegen offered amendment S-5314, filed by Senator Fiegen, et al., from the floor to page 42 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5314 be adopted?" (S.F. 2326), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Ragan
Shearer	Soukup		

Nays, 28:

Angelo	Behn	Boettger	Freeman
Gaskill	Greiner	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, none.

Amendment S-5314 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Angelo, until he returns, on request of Senator McKean.

BUSINESS PENDING

Senate File 2326

The Senate resumed consideration of Senate File 2326.

Senator Holveck offered amendment S-5315, filed by Senator Holveck, et al., from the floor to page 42 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5315 be adopted?" (S.F. 2326), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer
Soukup			

Nays, 28:

Behn	Boettger	Drake	Freeman
Gaskill	Greiner	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 1:

Angelo

Amendment S-5315 lost.

Senator Shearer offered amendment S-5316, filed by Senator Shearer, et al., from the floor to page 48 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5316 be adopted?" (S.F. 2326), the vote was:

Ayes, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Miller	Ragan
Redwine	Shearer	Soukup	

Nays, 26:

Behn	Boettger	Drake	Freeman
Gaskill	Greiner	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Redfern	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Angelo

Amendment S-5316 lost.

Senator Ragan offered amendment S-5305, filed by Senator Ragan, et al., from the floor to page 48 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5305 be adopted?" (S.F. 2326), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink

Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Miller	Ragan
Shearer	Soukup		

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, none.

Amendment S-5305 lost.

Senator Black offered amendment S-5325, filed by him from the floor to page 49 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5325 be adopted?" (S.F. 2326), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Ragan
Shearer	Soukup		

Nays, 28:

Angelo	Behn	Boettger	Freeman
Gaskill	Greiner	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, none.

Amendment S-5325 lost.

Senator Connolly offered amendment S-5302, filed by Senator Connolly, et al., from the floor to pages 58, 71, 172, and 176 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5302 be adopted?" (S.F. 2326), the vote was:

Ayes, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Ragan
Shearer	Soukup	Tinsman	

Nays, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Veenstra	Zieman	

Absent or not voting, none.

Amendment S-5302 lost.

Senator Boettger took the chair at 5:06 p.m.

Senator Kibbie offered amendment S-5296, filed by Senators Kibbie and Horn from the floor to page 59 of the bill.

Senator Kibbie asked and received unanimous consent that action on amendment S-5296 be deferred.

Senator Kibbie offered amendment S-5301, filed by Senator Kibbie, et al., from the floor to page 59 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5301 be adopted?" (S.F. 2326), the vote was:

Ayes, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Ragan
Shearer	Soukup	Tinsman	

Nays, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Veenstra	Zieman	

Absent or not voting, none.

Amendment S-5301 lost.

With the failure of amendment S-5301, the Chair ruled amendment S-5296, previously deferred, out of order.

Senator Dvorsky offered amendment S-5310, filed by Senator Dvorsky, et al., from the floor to pages 60-68 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5310 be adopted?" (S.F. 2326), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Redfern
Shearer	Soukup		

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, none.

Amendment S-5310 lost.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5306, filed by Senator Dvorsky, et al., from the floor to pages 60-68 of the bill.

President Kramer took the chair at 5:40 p.m.

Senator Connolly offered amendment S-5304, filed by Senator Connolly, et al., from the floor to page 71 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5304 be adopted?" (S.F. 2326), the vote was:

Ayes, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hansen
Holveck	Horn	Kibbie	McCoy
Ragan	Shearer		

Nays, 32:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Hammond
Harper	Houser	Iverson	Jensen
King	Kramer	Lamberti	Lord
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Soukup	Tinsman	Veenstra	Zieman

Absent or not voting, none.

Amendment S-5304 lost.

Senator Bolkcom offered amendment S-5318, filed by him from the floor to page 73 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5318 be adopted?" (S.F. 2326), the vote was:

Ayes, 24:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	Maddox	McCoy
McKean	Ragan	Shearer	Soukup

Nays, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, none.

Amendment S-5318 lost.

Senator Ragan offered amendment S-5320, filed by her from the floor to page 77 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5320 be adopted?" (S.F. 2326), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink

Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Rittmer
Shearer	Soukup		

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, none.

Amendment S-5320 lost.

Senator Bolkcom offered amendment S-5317, filed by him from the floor to page 79 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5317 be adopted?" (S.F. 2326), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Redfern
Shearer	Soukup		

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, none.

Amendment S-5317 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Soukup, until she returns, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 2326

The Senate resumed consideration of Senate File 2326.

Senator Bolkcom offered amendment S-5319, filed by him from the floor to page 83 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5319 be adopted?" (S.F. 2326), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Maddox	McCoy	McKibben
Ragan	Shearer		

Nays, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	McKean
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 1:

Soukup

Amendment S-5319 lost.

Senator Hammond offered amendment S-5298, filed by Senator Hammond, et al., from the floor to page 105 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5298 be adopted?" (S.F. 2326), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

Soukup

Amendment S-5298 lost.

Senator Hammond withdrew amendment S-5321, filed by her from the floor to pages 110 and 128 of the bill.

Senator Harper offered amendment S-5308, filed by her from the floor to page 110 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5308 be adopted?" (S.F. 2326), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

Soukup

Amendment S-5308 lost.

Senator Harper asked and received unanimous consent to withdraw amendment S-5307, filed by Senators Harper and Hammond from the floor to pages 128 and 129 of the bill.

Senator Hammond offered amendment S-5322, filed by her from the floor to pages 139 and 142 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5322 be adopted?" (S.F. 2326), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

Soukup

Amendment S-5322 lost.

Senator Dvorsky offered amendment S-5328, filed by Senators Dvorsky and Bolkcom from the floor to page 142 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5328 be adopted?" (S.F. 2326), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

Soukup

Amendment S-5328 lost.

Senator Fraise offered amendment S-5331, filed by Senator Fraise, et al., from the floor to pages 147 and 148 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5331 be adopted?" (S.F. 2326), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Maddox	McCoy	McKean
Ragan	Shearer		

Nays, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 1:

Soukup

Amendment S-5331 lost.

Senator Dvorsky offered amendment S-5332, filed by Senator Dvorsky, et al., from the floor to pages 147-149, 154, and 155 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5332 be adopted?" (S.F. 2326), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond

Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

Soukup

Amendment S-5332 lost.

Senator Shearer asked and received unanimous consent to withdraw amendment S-5324, filed by Senators Shearer and Fraise from the floor to page 149 of the bill.

Senator Shearer offered amendment S-5329, filed by Senators Shearer, Fraise, and Dvorsky from the floor to page 149 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5329 be adopted?" (S.F. 2326), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	McKean	Miller
Ragan	Shearer		

Nays, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKibben	McKinley	Redfern	Redwine

Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 1:

Soukup

Amendment S-5329 lost.

Senator Shearer offered amendment S-5330, filed by him from the floor to page 152 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5330 be adopted?" (S.F. 2326), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

Soukup

Amendment S-5330 lost.

Senator Fiegen offered amendment S-5303, filed by him from the floor to page 170 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5303 be adopted?" (S.F. 2326), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Miller
Ragan	Shearer		

Nays, 27:

Angelo	Behn	Boettger	Freeman
Gaskill	Greiner	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 1:

Soukup

Amendment S-5303 lost.

Senator Gronstal offered amendment S-5333, filed by him from the floor to page 26 of the bill.

Senator Lamberti raised the point of order that amendment S-5333 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5333 out of order.

Senator Hammond offered amendment S-5336, filed by her from the floor to pages 110, 128, and 129 of the bill.

Senator Hammond called for the following division of amendment S-5336:

Division S-5336A: Lines 2-7; and
 Division S-5336B: Lines 8-14.

Senator Hammond moved the adoption of division S-5336A.

A record roll call was requested.

On the question "Shall division S-5336A be adopted?" (S.F. 2326), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

Soukup

Division S-5336A lost.

Senator Hammond moved the adoption of division S-5336B.

A record roll call was requested.

On the question "Shall division S-5336B be adopted?" (S.F. 2326), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Ragan	Shearer	

Nays, 30:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Soukup

Division S-5336B lost.

Senator Hammond offered amendment S-5335, filed by her from the floor to pages 129, 130, 136, and 142 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5335 be adopted?" (S.F. 2326), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

Soukup

Amendment S-5335 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?" (S.F. 2326), the vote was:

Ayes, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	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	Ragan	Shearer

Absent or not voting, 1:

Soukup

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2326** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Thomas Engelmann, Accountancy Examining Board
 Marianne Mickelson, Accountancy Examining Board

Beverly Allen, Commission on the Status of African-Americans
George Baugh, Commission on the Status of African-Americans
Isaiah Johnson, Commission on the Status of African-Americans

Mary Hunter, Alcoholic Beverages Commission

Annabelle Diehl, Architectural Examining Board
Gordon Mills, Architectural Examining Board
Teresa Petrzalek, Architectural Examining Board

Mark Coberley, Board of Athletic Training Examiners
Lynn Lindaman, Board of Athletic Training Examiners

Robert Van Vooren, Board of Barber Examiners

David Brown, Board of Behavioral Science Examiners
Elizabeth Shannahan, Board of Behavioral Science Examiners

Julia Scurr, Commission for the Blind

Pamela Bair, Board of Chiropractic Examiners
Steven Kraus, Board of Chiropractic Examiners
Thomas Stanzel, Board of Chiropractic Examiners

Susan Cosner, City Development Board

Dinh VanLo, Iowa State Civil Rights Commission

Kathy Beauchamp, Commission on Community Action Agencies
Michael Coverdale, Commission on Community Action Agencies
Bob Knowler, Commission on Community Action Agencies
Merl McFarlane, Commission on Community Action Agencies

Haywood Belle, Board of Corrections

Lois Leytem, Board of Cosmetology Arts and Sciences Examiners
Teresa Mertens, Board of Cosmetology Arts and Sciences
Examiners
Mary Myers, Board of Cosmetology Arts and Sciences Examiners

Sheila O'Hern, Board of Cosmetology Arts and Sciences Examiners
Michael Salvner, Board of Cosmetology Arts and Sciences Examiners

Don Gettings, Credit Union Review Board

Elaine Armstrong, Criminal and Juvenile Justice Planning Advisory Council

Thomas Ferguson, Criminal and Juvenile Justice Planning Advisory Council

Monica Murray, Criminal and Juvenile Justice Planning Advisory Council

Ronald Stehl, Criminal and Juvenile Justice Planning Advisory Council

Marvin Van Haaften, Criminal and Juvenile Justice Planning Advisory Council

Carol Wood, Criminal and Juvenile Justice Planning Advisory Council

Jacquelyn Fletcher, Commission on the Deaf

Loren Woods, Commission on the Deaf

Kathryn L. Baumann-Reese, Administrator of the Division of Deaf Services

Alan Hathaway, Board of Dental Examiners

Suzan Stewart, Board of Dental Examiners

Debra Yossi, Board of Dental Examiners

Marcy Rolenc, Board of Dietetic Examiners

Robert Schweers, Board of Dietetic Examiners

Jill Avery, Administrator of the Division of Persons With Disabilities

Robert Torgerson, Iowa Drug Policy Advisory Council

Robert Pulver, Iowa Economic Development Board

Marcia Rogers, Iowa Economic Development Board

James Billings, State Board of Education

Jude Fitzpatrick, State Board of Education

Mary Montgomery, State Board of Education
Gene Vincent, State Board of Education

Brian Carter, Board of Educational Examiners

Mary Ann Spicer, Employment Appeal Board

Theresa Christoffersen, Iowa Empowerment Board
Mary Odell, Iowa Empowerment Board
Nancy Van Milligen, Iowa Empowerment Board

Susan Albright, Engineering and Land Surveying Examining Board

Randall Beavers, Engineering and Land Surveying Examining Board

Nicholas Konrady, Engineering and Land Surveying Examining Board

Don Ross, State Citizen Foster Care Review Board
Nancylee Ziese, State Citizen Foster Care Review Board

Susan Salter, Healthy and Well Kids in Iowa (*hawk-i*) Board
Wanda Wyatt-Hardwick, Healthy and Well Kids in Iowa (*hawk-i*) Board

Corinna Huntrods, Board for the Licensing and Regulation of Hearing Aid Dispensers

Patricia Stark, Board for the Licensing and Regulation of Hearing Aid Dispensers

Carol Burns, Iowa Higher Education Loan Authority

Ron Dardis, Information Technology Council
Frederick Stilwill, Information Technology Council

Lorrie L. Tritch, Administrator of the Operations Division of the Department of Information Technology

Jane Ginapp, IowAccess Advisory Council
Miriam Ubben, IowAccess Advisory Council

Mary Williams, Investment Board of the IPERS

Carolyn Magnani, Landscape Architectural Examining Board
Ann Reinhart, Landscape Architectural Examining Board

Thomas Gustafson, Iowa Law Enforcement Academy Council
Brian Guy, Iowa Law Enforcement Academy Council

William Brosnahan, Lottery Board
Mary Junge, Lottery Board

Kenneth Lang, Board of Massage Therapy Examiners
Mary McGuire, Board of Massage Therapy Examiners
E. Howard Sonksen, Board of Massage Therapy Examiners
Jane Sward, Board of Massage Therapy Examiners

Susan Johnson, Board of Medical Examiners
Diane Nagle, Board of Medical Examiners
Dana Shaffer, Board of Medical Examiners

Michael Flaum, Mental Health and Developmental Disabilities
Commission

Jackie Kibbie-Williams, Mental Health and Developmental
Disabilities Commission

Nancy McKlveen, Mental Health and Developmental Disabilities
Commission

Lynn Ferrell, Mental Health Risk Pool
Julie Jetter, Mental Health Risk Pool
Karen Strawn, Mental Health Risk Pool

J. Craig Fratzke, Board of Mortuary Science Examiners
Karen Thomsen, Board of Mortuary Science Examiners
Marcus Vigen, Board of Mortuary Science Examiners

Anna Fallon, Board of Nursing Examiners
Patrick Greenwood, Board of Nursing Examiners
Pauline Taylor, Board of Nursing Examiners

Timothy Moe, State Board of Examiners for Nursing Home
Administrators

Terry Brown, Board of Optometry Examiners
Michael Ohlson, Board of Optometry Examiners
Marilyn Spina, Board of Optometry Examiners

Elizabeth Robinson-Ford, Chairperson of the Board of Parole

Karen Muelhaupt, Board of Parole

Terrance Lillis, Peace Officers' Retirement, Accident, and Disability System Trustee

Paul Abramowitz, Board of Pharmacy Examiners
Vernon Benjamin, Board of Pharmacy Examiners
Barbara O'Roake, Board of Pharmacy Examiners (appointment and reappointment)

Theodore Peterson, Board of Physical and Occupational Therapy Examiners

Armando Rosales, Board of Physical and Occupational Therapy Examiners

Henrietta Scholten, Board of Physical and Occupational Therapy Examiners

Kenneth Talcott, Board of Physician Assistant Examiners
Gloria Welte, Board of Physician Assistant Examiners

Robert Yoho, Board of Podiatry Examiners

Patricia Crosley, Prevention of Disabilities Policy Council
Kurt Hoppe, Prevention of Disabilities Policy Council
Mickey McDaniel, Prevention of Disabilities Policy Council
Patricia Moreland, Prevention of Disabilities Policy Council
Thomas Slater, Prevention of Disabilities Policy Council
Frank Strong, Prevention of Disabilities Policy Council
Melva Urban, Prevention of Disabilities Policy Council
Don Van Dyke, Prevention of Disabilities Policy Council

Kathleen Halloran, Administrator of Professional Licensing and Regulation

Ruth Daggett, Board of Psychology Examiners
Susan Enzle, Board of Psychology Examiners
Jacob Sines, Board of Psychology Examiners

James Riordan, Public Employment Relations Board

Philip Dorweiler, Iowa Railway Finance Authority
Emil Pavich, Iowa Railway Finance Authority

Luther Gammon, Real Estate Appraiser Examining Board

Patricia Daniels, Real Estate Commission
Barbara Leestamper, Real Estate Commission

Mary Lucile Norton, Renewable Fuels and Coproducts Advisory
Committee

Steven Rau, Renewable Fuels and Coproducts Advisory Committee
Eric Seuren, Renewable Fuels and Coproducts Advisory
Committee

Gregory Hicklin, State Board for Respiratory Care
Amy Love, State Board for Respiratory Care

Connie Cook, School Budget Review Committee

David Mackaman, Small Business Advisory Council

Thomas Capshew, Board of Social Work Examiners
W. Robert Schmidt, Board of Social Work Examiners
Joyce Westphal, Board of Social Work Examiners

Connie Honken, Board of Speech Pathology and Audiology
Examiners

Robert MacDougall, Board of Speech Pathology and Audiology
Examiners

Robert Hardman, Iowa Telecommunications and Technology
Commission

Noreen Humphrey, Commission on Tobacco Use Prevention and Control

Christopher Squier, Commission on Tobacco Use Prevention and Control

Donald Carmody, State Transportation Commission

Robert Leeman, Commission of Veterans Affairs

Sarah Garst, Iowa Board of Veterinary Medicine

Paul Willis, Iowa Board of Veterinary Medicine

Mary Ellen Chamberlin, Vision Iowa Board

Sharon Juon, Vision Iowa Board

Bradford Parks, Vision Iowa Board

Victoria Brown, Commission on the Status of Women

Sue Mullins, Commission on the Status of Women

Susan Unger, Commission on the Status of Women

Matthew Wissing, Commission on the Status of Women

Benjamin Duehr, Iowa Workforce Development Board

Norma Schmoker, Iowa Workforce Development Board

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 47:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKibben	McKinley
Miller	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

McKean

Redfern

Soukup

The appointees, having received a two-thirds vote, were declared to have been confirmed by 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 April 2, 2002, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2247, a bill for an act relating to the regulation of health care facilities and the duties of resident advocate committees.

ALSO: That the House has on April 2, 2002, **insisted** on its amendment to **House File 2532**, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates, and the members of the conference committee on the part of the House are: the representative from Linn, Representative Elgin, Chair; the representative from Winneshiek, Representative Gipp; the representative from Lee, Representative Larkin; the representative from Polk, Representative Metcalf; and the representative from Linn, Representative Todd Taylor.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:20 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:22 p.m., President Kramer presiding.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2532** on the part of the Senate: Senators Rittmer, Chair; Kibbie, Connolly, Drake, and Sexton.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:23 p.m. until Wednesday, April 3, 2002.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Eighth grade students from Dallas Center-Grimes Junior High School, accompanied by Bill Wineland. Senator Maddox.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: April 2, 2002, 9:20 a.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer.

Members Absent: None.

Committee Business: Passed SRs 123, 124, 125, 126, and 127. Passed resolutions for retiring senators.

Recessed: 9:24 a.m.

Reconvened: 8:20 p.m.

Adjourned: 8:21 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 118, by Lundby, a concurrent resolution supporting enactment of Medicare coverage of oral cancer drugs.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 127, by Hammond, Fink, Hansen, Connolly, Holveck, Deluhery, Bolkcom, Dvorsky, Kibbie, Ragan, Black, McCoy, Dearden, Horn, Fraise, Shearer, Jensen, King, Redwine, Kramer, Iverson, McKean, Veenstra, McKinley, Schuerer, Tinsman, Behn, Sexton, McKibben, Freeman, Greiner, Zieman, Lord, Boettger, Rehberg, Drake, and Lamberti, a Senate resolution honoring Cael Sanderson on his athletic achievements as a wrestler.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 128, by Harper and Redfern, a Senate resolution recognizing Ms. Effie Burt for her composition, "I'll Make Me a World."

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 129, by committee on Rules and Administration, a Senate resolution honoring Senator Betty Soukup.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 130, by committee on Rules and Administration, a Senate resolution honoring Senator Patricia Harper.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 131, by committee on Rules and Administration, a Senate resolution honoring Senator Steven D. Hansen.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 132, by committee on Rules and Administration, a Senate resolution honoring Senator Johnie Hammond.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 133, by committee on Rules and Administration, a Senate resolution honoring Senator Patrick J. Deluhery.

Read first time under Rule 28 and **placed on calendar**.

INTRODUCTION OF BILLS

Senate File 2327, by committee on Appropriations, a bill for an act relating to gambling by providing for agreements for purses and supplements for pari-mutuel horse racing, creating a governing board for a pari-mutuel horse racetrack, imposing a tax on gambling games at certain racetrack enclosures, and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations calendar**.

Senate File 2328, by Iverson, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

Read first time under Rule 28 and referred to committee on **Education**.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 125

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 126

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 127

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2327 (SSB 3185), a bill for an act relating to gambling by providing for agreements for purses and supplements for pari-mutuel

horse racing, creating a governing board for a pari-mutuel horse racetrack, imposing a tax on gambling games at certain racetrack enclosures, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Lamberti, Kramer, Flynn, Angelo, Bolkcom, Connolly, Dvorsky, Gaskill, Jensen, McKibben, McKinley, Rehberg, Schuerer, Tinsman, Veenstra, and Ziemann. Nays, 5: Black, Fiegen, Horn, King, and Lundby. Absent or not voting, 4: Deluhery, Hammond, Redfern, and Soukup.

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 2327, and they were attached to the committee report.

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 123, a Senate resolution honoring the Drake Women's basketball team.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 124, a Senate resolution congratulating Gayle Blevins, Head Coach of the University of Iowa Women's Softball Team on her successful coaching career.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 125, a Senate resolution honoring Des Moines-area high school seniors Brandon Day, Patrick Swieskowski, and Emily Trump for achieving the highest possible score on the Scholastic Assessment Test.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 127, a Senate resolution honoring Cael Sanderson on his athletic achievements as a wrestler.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 129 (LSB 7129sv), a Senate resolution honoring Senator Betty Soukup.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 130 (LSB 7127sv), a Senate resolution honoring Senator Patricia Harper.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 131 (LSB 7084sv), a Senate resolution honoring Senator Steven D. Hansen.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 132 (LSB 7128sv), a Senate resolution honoring Senator Johnie Hammond.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 133 (LSB 7131sv), a Senate resolution honoring Senator Patrick J. Deluhery.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 2nd day of April, 2002:

Senate Files 2146, 2195, 2203, 2272, and 2301.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5292	S.F.	2190	Dick L. Dearden
S-5293	S.F.	2190	Thomas Fiegen
			Jack Holveck
			Robert E. Dvorsky
			Betty A. Soukup
			Mike Connolly
			Joe Bolkcom
			Amanda Ragan

			Mark Shearer
			Wally E. Horn
			John P. Kibbie
			Patricia Harper
			Bill Fink
			Johnie Hammond
			Dennis H. Black
			Tom Flynn
			Dick L. Dearden
			Eugene S. Fraise
			Michael E. Gronstal
			Matt McCoy
S-5294	S.F.	503	House
S-5295	S.F.	2268	House
S-5296	S.F.	2326	John P. Kibbie
			Wally E. Horn
S-5297	S.F.	2326	Tom Flynn
S-5298	S.F.	2326	Johnie Hammond
			Michael E. Gronstal
			John P. Kibbie
			Dennis H. Black
			Jack Holveck
			Betty A. Soukup
			Amanda Ragan
			Thomas Fiegen
			Tom Flynn
			Patrick J. Deluhery
			Mike Connolly
			Joe Bolkcom
			Bill Fink
			Patricia Harper
			Robert E. Dvorsky
			Steven D. Hansen
			Dick L. Dearden
			Wally E. Horn
			Eugene S. Fraise
S-5299	S.F.	2324	Thomas Fiegen
S-5300	S.F.	2324	Thomas Fiegen
S-5301	S.F.	2326	John P. Kibbie
			Wally E. Horn
			Dennis H. Black

			Jack Holveck
			Betty A. Soukup
			Amanda Ragan
			Thomas Fiegen
			Tom Flynn
			Patrick J. Deluhery
			Mike Connolly
			Joe Bolkom
			Bill Fink
			Patricia Harper
			Robert E. Dvorsky
			Johnie Hammond
			Michael E. Gronstal
			Dick L. Dearden
			Eugene S. Fraise
S-5302	S.F.	2326	Mike Connolly
			Joe Bolkom
			Robert E. Dvorsky
			Bill Fink
			Patricia Harper
			Johnie Hammond
			Michael E. Gronstal
			John P. Kibbie
			Dennis H. Black
			Jack Holveck
			Betty A. Soukup
			Amanda Ragan
			Thomas Fiegen
			Tom Flynn
			Patrick J. Deluhery
S-5303	S.F.	2326	Thomas Fiegen
S-5304	S.F.	2326	Mike Connolly
			Joe Bolkom
			Bill Fink
			Robert E. Dvorsky
			Michael E. Gronstal
			John P. Kibbie
			Dennis H. Black
			Jack Holveck
			Amanda Ragan
			Thomas Fiegen

			Tom Flynn
			Patrick J. Deluhery
S-5305	S.F.	2326	Amanda Ragan
			Thomas Fiegen
			Tom Flynn
			Patrick J. Deluhery
			Mike Connolly
			Joe Bolkcom
			Bill Fink
			Patricia Harper
			Robert E. Dvorsky
			Johnie Hammond
S-5306	S.F.	2326	Robert E. Dvorsky
			Johnie Hammond
			Joe Bolkcom
			Patricia Harper
			Bill Fink
			Patrick J. Deluhery
			Mike Connolly
S-5307	S.F.	2326	Patricia Harper
			Johnie Hammond
S-5308	S.F.	2326	Patricia Harper
S-5309	S.F.	2324	Steve King
			Tom Flynn
			John W. Jensen
			Ken Veenstra
S-5310	S.F.	2326	Robert E. Dvorsky
			Johnie Hammond
			Joe Bolkcom
			Patricia Harper
			Mike Connolly
			Bill Fink
			Patrick J. Deluhery
S-5311	S.F.	2319	Kitty Rehberg
S-5312	S.F.	2319	Kitty Rehberg
S-5313	S.F.	2326	Patricia Harper
			Johnie Hammond
			Robert E. Dvorsky
			Joe Bolkcom
			Mike Connolly
			Jack Holveck

S-5314	S.F.	2326	Mark Shearer Michael E. Gronstal Thomas Fiegen Jack Holveck Dick L. Dearden Mark Shearer Michael E. Gronstal
S-5315	S.F.	2326	Jack Holveck Dick L. Dearden Mark Shearer Michael E. Gronstal
S-5316	S.F.	2326	Mark Shearer Robert E. Dvorsky Johnie Hammond Patricia Harper Bill Fink Joe Bolckcom Mike Connolly Patrick J. Deluhery Tom Flynn Thomas Fiegen Amanda Ragan Betty A. Soukup
S-5317	S.F.	2326	Joe Bolckcom
S-5318	S.F.	2326	Joe Bolckcom
S-5319	S.F.	2326	Joe Bolckcom
S-5320	S.F.	2326	Amanda Ragan
S-5321	S.F.	2326	Johnie Hammond
S-5322	S.F.	2326	Johnie Hammond
S-5323	S.F.	2326	Jeff Lamberti
S-5324	S.F.	2326	Mark Shearer Eugene S. Fraise
S-5325	S.F.	2326	Dennis H. Black
S-5326	S.F.	2326	Tom Flynn
S-5327	S.F.	2325	John Redwine Neal Schuerer
S-5328	S.F.	2326	Robert E. Dvorsky Joe Bolckcom
S-5329	S.F.	2326	Mark Shearer Eugene S. Fraise Robert E. Dvorsky

S-5330	S.F.	2326	Mark Shearer
S-5331	S.F.	2326	Eugene S. Fraise Tom Flynn Robert E. Dvorsky Mark Shearer
S-5332	S.F.	2326	Robert E. Dvorsky Eugene S. Fraise Tom Flynn Mark Shearer
S-5333	S.F.	2326	Michael E. Gronstal
S-5334	H.F.	2515	Kitty Rehberg
S-5335	S.F.	2326	Johnie Hammond
S-5336	S.F.	2326	Johnie Hammond
S-5337	H.F.	2515	Kitty Rehberg
S-5338	H.F.	2515	Kitty Rehberg
S-5339	H.F.	2416	Johnie Hammond Hubert M. Houser
S-5340	H.F.	2430	Johnie Hammond Hubert M. Houser David Miller Patricia Harper

JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FORTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 3, 2002

The Senate met in regular session at 9:09 a.m., President Kramer presiding.

Prayer was offered by the Reverend Paul Wilcox, pastor of the First United Methodist Church in Harlan, Iowa. He was the guest of Senator Boettger.

The Journal of Tuesday, April 2, 2002, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, until he arrives, on request of Senator Kibbie; and Senator McKibben, until he arrives, on request of Senator Freeman.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2310.

Senate File 2310

On motion of Senator Drake, **Senate File 2310**, a bill for an act relating to the requirements for receiving a property tax exemption for open prairies and wildlife habitats and including an applicability date provision, was taken up for consideration.

Senator Sexton offered amendment S-5144, filed by him on March 12, 2002, to pages 1-3 of the bill, and moved its adoption.

Amendment S-5144 was adopted by a voice vote.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2310), the vote was:

Ayes, 48:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKinley	Miller
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2547

On motion of Senator Redwine, **House File 2547**, a bill for an act relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Tinsman offered amendment S-5284, filed by her on April 1, 2002, to page 4 of the bill.

Senator Tinsman withdrew amendment S-5284.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2547), the vote was:

Ayes, 48:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKinley	Miller
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2310** and **House File 2547** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 348

Senator Angelo called up for consideration **Senate File 348**, a bill for an act relating to the establishment of Iowa charter schools, amended by the House in House amendment S-5259, filed March 26, 2002.

President Pro Tempore McKean took the chair at 9:38 a.m.

Senator Harper asked and received unanimous consent that action on House amendment S-5259 and **Senate File 348** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 415

Senator Lamberti called up for consideration **Senate File 415**, a bill for an act relating to the jurisdiction of district associate judges, amended by the House, and moved that the Senate concur in House amendment S-5248, filed March 25, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Lamberti moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 415), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

SENATE INSISTS

House File 2191

Senator Boettger called up for consideration **House File 2191**, a bill for an act relating to notarial acts by judicial officers, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed and the Senate **insisted** on its amendment.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 415** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:52 a.m. until 2:30 p.m.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Rob Beard, Marshalltown — For achieving the rank of Eagle Scout, Boy Scout Troop 308. Senator McKibben (04/03/02).

Brian Forney, Spirit Lake — For achieving the rank of Eagle Scout, Boy Scout Troop 170. Senator Kibbie (04/03/02).

Frederick Nesbit III, Des Moines — For achieving the rank of Eagle Scout, Boy Scout Troop 36. Senator Kramer (04/03/02).

Bishop James S. Thomas, Atlanta, Georgia — With sincere thanks for your service to the state of Iowa and congratulations on your 83rd birthday. Senator Shearer (04/03/02).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: April 3, 2002, 1:03 p.m.

Members Present: Behn, Chair; Houser, Vice Chair; Fraise, Ranking Member; Angelo, Boettger, Fiegen, Gaskill, Greiner, Kibbie, Ragan, Sexton, Shearer, Soukup, Veenstra, and Zieman.

Members Absent: None.

Committee Business: Confirmed Governor's appointees. Professors from ISU and University of Iowa addressed the committee concerning the air quality standards committee report.

Adjourned: 2:35 p.m.

EDUCATION

Convened: April 3, 2002, 11:36 a.m.

Members Present: Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

Members Absent: None.

Committee Business: Passed SF 2328.

Adjourned: 11:56 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: April 3, 2002, 1:10 p.m.

Members Present: Sexton, Chair; Freeman, Vice Chair; Fink, Ranking Member; Bolkcom, Deluhery, Houser, Kibbie, Lord, and Rittmer.

Members Absent: Black, Dearden, Drake, Lundby, McKean, and Miller (all excused).

Committee Business: Professors from ISU and University of Iowa addressed the committee concerning the air quality standards committee report.

Adjourned: 2:35 p.m.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2328**

EDUCATION: Boettger, Chair; Connolly and Rehberg

House File 2591

WAYS AND MEANS: Flynn, Chair; Lamberti and McKibben

COMMITTEE REPORT**EDUCATION**

Final Bill Action: SENATE FILE 2328, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Boettger, Rehberg, Angelo, Kramer, McKinley, Redfern, Redwine, and Veenstra. Nays, 7: Connolly, Dvorsky, Fink, Harper, Shearer, Soukup, and Tinsman. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

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 3rd day of April, 2002:

Senate File 2277.

MICHAEL E. MARSHALL
Secretary of the Senate

AFTERNOON SESSION

The Senate reconvened at 2:47 p.m., President Kramer presiding.

QUORUM CALL

Senator Schuerer requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent, and a quorum present.

The Senate stood at ease at 3:00 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:45 p.m., President Kramer presiding.

BILL PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Iverson asked and received unanimous consent that **Senate File 2328** be placed on the Unfinished Business Calendar.

RECESS

On motion of Senator Iverson, the Senate recessed at 3:47 p.m. until the completion of a meeting of the committee on Rules and Administration.

APPENDIX

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: April 4, 2002, 3:46 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Boettger, Dvorsky, Fink, Gaskill, and Lord.

Members Absent: Gronstal, Ranking Member; Harper, McKean, and Rittmer (all excused).

Committee Business: Passed SR 134.

Adjourned: 3:47 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 134, by committee on Rules and Administration, a Senate resolution congratulating George A. Wilson, Jr. on his distinguished lobbying career before the Iowa General Assembly.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILL RECEIVED

SSB 3197 Ways and Means

Relating to the abatement of property taxes levied on the lands and buildings of a religious institution and including effective and retroactive applicability date provisions.

SUBCOMMITTEE ASSIGNMENT

SSB 3197

WAYS AND MEANS: Harper, Chair; McKibben and McKinley

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 134 (LSB 6854sv), a Senate resolution congratulating George A. Wilson, Jr. on his distinguished lobbying career before the Iowa General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Iverson, Kramer, Boettger, Dvorsky, Fink, Gaskill, and Lord. Nays, none. Absent or not voting, 4: Gronstal, Harper, McKean, and Rittmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened at 3:49 p.m., President Kramer presiding.

SPECIAL GUEST

Senator Jensen welcomed to the Senate chamber the Honorable Jim Nussle, U.S. Representative from Iowa's Second District.

The Senate rose and expressed its welcome.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Jensen and McKean, until they return, on request of Senator Iverson.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2317.

Senate File 2317

On motion of Senator Lamberti, **Senate File 2317**, a bill for an act relating to the tobacco master settlement agreement, including tobacco product manufacturer compliance, making an appropriation, and providing penalties, was taken up for consideration.

Senator Lamberti offered amendment S-5373, filed by him from the floor to page 3 of the bill, and moved its adoption.

Amendment S-5373 was adopted by a voice vote.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2317), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Houser
Iverson	Kibbie	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKibben	McKinley	Miller
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Jensen McKean

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 134.

Senate Resolution 134

On motion of Senator Drake, **Senate Resolution 134**, a Senate resolution congratulating George A. Wilson, Jr. on his distinguished lobbying career before the Iowa General Assembly, was taken up for consideration.

Senator Drake welcomed to the Senate chamber George A. Wilson, Jr., and his wife Genie. Senator Drake presented roses to Mrs. Wilson and a wildlife painting by artist Maynard Reece to Mr. Wilson. Mr. Wilson addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

Senator Drake moved the adoption of Senate Resolution 134, which motion prevailed by a voice vote.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 3, 2002, **insisted** on its amendment to **House File 2192**, a bill for an act relating to the establishment of a state agency work group to develop an interstate prescription drug purchasing cooperative, and the members of the conference committee on the part of the House are: the representative from Cedar, Representative Boddicker, Chair; the representative from Polk, Representative Boal; the representative from Muscatine, Representative Hoversten; the representative from Jackson, Representative Osterhaus; and the Representative from Marshall, Representative, Smith.

ALSO: That the House has on April 3, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2124, a bill for an act relating to the department of public defense by amending the state military code and the Iowa code of military justice, creating a statewide mutual aid compact, providing for the confidentiality of certain records, exempting the department of public defense from certain state service contract requirements and state competitive bidding requirements, exempting the Iowa technology center from anticompensation provisions, increasing a standing appropriation, providing criminal penalties for violations, and providing effective dates.

ALSO: That the House has on April 3, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2615, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing effective dates.

Read first time and referred to committee on **Appropriations**.

UNFINISHED BUSINESS

Senate File 2328

On motion of Senator Boettger, **Senate File 2328**, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date, with report of committee recommending passage, was taken up for consideration.

Senator Connolly offered amendment S-5382, filed by Senator Connolly, et al., from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5382 be adopted?" (S.F. 2328), the vote was:

Ayes, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Rittmer
Shearer	Soukup	Tinsman	

Nays, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Schuerer	Sexton
Veenstra	Zieman		

Absent or not voting, 1:

McKean

Amendment S-5382 lost.

The Senate stood at ease at 5:12 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 5:36 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, until he returns, on request of Senator Iverson.

BUSINESS PENDING

Senate File 2328

The Senate resumed consideration of Senate File 2328.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2328), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKibben	McKinley	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer
Soukup			

Absent or not voting, 2:

McKean	Redfern
--------	---------

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2317** and **2328** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 129

Senator Iverson asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 129
 2 By: Committee on Rules and Administration
 3 A Senate resolution honoring Senator Betty Soukup.
 4 WHEREAS, Senator Betty Soukup has served as a
 5 member of the Seventy-eighth and Seventy-ninth General
 6 Assemblies and is retiring from legislative office
 7 after completing one term in office as a State
 8 Senator; and
 9 WHEREAS, Senator Soukup's distinguished career as a
 10 state legislator has included service as an Assistant
 11 Minority Leader in the Seventy-ninth General Assembly;
 12 and
 13 WHEREAS, Senator Soukup's legislative career has
 14 also included service as Ranking Member of the
 15 Economic Development Appropriations Subcommittee and
 16 the Transportation, Infrastructure and Capitals
 17 Appropriations Subcommittee; and
 18 WHEREAS, Senator Soukup has served on several
 19 standing committees throughout her four years of
 20 legislative service and has been an influential and
 21 devoted legislator in this state; and
 22 WHEREAS, Senator Soukup has been instrumental in
 23 the passage of legislation relating to agriculture,
 24 rural economic development, and education; and
 25 WHEREAS, Senator Soukup has served honorably and
 26 has unselfishly given of her time and efforts to
 27 further the interests of the State of Iowa and to
 28 provide beneficial programs for the citizens of Iowa;
 29 NOW THEREFORE,
 30 BE IT RESOLVED BY THE SENATE, That the Senate pay

Page 2

1 tribute to Senator Betty Soukup for her devoted
2 service to the Iowa General Assembly and the citizens
3 of this state and wish her the very best in the years
4 ahead; and
5 BE IT FURTHER RESOLVED, That an official copy of
6 this Resolution be prepared and presented to Senator
7 Soukup.

The Senate rose and expressed its tribute to Senator Soukup.

Senator Gronstal moved the adoption of Senate Resolution 129, which motion prevailed by a voice vote.

Senator Soukup was presented a plaque in appreciation of her years of service and an enrolled copy of Senate Resolution 129.

Senator Soukup addressed the Senate with brief remarks.

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the following conference committee on **House File 2191** on the part of the Senate: Senators Boettger, Chair; King, Maddox, Horn, and Fiegen.

The Chair announced the following conference committee on **House File 2192** on the part of the Senate: Senators Tinsman, Chair; Schuerer, Harper, Miller, and Shearer.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:15 p.m. until 9:00 a.m. Thursday, April 4, 2002.

APPENDIX

INTRODUCTION OF RESOLUTIONS

Senate Resolution 135, by Behn, a Senate resolution honoring the Des Moines Area Community College Men's Basketball Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 136, by Shearer, a Senate resolution honoring James Samuel Thomas, former bishop of the Iowa United Methodist Church.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

AGRICULTURE

E. Joyce Schulte – Agricultural Development Authority
Gary Steinlage – Agricultural Development Authority
Annette Townsley – Agricultural Development Authority

Carolyn Roberts – Iowa Grain Indemnity Fund Board
Donna Winburn – Iowa Grain Indemnity Fund Board

Dr. William T. Brown – Grape and Wine Development Commission
Benjamin Jung – Grape and Wine Development Commission
Ron Mark – Grape and Wine Development Commission
Horst "John" Priebe – Grape and Wine Development Commission
Dr. Paul Tabor – Grape and Wine Development Commission

AMENDMENTS FILED

S-5341	S.F.	2190	Dick L. Dearden
S-5342	S.F.	2190	Jack Holveck
S-5343	S.F.	2190	Johnie Hammond

S-5344	S.F.	2190	Thomas Fiegen
S-5345	S.F.	2190	Thomas Fiegen
S-5346	S.F.	2190	Jack Holveck
S-5347	S.F.	2190	Jack Holveck
S-5348	S.F.	2190	Bill Fink
S-5349	S.F.	2190	Tom Flynn
S-5350	S.F.	2190	Bill Fink
S-5351	S.F.	2190	Mark Shearer
S-5352	S.F.	2190	Patricia Harper
S-5353	S.F.	2190	Mark Shearer
S-5354	S.F.	2190	Robert E. Dvorsky
S-5355	S.F.	2190	Bill Fink
S-5356	S.F.	2190	Betty A. Soukup
S-5357	S.F.	2190	Betty A. Soukup
S-5358	S.F.	2190	Joe Bolkom
S-5359	S.F.	2190	Mike Connolly
S-5360	S.F.	2190	Johnie Hammond
S-5361	S.F.	2190	Mike Connolly
S-5362	S.F.	2190	Mike Connolly
S-5363	S.F.	2190	Michael E. Gronstal
S-5364	S.F.	2190	Bill Fink
S-5365	S.F.	2190	Jack Holveck
S-5366	S.F.	2190	Michael E. Gronstal
S-5367	S.F.	2190	Mark Shearer
S-5368	S.F.	2190	Dick L. Dearden
S-5369	S.F.	2190	Dick L. Dearden
S-5370	S.F.	2190	John P. Kibbie
S-5371	S.F.	2190	Matt McCoy
S-5372	S.F.	2190	Thomas Fiegen
S-5373	S.F.	2317	Jeff Lamberti
S-5374	S.F.	2325	Mary A. Lundby
S-5375	H.F.	2472	Steve King
S-5376	H.F.	2515	Kitty Rehberg
			Paul McKinley
			Mark Zieman
			Jerry Behn
			Larry McKibben
			David Miller
			Ken Veenstra
			Jeff Angelo
			Nancy Boettger

			Steve King
			Jeff Lamberti
			David Lord
			John W. Jensen
			Hubert M. Houser
			John Redwine
			Andy McKean
			Mike Connolly
			Mary A. Lundby
			Neal Schuerer
			Thomas Fiegen
			Tom Flynn
			Donald B. Redfern
S-5377	H.F.	2472	Patricia Harper
S-5378	S.F.	2190	Michael E. Gronstal
S-5379	S.F.	2327	Dennis H. Black
S-5380	S.F.	2327	Dennis H. Black
S-5381	S.F.	2327	Dennis H. Black
S-5382	S.F.	2328	Mike Connolly
			Wally E. Horn
			Michael E. Gronstal
			Mark Shearer
			Steven D. Hansen
			Dennis H. Black
			Johnie Hammond
			Joe Bolkcom
			Jack Holveck
			John P. Kibbie
			Thomas Fiegen
			Tom Flynn
			Betty A. Soukup
			Patricia Harper
			Matt McCoy
			Amanda Ragan
			Eugene S. Fraise
			Patrick J. Deluhery
			Bill Fink
			Dick L. Dearden
			Robert E. Dvorsky
S-5383	S.F.	2190	Dick L. Dearden

S-5384	H.F.	2515	Steve King Kitty Rehberg Neal Schuerer
S-5385	S.F.	2190	Joe Bolkcom
S-5386	S.F.	2308	Sandra Greiner David Miller

State of Iowa

**JOURNAL
OF THE SENATE**

**SEVENTY-NINTH
GENERAL ASSEMBLY**

**2002 REGULAR AND
EXTRAORDINARY SESSIONS**

Volume II

**MARY E. KRAMER, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate**

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JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY
FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 4, 2002

The Senate met in regular session at 9:17 a.m., President Kramer presiding.

Prayer was offered by the Honorable Betty A. Soukup, member of the Senate from Chickasaw County, New Hampton, Iowa.

The Journal of Wednesday, April 3, 2002, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 3, 2002, **concurred** in the Senate amendment to the House amendment, **and passed** the following bill in which the concurrence of the House was asked:

Senate File 2275, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and including effective and retroactive applicability date provisions.

ALSO: That the House has on April 3, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2612, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, primary road fund, and general

fund of the state, and providing for the nonreversion of certain moneys.

Read first time and referred to committee on **Appropriations**.

House File 2613, a bill for an act relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services and making appropriations from the hospital trust fund to the department of human services and providing an effective date.

Read first time and referred to committee on **Appropriations**.

SPECIAL GUESTS

Senator Holveck welcomed to the Senate chamber the following members of the Special Delegation of the Embassy of the People's Republic of China: Minister Counselor Dai Yunlou, First Secretary Wang Zhongnan, First Secretary Zhao Baoqing, and First Secretary Zhong Chuanshui.

The delegation was attending a two-day trade seminar hosted by the Greater Des Moines Partnership and the Chinese Cultural Center of America, and was escorted by Tom Rial and Paul Shao.

The Senate rose and expressed its welcome.

SPECIAL GUESTS

Senator Greiner welcomed to the Senate chamber Queen Hillary Recker and representatives from Pella's Sixty-seventh Annual Tulip Time Festival.

Queen Recker and her court appeared before the rostrum. Queen Recker introduced the following members of her court: Sarah Way, Amy Van Hall, Andrea Vander Wilt, and Heather Vande Lune.

Queen Recker presented President Kramer a package of the famous Pella Dutch pastries and invited the Senate chamber to attend the Tulip Time Festival in Pella on May 2, 3, and 4, 2002.

The Queen, her attendants, and their parents distributed pastries to the senators and staff.

SPECIAL GUESTS

The Chair welcomed to the Senate chamber the Honorable H. Kay Hedge, former member of the Senate from Mahaska County, and his wife Alleen.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:35 a.m. until the fall of the gavel for the purpose of a Republican caucus.

The Senate resumed session at 10:42 a.m., President Kramer presiding.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2320.

Senate File 2320

On motion of Senator Lamberti, **Senate File 2320**, a bill for an act relating to the assessment of court fees by the clerk of district court, was taken up for consideration.

Senator Fiegen asked and received unanimous consent that action on **Senate File 2320** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senators Lundby and McKean, until they arrive, on request of Iverson.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2585.

House File 2585

On motion of Senator Miller, **House File 2585**, 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, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McKibben offered amendment S-5269, filed by the committee on Ways and Means on March 27, 2002, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5269 was adopted by a voice vote.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2585), the vote was:

Ayes, 48:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Maddox
McCoy	McKibben	McKinley	Miller
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Lundby McKean

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2586.

House File 2586

On motion of Senator McKinley, **House File 2586**, a bill for an act allowing a tax credit for equity investments in venture capital funds and including an effective and retroactive applicability date provision, with report of committee recommending passage, was taken up for consideration.

Senator McKinley moved that the bill be read the last time now and placed upon 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. 2586), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKibben	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McKean

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2321.

Senate File 2321

On motion of Senator McKibben, **Senate File 2321**, a bill for an act relating to sales and use taxes by requiring the department of revenue and finance to collect data on the extent and the effect on taxes of electronic commerce in the state, striking the repeal of the tax treatment of sales where the substance of the transaction is delivered by electronic waves, digitally, or by way of cable or fiber optics, and establishing a committee to enter into multistate discussions on the simplification of the sales and use taxes and including an effective date, was taken up for consideration.

Senator McKibben withdrew amendment S-5283, filed by him on April 1, 2002, to page 3 of the bill.

Senator McKibben offered amendment S-5391, filed by him from the floor to pages 3 and 4 of the bill, and moved its adoption.

Amendment S-5391 was adopted by a voice vote.

Senator Harper asked and received unanimous consent that action on **Senate File 2321** be **deferred**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gronstal, until he returns, on request of Senator Holveck; Senator Rittmer, until he returns, on request of Senator McKinley; and Senator Lundby, until she returns, on request of Senator Freeman.

UNFINISHED BUSINESS

House File 2416

On motion of Senator Houser, **House File 2416**, a bill for an act relating to mental health and developmental disability services requirements, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Hammond offered amendment S-5339, filed by Senators Hammond and Houser on April 2, 2002, to pages 1-3 and to the title page of the bill, and moved its adoption.

Amendment S-5339 was adopted by a voice vote.

Senator Boettger took the chair at 11:12 a.m.

Senator Houser moved that the bill be read the last time now and placed upon 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. 2416), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Maddox	McCoy
McKibben	McKinley	Miller	Ragan
Redfern	Redwine	Rehberg	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Gronstal	Lundby	McKean	Rittmer
----------	--------	--------	---------

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 Behn asked and received unanimous consent that **House Files 2416, 2585, and 2586** be **immediately messaged** to the House.

RECESS

On motion of Senator Behn, the Senate recessed at 11:18 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:12 p.m., Senator Boettger presiding.

QUORUM CALL

Senator Sexton requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent, and a quorum present.

Senator McKibben took the chair at 1:17 p.m.

SPECIAL GUEST

The Chair welcomed to the Senate chamber the Honorable James F. Schaben, former member of the Senate from Harrison County.

The Senate rose and expressed its welcome.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kramer, for the remainder of the day, on request of Senator Houser; and Senator Soukup, until she returns, on request of Senator Shearer.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2325.

Senate File 2325

On motion of Senator Lundby, **Senate File 2325**, a bill for an act relating to certain state agency regulatory functions by reorganizing the duties of the department of inspections and appeals, transferring the court appointed special advocate program to the department of inspections and appeals, renaming and revising the duties of the state citizen foster care review board, reorganizing the administrative structure of the department of natural resources, providing for legislative review of state agencies, and revising requirements for licensed birth centers, was taken up for consideration.

Senator Lundby withdrew amendment S-5374, filed by her on April 3, 2002, to pages 1, 3, and 4 of the bill.

Senator Lundby offered amendment S-5389, filed by her from the floor to page 4 of the bill, and moved its adoption.

Amendment S-5389 was adopted by a voice vote.

Senator Boettger offered amendment S-5387, filed by her from the floor to pages 16 and 24 of the bill, and moved its adoption.

Amendment S-5387 was adopted by a voice vote.

Senator Schuerer offered amendment S-5327, filed by Senators Redwine and Schuerer on April 2, 2002, to pages 26 and 27 of the bill, and moved its adoption.

Amendment S-5327 was adopted by a voice vote.

Senator Boettger offered amendment S-5396, filed by her from the floor to page 27 of the bill, and moved its adoption.

Amendment S-5396 was adopted by a voice vote.

Senator Shearer offered amendment S-5399, filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5399 be adopted?" (S.F. 2325), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer

Nays, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Lamberti
Lord	Lundby	Maddox	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 3:

Kramer	McKean	Soukup
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Amendment S-5399 lost.

Senator Boettger called up the following motion to reconsider filed by her from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5396 to Senate File 2325 was adopted by the Senate on April 4, 2002.

The motion prevailed by a voice vote and amendment S-5396 by Senator Boettger to page 27 of the bill, was taken up for reconsideration.

Senator Boettger withdrew amendment S-5396.

Senator Lundby moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2325), the vote was:

Ayes, 43:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Fink	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hansen	Harper	Horn	Houser
Iverson	Jensen	Kibbie	King
Lamberti	Lord	Lundby	Maddox
McCoy	McKibben	McKinley	Miller
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, 5:

Dvorsky	Fiegen	Hammond	Holveck
Shearer			

Absent or not voting, 2:

Kramer	McKean
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

SPECIAL GUEST

Senator Jensen welcomed to the Senate chamber the Honorable Wilmer Rensink, former member of the Senate from Sioux County.

The Senate rose and expressed its welcome.

UNFINISHED BUSINESS

House File 2472

On motion of Senator King, **House File 2472**, a bill for an act relating to the office of secretary of state and the conduct of elections and of voter registration in the state and including effective and applicability date provisions, with report of committee recommending

amendment and passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator King offered amendment S-5150, filed by the committee on State Government on March 12, 2002, to page 1 of the bill, and moved its adoption.

Amendment S-5150 was adopted by a voice vote.

Senator King offered amendment S-5375, filed by him on April 3, 2002, to pages 1, 2, 54, and 55 of the bill, and moved its adoption.

Amendment S-5375 was adopted by a voice vote.

Senator Harper withdrew amendment S-5263, filed by her on March 27, 2002, to page 11 of the bill.

Senator Harper offered amendment S-5397, filed by her from the floor to pages 11 and 54 of the bill.

Senator Dvorsky asked and received unanimous consent that action on amendment S-5397 and **House File 2472** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 2228

Senator Boettger called up for consideration **Senate File 2228**, a bill for an act relating to utilization of school district moneys for physical plant and equipment levy purposes, amended by the House in House amendment S-5280, filed April 1, 2002.

Senator Redfern asked and received unanimous consent that action on House amendment S-5280 and **Senate File 2228** be **deferred**.

UNFINISHED BUSINESS

House File 2430

On motion of Senator Houser, **House File 2430**, a bill for an act providing for the mental health and developmental disabilities commission to assume the duties of the state-county management committee and provides new rulemaking authority associated with those duties, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Houser offered amendment S-5173, filed by the committee on Local Government on March 18, 2002, to pages 2, 3, 11, 12, and to the title page of the bill.

The Senate stood at ease at 2:54 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:28 p.m., Senator McKibben presiding.

Senator Iverson asked and received unanimous consent that action on amendment S-5173 and **House File 2430** be **deferred**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, until he returns, on request of Senator Fink; and Senator Redwine, until he returns, on request of Senator Freeman.

BUSINESS PENDING

House File 2472

The Senate resumed consideration of **House File 2472**, a bill for an act relating to the office of secretary of state and the conduct of elections and of voter registration in the state and including effective and applicability date provisions, and amendment S-5397, previously deferred.

Senator Harper moved the adoption of amendment S-5397.

Amendment S-5397 was adopted by a voice vote.

With the adoption of amendment S-5397, the Chair ruled amendment S-5377, filed by Senator Harper on April 3, 2002, to pages 11 and 54 of the bill, out of order.

Senator King offered amendment S-5393, filed by him from the floor to page 17 of the bill, and moved its adoption.

Amendment S-5393 was adopted by a voice vote.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2472), the vote was:

Ayes, 46:

Angelo	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	Kibbie	King
Lamberti	Lord	Lundby	Maddox
McKibben	McKinley	Miller	Ragan
Redfern	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Kramer	McCoy	McKean	Redwine
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator King, until he returns, on request of Senator McKinley; and Senator Dearden, until he returns, on request of Senator Holveck.

BUSINESS PENDING

House File 2430

The Senate resumed consideration of **House File 2430**, a bill for an act providing for the mental health and developmental disabilities commission to assume the duties of the state-county management committee and provides new rulemaking authority associated with those duties, and amendment S-5173, previously deferred.

Senator Hammond offered amendment S-5340, filed by Senator Hammond, et al., on April 2, 2002, to page 1 of amendment S-5173, and moved its adoption.

Amendment S-5340 was adopted by a voice vote.

Senator Houser moved the adoption of amendment S-5173, as amended.

Amendment S-5173 was adopted by a voice vote.

Senator Houser offered amendment S-5398, filed by Senators Houser and Hammond from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5398 was adopted by a voice vote.

Senator Boettger offered amendment S-5388, filed by Senators Boettger and Houser from the floor to page 12 of the bill, and moved its adoption.

Amendment S-5388 was adopted by a voice vote.

Senator Houser moved that the bill be read the last time now and placed upon 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. 2430), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	Lamberti	Lord
Lundby	Maddox	McKibben	McKinley
Miller	Ragan	Redfern	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Dearden	King	Kramer	McCoy
McKean	Redwine		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 130

Senator Hammond asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 130
 2 By: Committee on Rules and Administration
 3 A Senate resolution honoring Senator Patricia Harper.
 4 WHEREAS, Senator Patricia Harper is retiring from
 5 legislative office after completing nearly six years
 6 in office as a state Senator and four terms as a
 7 member of the House of Representatives; and
 8 WHEREAS, Senator Harper's distinguished career as a
 9 state legislator has included service as the Ranking
 10 Member of the Ways and Means Committee during the

11 Seventy-eighth and Seventy-ninth General Assemblies
 12 and as Ranking Member of the Economic Development
 13 Appropriations Subcommittee during the Seventy-seventh
 14 General Assembly; and as a member of the
 15 Administrative Rules Review Committee; and

16 WHEREAS, Senator Harper has served on many other
 17 standing committees and appropriations subcommittees
 18 throughout her 14 years of legislative service and has
 19 been a devoted legislator; and

20 WHEREAS, Senator Harper's dedication and expertise
 21 regarding education, early childhood, elderly, human
 22 resources, and state revenue issues are well
 23 recognized; and

24 WHEREAS, Senator Harper has served honorably and
 25 has unselfishly given of her time and efforts to
 26 further the interests of the State of Iowa and to
 27 provide beneficial programs for the citizens of Iowa;

28 NOW THEREFORE,

29 BE IT RESOLVED BY THE SENATE, That the Senate pay
 30 tribute to Senator Patricia Harper for her devoted

Page 2

1 service to the Iowa General Assembly and the citizens
 2 of this state and wish her the very best in the years
 3 ahead; and

4 BE IT FURTHER RESOLVED, That an official copy of
 5 this Resolution be prepared and presented to Senator
 6 Harper.

The Senate rose and expressed its tribute to Senator Harper.

Senator Hammond moved the adoption of Senate Resolution 130,
 which motion prevailed by a voice vote.

Senator Harper was presented a plaque in appreciation of her
 years of service and an enrolled copy of Senate Resolution 130.

Senator Harper addressed the Senate with brief remarks.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that
Senate File 2325 and **House Files 2430** and **2472** be **immediately
 messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 4:32 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 4:36 p.m., Senator McKibben presiding.

The Senate stood at ease at 4:37 p.m. until the fall of the gavel.

The Senate resumed session at 5:12 p.m., Senator Hammond presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 4, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2205, a bill for an act relating to regulation of child care and child development homes and child care centers and providing effective date and applicability provisions. (S-5401)

ALSO: That the House has on April 4, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2614, a bill for an act relating to and making appropriations to state departments and agencies from the tobacco settlement trust fund, rebuild Iowa infrastructure fund, and environment first fund, making related statutory changes, and providing effective dates.

Read first time and referred to committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Lamberti, the Senate adjourned at 5:15 p.m. until 10:00 a.m. Monday, April 8, 2002.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Terry Nelson, Washington, D.C. — For your leadership and service to the Republican Party. Senator Redwine (04/04/02).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-four eighth grade students from River Valley Middle School, accompanied by Connie Kimple. Senator Freeman.

Sixth grade students from Nashua-Plainfield Community Schools, accompanied by Mr. Szalkowski and Mr. Ortman. Senators Jensen and Soukup.

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 4, 2002, 4:30 p.m.

Members Present: Iverson, Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer.

Members Absent: Kramer, Vice Chair; and McKean (both excused).

Committee Business: Passed SRs 135 and 136 and resolutions for retiring senators.

Adjourned: 4:35 p.m.

WAYS AND MEANS

Convened: April 4, 2002, 11:36 a.m.

Members Present: McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Deluhery, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

Members Absent: Connolly and Drake (both excused).

Committee Business: Passed HF's 2591 and 2592. Approved SSBs 3048 and 3197.

Adjourned: 12:22 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 137, by committee on Rules and Administration, a Senate resolution honoring Senator Sandra H. Greiner.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 138, by committee on Rules and Administration, a Senate resolution honoring Senator Mary Lou Freeman.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 139, by committee on Rules and Administration, a Senate resolution honoring Senator Gene Maddox.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 140, by committee on Rules and Administration, a Senate resolution honoring Senator Mike Sexton.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 141, by committee on Rules and Administration, a Senate resolution honoring Senator John Redwine.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 142, by committee on Rules and Administration, a Senate resolution honoring Senator Sheldon Rittmer.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 143, by committee on Rules and Administration, a Senate resolution honoring Senator Andrew J. McKean.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 144, by committee on Rules and Administration, a Senate resolution honoring Senator David G. Lord.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 145, by committee on Rules and Administration, a Senate resolution honoring Senator John W. Jensen.

Read first time under Rule 28 and **placed on calendar**.

INTRODUCTION OF BILLS

Senate File 2329, by committee on Ways and Means, a bill for an act relating to the abatement of property taxes levied on the lands and buildings of a religious institution and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 2330, by committee on Ways and Means, a bill for an act relating to the establishment of a regional transit district within incorporated cities and unincorporated areas of one or more counties, and providing for the issuance of general obligation bonds and revenue bonds.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 128

RULES AND ADMINISTRATION: Iverson, Chair; Boettger and Harper

Senate Resolution 135

RULES AND ADMINISTRATION: Iverson, Chair; Fink and Gaskill

Senate Resolution 136

RULES AND ADMINISTRATION: Iverson, Chair; Harper and Rittmer

House File 2612

APPROPRIATIONS: Jensen, Chair; Lamberti and Soukup

House File 2613

APPROPRIATIONS: Veenstra, Chair; Hammond and Lamberti

House File 2615

APPROPRIATIONS: Kramer, Chair; Bolkcom and Lamberti

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 135, a Senate resolution honoring the Des Moines Area Community College Men's basketball team.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Kramer and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 136, a Senate resolution honoring James Samuel Thomas, former bishop of the Iowa United Methodist Church.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Kramer and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 137 (LSB 7135sv), a Senate resolution honoring Senator Sandra H. Greiner.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Kramer and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 138 (LSB 7136sv), a Senate resolution honoring Senator Mary Lou Freeman.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Kramer and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 139 (LSB 7134sv), a Senate resolution honoring Senator Gene Maddox.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Kramer and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 140 (LSB 7087sv), a Senate resolution honoring Senator Mike Sexton.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Kramer and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 141 (LSB 7132sv), a Senate resolution honoring Senator John Redwine.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Kramer and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 142 (LSB 7086sv), a Senate resolution honoring Senator Sheldon Rittmer.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Kramer and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 143 (LSB 7133sv), a Senate resolution honoring Senator Andrew J. McKean.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Kramer and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 144 (LSB 7130sv), a Senate resolution honoring Senator David G. Lord.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Kramer and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 145 (LSB 7085sv), a Senate resolution honoring Senator John W. Jensen.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Kramer and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 2329 (SSB 3197), a bill for an act relating to the abatement of property taxes levied on the lands and buildings of a religious institution and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McKibben, McKinley, Harper, Bolkcom, Deluhery, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 3: Connolly, Drake, and Flynn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2330 (SSB 3048), a bill for an act relating to the establishment of a regional transit district within incorporated cities and unincorporated areas of one or more counties, and providing for the issuance of general obligation bonds and revenue bonds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: McKibben, McKinley, Harper, Bolkcom, Deluhery, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 2: Connolly and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2591, a bill for an act relating to an increase in the resident hunting license fee and establishing a pheasant and quail restoration program and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 11: McKibben, McKinley, Harper, Bolkcom, Deluhery, Flynn, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, 2: Greiner and Holveck. Absent or not voting, 2: Connolly and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2592, a bill for an act relating to deferment of taxable income for start-up businesses and providing an effective and retroactive applicability date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: McKibben, McKinley, Harper, Bolkcom, Deluhery, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 3: Connolly, Drake, and Flynn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on April 4, 2002:

I submitted the name of Angela Langrehr to serve on the Board of Podiatry Examiners on March 15, 2002. I am withdrawing her name from further consideration by the Senate.

Sincerely,
THOMAS J. VILSACK
Governor

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 4, 2002, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 429 – Relating to price regulation for local exchange carriers, including the modification or adjustment of certain rates, making an appropriation, and providing an effective date.

S.F. 2140 – Relating to energy conservation including making appropriations of petroleum overcharge funds.

S.F. 2155 – Providing for the issuance of out-of-hospital do-not-resuscitate orders and making penalties applicable.

S.F. 2160 – Relating to the dry fire hydrant and rural water supply education and demonstration project.

S.F. 2192 – Relating to highways and motor vehicles and condemnation, including condemnation of property by the state department of transportation, registration, sale, and operation of certain vehicles, issuance of driver's licenses and nonoperator's identification cards, regulation of oversize vehicles, and vehicle manufacturers, distributors, and dealers, and providing penalties and effective dates.

S.F. 2195 – Relating to the Uniform Anatomical Gift Act including the document of gift, the release of identifying information, donors other than the subject of the donation, and immunity provisions.

S.F. 2203 – Providing for access to the Iowa Communications Network by homeland security or defense facilities.

S.F. 2272 – Providing for agricultural land held by individuals lawfully admitted into the United States for permanent residence, and making penalties applicable.

S.F. 2301 – Relating to representation of indigent persons and the duties of the state public defender.

AMENDMENTS FILED

S-5387	S.F.	2325	Nancy Boettger
S-5388	H.F.	2430	Nancy Boettger Hubert M. Houser
S-5389	S.F.	2325	Mary A. Lundby
S-5390	S.F.	503	Mike Sexton
S-5391	S.F.	2321	Larry McKibben
S-5392	H.F.	2378	Kitty Rehberg Mark Shearer
S-5393	H.F.	2472	Steve King
S-5394	S.F.	2321	Patricia Harper
S-5395	S.F.	2320	Thomas Fiegen Jack Holveck
S-5396	S.F.	2325	Nancy Boettger
S-5397	H.F.	2472	Patricia Harper
S-5398	H.F.	2430	Hubert M. Houser Johnie Hammond
S-5399	S.F.	2325	Mark Shearer
S-5400	H.F.	2459	John P. Kibbie Donald B. Redfern
S-5401	S.F.	2205	House

JOURNAL OF THE SENATE

EIGHTY-FIFTH CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 8, 2002

The Senate met in regular session at 10:05 a.m., President Kramer presiding.

Prayer was offered by the Honorable Maggie Tinsman, member of the Senate from Scott County, Davenport, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Matt Gibson, Angie Groh, Ember Leonard, and Micah Van Mersbergen.

The Journal of Thursday, April 4, 2002, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 138

Senator Boettger asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 138
2 By: Committee on Rules and Administration
3 A Senate resolution honoring Senator Mary Lou Freeman.
4 WHEREAS, Senator Mary Lou Freeman is retiring from
5 the Senate to seek another elective office after
6 completing nine years in office as a State Senator;
7 and
8 WHEREAS, Senator Freeman's distinguished career has
9 included service as an Assistant Majority Leader for
10 the Seventy-seventh General Assembly; and
11 WHEREAS, Senator Freeman's legislative career has
12 also included service as Chairperson of the Business

13 and Labor Relations Committee and of the
 14 Transportation, Infrastructure, and Capitals
 15 Appropriations Subcommittee; and as Vice Chairperson
 16 of the Natural Resources and Environment Committee;
 17 and
 18 WHEREAS, Senator Freeman's dedication and expertise
 19 in the areas of energy, environment, and
 20 transportation are well recognized; and
 21 WHEREAS, Senator Freeman has served honorably and
 22 has unselfishly given of her time and efforts to
 23 further the interests of the State of Iowa and to
 24 provide beneficial programs for the citizens of Iowa;
 25 NOW THEREFORE,
 26 BE IT RESOLVED BY THE SENATE, That the Senate pay
 27 tribute to Senator Mary Lou Freeman for her devoted
 28 service to the Iowa General Assembly and the citizens
 29 of this state, and wish her the very best in the years
 30 ahead; and

Page 2

1 BE IT FURTHER RESOLVED, That an official copy of
 2 this Resolution be prepared and presented to Senator
 3 Freeman.

Senator Boettger moved the adoption of Senate Resolution 138,
 which motion prevailed by a voice vote.

Senator Freeman was presented a plaque in appreciation of her
 years of service and an enrolled copy of Senate Resolution 138.

The Senate rose and expressed its appreciation.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 137

Senator Boettger asked and received unanimous consent to take
 up the following resolution:

1 SENATE RESOLUTION 137
 2 By: Committee on Rules and Administration
 3 A Senate resolution honoring Senator Sandra H. Greiner.
 4 WHEREAS, Senator Sandra H. Greiner is retiring from
 5 the Senate to seek another elective office after
 6 completing two years in office as a State Senator and
 7 four terms as a member of the House of

8 Representatives; and

9 WHEREAS, Senator Greiner's distinguished career has
10 included service as Vice Chairperson of the Business
11 and Labor Relations Committee; and

12 WHEREAS, Senator Greiner's dedication and expertise
13 in the areas of agriculture, environmental protection,
14 and natural resources are well recognized; and

15 WHEREAS, Senator Greiner has served honorably and
16 has unselfishly given of her time and efforts to
17 further the interests of the State of Iowa and to
18 provide beneficial programs for the citizens of Iowa;

19 NOW THEREFORE,

20 BE IT RESOLVED BY THE SENATE, That the Senate pay
21 tribute to Senator Sandra H. Greiner for her devoted
22 service to the Iowa General Assembly and the citizens
23 of this state, and wish her the very best in the years
24 ahead; and

25 BE IT FURTHER RESOLVED, That an official copy of
26 this Resolution be prepared and presented to Senator
27 Greiner.

Senator Boettger moved the adoption of Senate Resolution 137,
which motion prevailed by a voice vote.

Senator Greiner was presented a plaque in appreciation of her
years of service and an enrolled copy of Senate Resolution 137.

The Senate rose and expressed its appreciation.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 139

Senator Boettger asked and received unanimous consent to take
up the following resolution:

1 SENATE RESOLUTION 139
2 By: Committee on Rules and Administration
3 A Senate resolution honoring Senator Gene Maddox.
4 WHEREAS, Senator Gene Maddox is retiring from the
5 Senate to seek another elective office after
6 completing 10 years in office as a State Senator; and
7 WHEREAS, Senator Maddox's distinguished career as a
8 state legislator has included service as an Assistant
9 Majority Leader during the Seventy-seventh through
10 Seventy-ninth General Assemblies; and
11 WHEREAS, Senator Maddox's legislative career has

12 also included service as Chairperson of the Judiciary
13 Committee and of the Justice Systems Appropriations
14 Subcommittee; and as Vice Chairperson of the Commerce
15 Committee; and

16 WHEREAS, Senator Maddox has served on many other
17 standing committees throughout his years of
18 legislative service and has been an influential and
19 devoted legislator in this state; and

20 WHEREAS, Senator Maddox has been instrumental in
21 the passage of legislation pertinent to Iowa relating
22 to criminal and civil law and has been recognized as
23 an expert on local government issues; and

24 WHEREAS, Senator Maddox has served honorably and
25 has unselfishly given of his time and efforts to
26 further the interests of the State of Iowa and to
27 provide beneficial programs for the citizens of Iowa;
28 NOW THEREFORE,

29 BE IT RESOLVED BY THE SENATE, That the Senate pay
30 tribute to Senator Gene Maddox for his devoted service

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1 to the Iowa General Assembly and the citizens of this
2 state and wish him the very best in the years ahead;
3 and

4 BE IT FURTHER RESOLVED, That an official copy of
5 this Resolution be prepared and presented to Senator
6 Maddox.

Senator Boettger moved the adoption of Senate Resolution 139,
which motion prevailed by a voice vote.

Senator Maddox was presented a plaque in appreciation of his
years of service and an enrolled copy of Senate Resolution 139.

The Senate rose and expressed its appreciation.

President Pro Tempore McKean took the chair at 10:36 a.m.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 132

Senator Boettger asked and received unanimous consent to take
up the following resolution:

1 SENATE RESOLUTION 132

2 By: Committee on Rules and Administration
3 A Senate resolution honoring Senator Johnnie Hammond.
4 WHEREAS, Senator Johnnie Hammond is retiring from
5 legislative office after completing two terms in
6 office as a State Senator and six terms as a member of
7 the House of Representatives; and
8 WHEREAS, Senator Hammond's distinguished career as
9 a state legislator has included service as an
10 Assistant Minority Leader during the Seventy-ninth
11 General Assembly; and
12 WHEREAS, Senator Hammond's distinguished career has
13 also included service as Chairperson and Ranking
14 Member of the Human Services Appropriations
15 Subcommittee and as Vice Chairperson and Ranking
16 Member of the Human Resources Committee; and
17 WHEREAS, Senator Hammond has served on many other
18 standing committees and appropriations subcommittees
19 throughout her 20 years of service; and
20 WHEREAS, Senator Hammond has been instrumental in
21 providing programs to protect children and families,
22 to enhance services for the healthy development of
23 young children, to expand options for child care for
24 working families, and to ensure that Iowa children and
25 families have access to needed health care; and
26 WHEREAS, Senator Hammond was the author of gender
27 balance legislation for membership on state boards and
28 commissions; and
29 WHEREAS, Senator Hammond has been an enthusiastic
30 and stalwart supporter of Iowa State University and

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1 its academic and extension programs and services; and
2 WHEREAS, Senator Hammond has served honorably and
3 has unselfishly given of her time and efforts to
4 further the interests of the State of Iowa and to
5 provide beneficial programs for the citizens of Iowa,
6 and has been an influential and devoted legislator in
7 this state; NOW THEREFORE,
8 BE IT RESOLVED BY THE SENATE, That the Senate pay
9 tribute to Senator Johnnie Hammond for her devoted
10 service to the Iowa General Assembly and the citizens
11 of this state and wish her the very best in the years
12 ahead; and
13 BE IT FURTHER RESOLVED, That an official copy of
14 this Resolution be prepared and presented to Senator
15 Hammond.

The Senate rose and expressed its tribute to Senator Hammond.

Senator Harper moved the adoption of Senate Resolution 132, which motion prevailed by a voice vote.

Senator Hammond was presented a plaque in appreciation of her years of service and an enrolled copy of Senate Resolution 132.

Senator Hammond addressed the Senate with brief remarks.

RECESS

On motion of Senator Boettger, the Senate recessed at 11:54 a.m. until 1:30 p.m.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 8, 2002

STATE APPEAL BOARD

Denied claims against the state of Iowa during April 2002.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Elizabeth Bastiaans, Ames — For achieving a perfect score on the Scholastic Assessment Test. Senator Hammond (04/08/02).

Tony Cyr, Cedar Rapids — For achieving a perfect score on the Scholastic Assessment Test. Senator Lundby (04/08/02).

Brandon Day, Urbandale — For achieving a perfect score on the Scholastic Assessment Test. Senator Maddox (04/08/02).

Alison Lentz, Cedar Falls — For achieving a perfect score on the Scholastic Assessment Test. Senator Redfern (04/08/02).

Claudia Lutz, Iowa City — For achieving a perfect score on the Scholastic Assessment Test. Senator Dvorsky (04/08/02).

Patrick Swieskowski, Des Moines — For achieving a perfect score on the Scholastic Assessment Test. Senator Kramer (04/08/02).

Emily Trump, Des Moines — For achieving a perfect score on the Scholastic Assessment Test. Senator Holveck (04/08/02).

Elizabeth Zeitler, Iowa City — For achieving a perfect score on the Scholastic Assessment Test. Senator Bolkom (04/08/02).

Michael Zhu, Dubuque — For achieving a perfect score on the Scholastic Assessment Test. Senator Connolly (04/08/02).

INTRODUCTION OF RESOLUTION

Senate Resolution 146, by Kramer, Holveck, Maddox, Redfern, Lundby, Dvorsky, Bolkcom, Hammond, and Connolly, a Senate resolution honoring Iowa high school seniors Elizabeth Bastiaans, Tony Cyr, Brandon Day, Alison Lentz, Claudia Lutz, Patrick Swieskowski, Emily Trump, Elizabeth Zeitler, and Michael Zhu for achieving the highest possible score on the Scholastic Assessment Test.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS

House File 2614

APPROPRIATIONS: Jensen, Chair; Lamberti and Soukup

LSB 7186sv

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

LSB 7187sv

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

LSB 7241sv

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

LSB 7242sv

RULES AND ADMINISTRATION: Iverson, Chair; Boettger and Dvorsky

LSB 7243sv

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling House Amendment S-5247 to Senate File 144, the following correction was made:

1. Page 1, line 8, a comma was added after the word "erosion".

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 8th day of April, 2002:

Senate Files 144, 466, 2273, and 2309.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 5, 2002, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2146 – Establishing a criminal offense for an act of terrorism, changing related criminal penalties, and providing a penalty.

S.F. 2277 – Creating a new category of confidential public records in the custody of certain airports, municipal corporations, utilities, or water districts, and allowing a governmental body to hold a closed session to discuss such confidential records.

AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., President Kramer presiding.

QUORUM CALL

Senator Redwine requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:55 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:57 p.m., President Kramer presiding.

Senator Boettger took the chair at 1:59 p.m.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 146, a Senate resolution honoring Iowa high school seniors Elizabeth Bastiaans, Tony Cyr, Brandon Day, Alison Lentz, Claudia Lutz, Patrick Swieskowski, Emily Trump, Elizabeth Zeitler, and Michael Zhu for achieving the highest possible score on the Scholastic Assessment Test.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 146.

Senate Resolution 146

On motion of Senator Redfern, **Senate Resolution 146**, a Senate resolution honoring Iowa high school seniors Elizabeth Bastiaans, Tony Cyr, Brandon Day, Alison Lentz, Claudia Lutz, Patrick Swieskowski, Emily Trump, Elizabeth Zeitler, and Michael Zhu for achieving the highest possible score on the Scholastic Assessment Test, with report of committee recommending passage, was taken up for consideration.

Senator Redfern welcomed the seniors to the Senate chamber. The Senate rose and expressed its appreciation.

Senator Redfern moved the adoption of Senate Resolution 146, which motion prevailed by a voice vote.

President Kramer took the chair at 2:05 p.m.

The Senate stood at ease at 2:07 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:47 p.m., President Kramer presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hammond, until she returns, on request of Senator Dearden; Senator Gronstal, until he returns, on request of Senator Hansen; and Senator Fiegen, until he arrives, on request of Senator Shearer.

HOUSE AMENDMENT CONSIDERED

Senate File 2205

Senator Tinsman called up for consideration **Senate File 2205**, a bill for an act relating to regulation of child care and child development homes and child care centers and providing effective date and applicability provisions, amended by the House, and moved that the Senate concur in House amendment S-5401, filed April 4, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Tinsman moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2205), the vote was:

Ayes, 45:

Behn	Black	Boettger	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gaskill	Greiner	Hansen
Harper	Holveck	Horn	Houser
Iverson	Jensen	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 2:

Angelo	Rittmer
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Absent or not voting, 3:

Fiegen	Gronstal	Hammond
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2459

On motion of Senator McKibben, **House File 2459**, a bill for an act relating to the authority of city hospital and health care facility boards of trustees, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Kibbie offered amendment S-5400, filed by Senators Kibbie and Redfern on April 4, 2002, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5400 be adopted?" (H.F. 2459), the vote was:

Ayes, 34:

Behn	Black	Bolkcom	Connolly
Dearden	Deluhery	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Hammond	Hansen	Harper
Holveck	Horn	Houser	Jensen
Kibbie	Lord	Maddox	McCoy
McKean	Miller	Ragan	Redfern
Rehberg	Rittmer	Schuerer	Soukup
Veenstra	Zieman		

Nays, 15:

Angelo	Boettger	Gaskill	Greiner
Gronstal	Iverson	King	Kramer
Lamberti	McKibben	McKinley	Redwine
Sexton	Shearer	Tinsman	

Absent or not voting, 1:

Lundby

Amendment S-5400 was adopted.

Senator McKibben asked and received unanimous consent that action on **House File 2459** be **deferred**.

The Senate stood at ease at 3:21 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 3:42 p.m., President Kramer presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Schuerer asked and received unanimous consent to take up for consideration Senate Resolution 136.

Senate Resolution 136

On motion of Senator Shearer, **Senate Resolution 136**, a Senate resolution honoring James Samuel Thomas, former bishop of the Iowa United Methodist Church, with report of committee recommending passage, was taken up for consideration.

Senator Shearer moved the adoption of Senate Resolution 136, 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 McKean.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2554

Senator Freeman called up for consideration **House File 2554**, a bill for an act relating to the use of moneys appropriated to the department of natural resources for purposes of tire-related initiatives, disposal fees charged by retail tire dealers, and the registration of waste tire haulers and providing an effective date, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5262 to Senate amendment H-8402, filed March 27, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Freeman moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be

read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2554), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Drake, until he returns, on request of Senator McKean; and Senator Shearer, until he returns, on request of Senator Gronstal.

HOUSE AMENDMENT CONSIDERED (Deferred April 4, 2002)

Senate File 2228

The Senate resumed consideration of **Senate File 2228**, a bill for an act relating to utilization of school district moneys for physical plant and equipment levy purposes, and House amendment S-5280, deferred April 4, 2002.

Senator Redfern offered amendment S-5405, filed by Senators Redfern and Boettger from the floor to page 1 of House amendment S-5280, and moved its adoption.

Amendment S-5405 was adopted by a voice vote.

With the adoption of amendment S-5405, the Chair ruled amendment S-5402, filed by Senators Redfern and Boettger from the floor to page 1 of House amendment S-5280, out of order.

Senator Boettger moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Boettger moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2228), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Drake	Lundby	Shearer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 4, 2002)

Senate File 2320

The Senate resumed consideration of **Senate File 2320**, a bill for an act relating to the assessment of court fees by the clerk of district court, deferred April 4, 2002.

Senator Fiegen offered amendment S-5395, filed by Senators Fiegen and Holveck on April 4, 2002, to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5395 be adopted?" (S.F. 2320), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Ragan
Soukup			

Nays, 28:

Angelo	Behn	Boettger	Freeman
Gaskill	Greiner	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 1:

Shearer

Amendment S-5395 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?" (S.F. 2320), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, 2:

Fiegen	Holveck
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Absent or not voting, 1:

Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **Senate Files 2205, 2228, 2320**, and **House File 2554** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 2515

On motion of Senator Rehberg, **House File 2515**, a bill for an act relating to the duties and operation of the department of education and providing effective and applicability dates, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Boettger offered amendment S-5170, filed by the committee on Education on March 14, 2002, to page 2 of the bill, and moved its adoption.

Amendment S-5170 was adopted by a voice vote.

Senator Rehberg offered amendment S-5338, filed by her on April 2, 2002, to page 1 of the bill.

President Pro Tempore McKean took the chair at 4:34 p.m.

Senator Connolly asked unanimous consent that action on amendment S-5338 be deferred.

Senator Connolly withdrew his request.

Senator Rehberg moved the adoption of amendment S-5338, which motion prevailed by a voice vote.

Senator King offered amendment S-5384, filed by Senators King, Rehberg, and Schuerer on April 3, 2002, to pages 2, 5, and to the title page of the bill.

President Kramer took the chair at 4:50 p.m.

Senator Hansen raised the point of order that amendment S-5384 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5384 out of order.

Senator King asked and received unanimous consent that action on **House File 2515** be **deferred**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Lundby and Redfern, until they return, on request of Senator Freeman.

UNFINISHED BUSINESS
(Deferred April 4, 2002)

Senate File 2321

The Senate resumed consideration of **Senate File 2321**, a bill for an act relating to sales and use taxes by requiring the department of revenue and finance to collect data on the extent and the effect on taxes of electronic commerce in the state, striking the repeal of the tax treatment of sales where the substance of the transaction is delivered by electronic waves, digitally, or by way of cable or fiber optics, and establishing a committee to enter into multistate discussions on the simplification of the sales and use taxes and including an effective date, deferred April 4, 2002.

Senator Harper offered amendment S-5394, filed by her on April 4, 2002, to page 2 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5394 be adopted?" (S.F. 2321), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Ragan
Shearer	Soukup		

Nays, 26:

Angelo	Behn	Boettger	Drake
Gaskill	Greiner	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Maddox	McKean	McKibben
McKinley	Miller	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 2:

Lundby	Redfern
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Amendment S-5394 lost.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2321), the vote was:

Ayes, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer
Soukup			

Absent or not voting, 2:

Lundby	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House File 2584.

House File 2584

On motion of Senator McKinley, **House File 2584**, a bill for an act relating to assessment of certain vineyards for purposes of property taxation and providing a retroactive applicability date, with report of committee recommending passage, was taken up for consideration.

Senator McKinley moved that the bill be read the last time now and placed upon 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. 2584), the vote was:

Ayes, 48:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Ragan	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Present, 1:

Miller

Absent or not voting, 1:

Redfern

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate Resolution 117.

Senate Resolution 117

On motion of Senator Jensen, **Senate Resolution 117**, a Senate resolution honoring Mr. E. Wayne Cooley upon his retirement as the

Executive Secretary of the Iowa Girls High School Athletic Union, with report of committee recommending passage, was taken up for consideration.

Senator Jensen moved the adoption of Senate Resolution 117, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **Senate File 2321** and **House File 2584** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 8, 2002, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the Senate is asked:

House File 2585, 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.

ALSO: That the House has on April 8, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2280, a bill for an act relating to the requirements of the department of human services for certain child welfare services providers. (S-5407)

ALSO: That the House has on April 8, 2002, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 678, a bill for an act relating to child custody and visitation including the requirement of mediation when a custody arrangement is disputed. (S-5408)

RECESS

On motion of Senator Boettger, the Senate recessed at 6:04 p.m. until 7:00 p.m.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 8, 2002

IOWA WORKFORCE DEVELOPMENT

2001 Status Report on the Iowa Unemployment Compensation Trust Fund, pursuant to Iowa Code section 96.35.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 8, 2002, 12:01 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

Members Absent: None.

Committee Business: Passed HF's 2612 (as amended), 2613 (as amended), 2614 (as amended), and 2615 (as amended).

Recessed: 12:55 p.m.

Reconvened: 6:15 p.m.

Adjourned: 8:05 p.m.

RULES AND ADMINISTRATION

Convened: April 8, 2002, 1:55 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer.

Members Absent: McKean (excused).

Committee Business: Approved SR 146. Approved resolutions for former senators and for senators being honored for twenty years of service.

Adjourned: 1:56 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 147, by committee on Rules and Administration, a Senate resolution honoring Senator Johnnie Hammond for her years of legislative service.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 148, by committee on Rules and Administration, a Senate resolution honoring Senator JoAnn Johnson.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 149, by committee on Rules and Administration, a Senate resolution honoring Senator Merlin E. Bartz.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 150, by committee on Rules and Administration, a Senate resolution honoring Senator Dennis H. Black for his years of legislative service.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 151, by committee on Rules and Administration, a Senate resolution honoring Senator Michael E. Gronstal for his years of legislative service.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 152, by McKibben, a Senate resolution requesting Iowa's congressional delegation to work to permanently repeal the federal death tax.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENT

Senate Resolution 146

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2612, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, primary road fund, and general fund of the state, and providing for the nonreversion of certain moneys.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5409.

Final Vote: Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2613, a bill for an act relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services and making appropriations from the hospital trust fund to the department of human services and providing an effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5403.

Final Vote: Ayes, 22: Lamberti, Kramer, Flynn, Angelo, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Gaskill, Horn, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann. Nays, none. Absent or not voting, 3: Fiegen, Hammond, and Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2614, a bill for an act relating to and making appropriations to state departments and agencies from the tobacco settlement trust fund, rebuild Iowa infrastructure fund, and environment first fund, making related statutory changes, and providing effective dates.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5410.

Final Vote: Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2615, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing effective dates.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5411.

Final Vote: Ayes, 15: Lamberti, Kramer, Angelo, Gaskill, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Ziemann. Nays, 9: Flynn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, and Horn. Absent or not voting, 1: Soukup.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 147 (LSB 7241sv), a Senate resolution honoring Senator Johnnie Hammond for her years of legislative service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 148 (LSB 7186sv), a Senate resolution honoring Senator JoAnn Johnson.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 149 (LSB 7187sv), a Senate resolution honoring Senator Merlin E. Bartz.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 150 (LSB 7243sv), a Senate resolution honoring Senator Dennis H. Black for his years of legislative service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 151 (LSB 7242sv), a Senate resolution honoring Senator Michael E. Gronstal for his years of legislative service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EVENING SESSION

The Senate reconvened at 10:12 p.m., President Kramer presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 8, 2002, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2616, a bill for an act relating to the time of possession of deer venison, increasing the minimum fine for unlawful taking, possessing, injuring, or transporting protected species and game, and subjecting violators to a penalty.

Read first time and referred to committee on **Ways and Means**.

House File 2617, a bill for an act relating to the regulation of milk and milk products, by providing for permits, fees, and penalties, making penalties applicable, and providing an effective date.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 8, 2002, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 2197, a bill for an act prohibiting a registered sex offender from residing near a school or child care facility, and providing a penalty.

HOUSE AMENDMENT CONSIDERED
(Deferred April 2, 2002)**Senate File 2190**

The Senate resumed consideration of **Senate File 2190**, a bill for an act concerning workers' compensation, and House amendment S-5272, deferred April 2, 2002.

Senator Gronstal offered amendment S-5378, filed by him on April 3, 2002, to pages 1-3 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5378 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 25:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	McKean
Ragan	Redfern	Rittmer	Shearer
Soukup			

Nays, 25:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKibben
McKinley	Miller	Redwine	Rehberg
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, none.

Amendment S-5378 lost.

Senator Hammond offered amendment S-5360, filed by her on April 3, 2002, to page 1 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5360 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 25:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond

Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	McKean
Ragan	Redfern	Rittmer	Shearer
Soukup			

Nays, 25:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKibben
McKinley	Miller	Redwine	Rehberg
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, none.

Amendment S-5360 lost.

Senator Fiegen offered amendment S-5372, filed by him on April 3, 2002, to page 1 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5372 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer
Soukup			

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, none.

Amendment S-5372 lost.

Senator Holveck offered amendment S-5342, filed by him on April 3, 2002, to page 1 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5342 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Ragan
Shearer	Soukup		

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, none.

Amendment S-5342 lost.

Senator Soukup offered amendment S-5356, filed by her on April 3, 2002, to page 1 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5356 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 24:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lamberti	Lundby	McCoy
Ragan	Shearer	Soukup	Tinsman

Nays, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lord	Maddox	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Veenstra	Zieman		

Absent or not voting, none.

Amendment S-5356 lost.

Senator Soukup offered amendment S-5357, filed by her on April 3, 2002, to page 1 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5357 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Rittmer
Shearer	Soukup	Tinsman	

Nays, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser

Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Schuerer
Sexton	Veenstra	Zieman	

Absent or not voting, none.

Amendment S-5357 lost.

Senator Fiegen offered amendment S-5344, filed by him on April 3, 2002, to page 1 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5344 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Ragan
Shearer	Soukup		

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, none.

Amendment S-5344 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Soukup, for the remainder of the debate, on request of Senator McCoy.

BUSINESS PENDING

Senate File 2190

The Senate resumed consideration of Senate File 2190.

Senator Shearer offered amendment S-5353, filed by him on April 3, 2002, to page 1 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5353 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Harper	Holveck	Horn	Kibbie
Lundby	McCoy	Ragan	Shearer

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Hansen
Houser	Iverson	Jensen	King
Kramer	Lamberti	Lord	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

Soukup

Amendment S-5353 lost.

Senator Dearden offered amendment S-5383, filed by him on April 3, 2002, to pages 1 and 2 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5383 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Ragan
Shearer			

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 1:

Soukup

Amendment S-5383 lost.

Senator Bolkcom offered amendment S-5385, filed by him on April 3, 2002, to page 1 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5385 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Maddox	McCoy	Ragan	Shearer

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser

Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Fraise	Soukup
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Amendment S-5385 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fraise, for the remainder of the debate, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 2190

The Senate resumed consideration of Senate File 2190.

Senator Dearden offered amendment S-5341, filed by him on April 3, 2002, to pages 1 and 2 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5341 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Lundby	McCoy	Ragan	Redfern
Shearer			

Nays, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser

Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 2:

Fraise	Soukup
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Amendment S-5341 lost.

The Senate stood at ease at 1:08 a.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 1:22 a.m., President Kramer presiding.

QUORUM CALL

Senator Hammond requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent, and a quorum present.

Senator Holveck offered amendment S-5346, filed by him on April 3, 2002, to pages 1 and 2 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5346 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 20:

Black	Bolkcom	Cannolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Lundby	McCoy	Ragan	Shearer

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser

Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Fraise	Soukup
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Amendment S-5346 lost.

Senator Hammond offered amendment S-5343, filed by her on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5343 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Ragan	Shearer	

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Fraise	Redfern	Soukup
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Amendment S-5343 lost.

Senator Holveck offered amendment S-5347, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5347 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Ragan	Shearer	

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Fraise	Redfern	Soukup
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Amendment S-5347 lost.

Senator Fiegen offered amendment S-5345, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5345 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Ragan	Shearer	

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Fraise	Redfern	Soukup
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Amendment S-5345 lost.

President Pro Tempore McKean took the chair at 2:20 a.m.

Senator Dearden offered amendment S-5368, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5368 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Ragan	Shearer	

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Fraise	Redfern	Soukup
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Amendment S-5368 lost.

Senator Shearer offered amendment S-5351, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 18, nays 27.

Amendment S-5351 lost.

Senator Fink offered amendment S-5355, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

Amendment S-5355 lost by a voice vote.

Senator Fink offered amendment S-5364, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

Amendment S-5364 lost by a voice vote.

Senator Shearer offered amendment S-5367, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

Amendment S-5367 lost by a voice vote.

Senator Dearden offered amendment S-5369, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5369 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Maddox	McCoy	Ragan	Shearer

Nays, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	McKean
McKibben	McKinley	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 3:

Fraise	Redfern	Soukup
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Amendment S-5369 lost.

Senator Kibbie offered amendment S-5370, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5370 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Ragan
Shearer			

Nays, 26:

Angelo	Behn	Boettger	Freeman
Gaskill	Greiner	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Maddox	McKean	McKibben
McKinley	Miller	Redwine	Rehberg

Rittmer
Veenstra

Schuerer
Zieman

Sexton

Tinsman

Absent or not voting, 3:

Fraise

Redfern

Soukup

Amendment S-5370 lost.

Senator McCoy offered amendment S-5371, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

Amendment S-5371 lost by a voice vote.

President Kramer took the chair at 3:10 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hammond, for the remainder of the debate, on request of Senator Bolkcom.

BUSINESS PENDING

Senate File 2190

The Senate resumed consideration of Senate File 2190.

Senator Connolly offered amendment S-5361, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 18, nays 25.

Amendment S-5361 lost.

Senator Connolly offered amendment S-5362, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

Amendment S-5362 lost by a voice vote.

Senator Fink offered amendment S-5348, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5348 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 17:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hansen	Harper
Holveck	Horn	McCoy	Ragan
Shearer			

Nays, 27:

Behn	Boettger	Drake	Freeman
Gaskill	Greiner	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 6:

Angelo	Fraise	Hammond	Kibbie
Redfern	Soukup		

Amendment S-5348 lost.

Senator Fink offered amendment S-5350, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

Amendment S-5350 lost by a voice vote.

Senator Harper offered amendment S-5352, filed by her on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 17, nays 27.

Amendment S-5352 lost.

Senator Dvorsky offered amendment S-5354, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5354 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hansen	Harper
Holveck	Horn	Lundby	Maddox
McCoy	Ragan	Shearer	

Nays, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	McKean	McKibben
McKinley	Miller	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 5:

Fraise	Hammond	Kibbie	Redfern
Soukup			

Amendment S-5354 lost.

Senator Connolly offered amendment S-5359, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 17, nays 27.

Amendment S-5359 lost.

Senator Holveck offered amendment S-5365, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 18, nays 26.

Amendment S-5365 lost.

Senator Gronstal offered amendment S-5366, filed by him on April 3, 2002, to page 2 of House amendment S-5272, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5366 to House amendment S-5272 be adopted?" (S.F. 2190), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hansen	Harper
Holveck	Horn	Lundby	Maddox
McCoy	Ragan	Shearer	

Nays, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	McKean	McKibben
McKinley	Miller	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 5:

Fraise	Hammond	Kibbie	Redfern
Soukup			

Amendment S-5366 lost.

Senator Flynn offered amendment S-5349, filed by him on April 3, 2002, to page 3 of House amendment S-5272.

Senator Behn raised the point of order that amendment S-5349 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5349 out of order.

Senator Bolkcom offered amendment S-5358, filed by him on April 3, 2002, to page 3 of House amendment S-5272.

Senator Behn raised the point of order that amendment S-5358 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5358 out of order.

Senator Gronstal offered amendment S-5363, filed by him on April 3, 2002, to page 3 of House amendment S-5272, and moved its adoption.

Amendment S-5363 lost by a voice vote.

Senator Behn moved that the Senate concur in the House amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 2190), the vote was:

Ayes, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redwine
Rehberg	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hansen	Harper
Holveck	Horn	McCoy	Ragan
Rittmer	Shearer		

Absent or not voting, 6:

Fraise	Hammond	Kibbie	Lundby
Redfern	Soukup		

The motion prevailed and the Senate **concurred** in the House amendment.

Senator Behn moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2190), the vote was:

Ayes, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redwine
Rehberg	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hansen	Harper
Holveck	Horn	McCoy	Ragan
Rittmer	Shearer		

Absent or not voting, 6:

Fraise	Hammond	Kibbie	Lundby
Redfern	Soukup		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2190** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:28 a.m. Tuesday, April 9, until 9:00 a.m. Tuesday, April 9, 2002.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 8, 2002

DEPARTMENT OF PUBLIC HEALTH

Report to the General Assembly on Organized Delivery Systems in Iowa, pursuant to 1993 Acts, Chapter 158.

AMENDMENTS FILED

S-5402	S.F.	2228	Donald B. Redfern Nancy Boettger
S-5403	H.F.	2613	Appropriations
S-5404	H.F.	2459	Larry McKibben Stewart Iverson, Jr. Jeff Angelo
S-5405	S.F.	2228	Donald B. Redfern Nancy Boettger
S-5406	H.F.	2515	Steve King Kitty Rehberg Neal Schuerer Ken Veenstra Jerry Behn Mike Sexton Jeff Angelo

			David G. Lord
			Hubert M. Houser
			Larry McKibben
S-5407	S.F.	2280	House
S-5408	H.F.	678	House
S-5409	H.F.	2612	Appropriations
S-5410	H.F.	2614	Appropriations
S-5411	H.F.	2615	Appropriations
S-5412	H.F.	2615	Steven D. Hansen
S-5413	S.F.	2327	Dennis H. Black
S-5414	S.F.	2327	Dennis H. Black
S-5415	S.F.	2327	Dennis H. Black
S-5416	S.F.	2327	Dennis H. Black
S-5417	S.F.	2327	Dennis H. Black
S-5418	S.F.	2327	Dennis H. Black
S-5419	S.F.	2327	Dennis H. Black
S-5420	S.F.	2327	Dennis H. Black

JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 9, 2002

The Senate met in regular session at 9:04 a.m., President Kramer presiding.

Prayer was offered by the Reverend Jim Wakelin, pastor of the Bloomfield Christian Church in Bloomfield, Iowa. He was the guest of Senator McKinley.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:09 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:14 a.m., President Kramer presiding.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 141

Senator Iverson asked and received unanimous consent to take up the following resolution:

- 1 SENATE RESOLUTION 141
- 2 By: Committee on Rules and Administration
- 3 A Senate resolution honoring Senator John Redwine.
- 4 WHEREAS, Senator John Redwine is retiring from
- 5 legislative office after completing nearly six years
- 6 in office as a State Senator, in order to seek another
- 7 elective office; and

8 WHEREAS, Senator Redwine's distinguished career as
9 a state legislator has included service as an
10 Assistant Majority Leader during the Seventy-eighth
11 and Seventy-ninth General Assemblies; and

12 WHEREAS, Senator Redwine's legislative career has
13 also included service as Chairperson of the Human
14 Resources Committee and of the Administration and
15 Regulation Appropriations Subcommittee; and

16 WHEREAS, Senator Redwine's leadership and expertise
17 in the areas of human resources and health care issues
18 are well recognized; and

19 WHEREAS, Senator Redwine has served honorably and
20 has unselfishly given of his time and efforts to
21 further the interests of the State of Iowa and to
22 provide beneficial programs for the citizens of Iowa;

23 NOW THEREFORE,

24 BE IT RESOLVED BY THE SENATE, That the Senate pay
25 tribute to Senator John Redwine for his devoted
26 service to the Iowa General Assembly and the citizens
27 of this state, and wish him the very best in the years
28 ahead; and

29 BE IT FURTHER RESOLVED, That an official copy of
30 this Resolution be prepared and presented to Senator

Page 2

1 Redwine.

The Senate rose and expressed its tribute to Senator Redwine.

Senator Boettger took the chair at 9:31 a.m.

President Kramer took the chair at 9:45 a.m.

Senator Iverson moved the adoption of Senate Resolution 141,
which motion prevailed by a voice vote.

Senator Redwine was presented a plaque in appreciation of his
years of service and an enrolled copy of Senate Resolution 141.

Senator Redwine addressed the Senate with brief remarks.

SPECIAL GUEST

Senator Deluhery welcomed to the Senate chamber author, editor, and public speaker Julie Nixon Eisenhower. Ms. Eisenhower spoke on the success of the Iowa Jobs for America's Graduates program (I-JAG).

The Senate rose and expressed its welcome.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Holveck, until he arrives, on request of Senator Deluhery; Senator Fink, until he arrives, on request of Senator Shearer; Senators Drake and McKean, until they arrive, on request of Senator Jensen; Senator Flynn, until he arrives, on request of Senator Black; Senator Dearden, until he arrives, on request of Senator Gronstal; and Senator Lundby, until she arrives, on request of Senator Angelo.

HOUSE AMENDMENT CONSIDERED
(Deferred April 3, 2002)**Senate File 348**

The Senate resumed consideration of **Senate File 348**, a bill for an act relating to the establishment of Iowa charter schools, and House amendment S-5259, deferred April 3, 2002.

Senator Harper offered amendment S-5289, filed by her on April 1, 2002, to page 3 of House amendment S-5259, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 17, nays 24.

Amendment S-5289 lost.

Senator Harper offered amendment S-5285, filed by her on April 1, 2002, to page 3 of House amendment S-5259, and moved its adoption.

Amendment S-5285 lost by a voice vote.

Senator Harper withdrew amendment S-5286, filed by her on April 1, 2002, to page 3 of House amendment S-5259.

Senator Harper offered amendment S-5287, filed by her on April 1, 2002, to page 5 of House amendment S-5259, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 17, nays 24.

Amendment S-5287 lost.

Senator Harper withdrew amendment S-5288, filed by her on April 1, 2002, to page 8 of House amendment S-5259.

Senator Veenstra took the chair at 10:56 a.m.

President Kramer took the chair at 11:15 a.m.

Senator Angelo moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Angelo moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 348), the vote was:

Ayes, 35:

Angelo	Behn	Black	Boettger
Drake	Fiegen	Flynn	Freeman
Gaskill	Greiner	Hansen	Horn
Houser	Iverson	Jensen	King
Kramer	Lamberti	Lord	Maddox
McCoy	McKean	McKibben	McKinley

Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Tinsman	Veenstra	Zieman	

Nays, 12:

Bolkcom	Connolly	Deluhery	Dvorsky
Fraise	Gronstal	Hammond	Harper
Holveck	Kibbie	Ragan	Soukup

Absent or not voting, 3:

Dearden	Fink	Lundby
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2378

On motion of Senator Shearer, **House File 2378**, a bill for an act relating to the enterprise zone program and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

(Action on House File 2378 was deferred.)

The Senate stood at ease at 11:38 a.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 11:52 a.m., Senator Jensen presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 9, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2034, a bill for an act relating to the filing of a criminal indictment or trial information against a person who is not present in the state.

ALSO: That the House has on April 9, 2002, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the Senate is asked:

House File 2416, a bill for an act relating to mental health and developmental disability services requirements.

ALSO: That the House has on April 9, 2002, **concurred** in the Senate amendment to the House amendment, **and passed** the following bill in which the concurrence of the House was asked:

Senate File 2228, a bill for an act relating to utilization of school district moneys for physical plant and equipment levy purposes.

ALSO: That the House has on April 9, 2002, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked.

House File 2430, a bill for an act providing for the mental health and developmental disabilities commission to assume the duties of the state-county management committee and provides new rulemaking authority associated with those duties. (S-5424)

RECESS

On motion of Senator Redwine, the Senate recessed at 11:54 a.m. until 1:00 p.m.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Dorothy Lenning, Blairsburg — For celebrating your 80th birthday on April 12, 2002. Senator Iverson (04/09/02).

Kenneth and Olive Swendson, Eagle Grove — For celebrating your 60th wedding anniversary on April 5, 2002. Senator Iverson (04/09/02).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Students from Winterset Middle School, accompanied by teacher Carol Liechty. Senator Lord.

Members of the senior class from Clear Lake High School. Senator Ragan.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convended: April 9, 2002, 9:10 a.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Gaskill, and Lord.

Members Absent: Dvorsky, Fink, Harper, McKean, and Rittmer (all excused).

Committee Business: Passed LSB 7265sv.

Adjourned: 9:12 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 153, by committee on Rules and Administration, a Senate resolution honoring Senator Jack Holveck for his years of legislative service.

Read first time under Rule 28 and **placed on calendar**.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 152

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

House File 2616

WAYS AND MEANS: Flynn, Chair; Drake and McKinley

House File 2617

WAYS AND MEANS: Rehberg, Chair; Flynn and McKibben

LSB 7250sv

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

LSB 7252sv

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

LSB 7265sv

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 153 (LSB 7265sv), a Senate resolution honoring Senator Jack Holveck for his years of legislative service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Iverson, Kramer, Gronstal, Boettger, Gaskill, and Lord. Nays, none. Absent or not voting, 5: Dvorsky, Fink, Harper, McKean, and Rittmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 9th day of April, 2002:

Senate Files 415 and 2279.

MICHAEL E. MARSHALL
Secretary of the Senate

AFTERNOON SESSION

The Senate reconvened at 1:00 p.m., Senator Gaskill presiding.

QUORUM CALL

Senator Houser requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

President Kramer took the chair at 1:20 p.m.

The Journal of Monday, April 8, 2002, was approved.

CONSIDERATION OF RESOLUTION
(Regular Calendar)**Senate Resolution 140**

Senator Iverson asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 140
2 By: Committee on Rules and Administration
3 A Senate resolution honoring Senator Mike Sexton.
4 WHEREAS, Senator Mike Sexton has served as a member
5 of the Seventy-eighth and Seventy-ninth General
6 Assemblies and is retiring after completion of his
7 first term as a state senator; and
8 WHEREAS, Senator Sexton's distinguished career has
9 included service as Chairperson of the Natural
10 Resources and Environment Committee and as Vice
11 Chairperson of the Transportation Committee and of the
12 Agriculture and Natural Resources Appropriations
13 Subcommittee; and
14 WHEREAS, Senator Sexton's expertise in the areas of
15 agriculture and natural resources are well recognized;
16 and
17 WHEREAS, Senator Sexton has served honorably and
18 has unselfishly given of his time and efforts to
19 further the interests of the State of Iowa and to
20 provide beneficial programs for the citizens of Iowa;
21 NOW THEREFORE,
22 BE IT RESOLVED BY THE SENATE, That the Senate pay
23 tribute to Senator Mike Sexton for his devoted service

24 to the Iowa General Assembly and the citizens of this
25 state, and wish him the very best in the years ahead;
26 and
27 BE IT FURTHER RESOLVED, That an official copy of
28 this Resolution be prepared and presented to Senator
29 Sexton.

The Senate rose and expressed its tribute to Senator Sexton.

Senator Iverson moved the adoption of Senate Resolution 140, which motion prevailed by a voice vote.

Senator Sexton was presented a plaque in appreciation of his years of service and an enrolled copy of Senate Resolution 140.

Senator Sexton addressed the Senate with brief remarks.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Hammond.

BUSINESS PENDING

House File 2378

The Senate resumed consideration of **House File 2378**, a bill for an act relating to the enterprise zone program and providing an effective date, previously deferred.

Senator Rehberg offered amendment S-5392, filed by Senators Rehberg and Shearer on April 4, 2002, to pages 4, 7, and to the title page of the bill, and moved its adoption.

Amendment S-5392 was adopted by a voice vote.

Senator Shearer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2378), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2329.

Senate File 2329

On motion of Senator Harper, **Senate File 2329**, a bill for an act relating to the abatement of property taxes levied on the lands and buildings of a religious institution and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Harper moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2329), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 348 and 2329** and **House File 2378** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2613.

House File 2613

On motion of Senator Veenstra, **House File 2613**, a bill for an act relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services and making appropriations from the hospital trust fund to the department of human services and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Lamberti offered amendment S-5403, filed by the committee on Appropriations on April 8, 2002, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5403 was adopted by a voice vote.

The Senate stood at ease at 2:01 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 3:20 p.m., President Kramer presiding.

Senator Iverson asked and received unanimous consent that action on **House File 2613** be **deferred**.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 154, by Behn, a Senate resolution honoring the Des Moines Area Community College Men's Basketball Team.

Read first time and referred to committee on **Rules and Administration**.

Senate Resolution 155, by Iverson, Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Dearden, Deluhery, Drake, Dvorsky, Fiegen, Fink, Flynn, Fraise, Freeman, Gaskill, Greiner, Gronstal, Hammond, Hansen, Harper, Holveck, Horn, Houser, Jensen, Kibbie, King, Kramer, Lamberti, Lord, Lundby, Maddox, McCoy, McKibben, McKinley, Miller, Ragan, Redfern, Redwine, Rehberg, Rittmer, Schuerer, Sexton, Shearer, Soukup, Tinsman, Veenstra, and Zieman, a Senate resolution honoring and paying tribute to Auditor of State Richard D. Johnson upon his retirement from public office.

Read first time and referred to committee on **Rules and Administration**.

RECESS

On motion of Senator Iverson, the Senate recessed at 3:21 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 3:24 p.m., President Kramer presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2612.

House File 2612

On motion of Senator Jensen, **House File 2612**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, primary road fund, and general fund of the state, and providing for the nonreversion of certain moneys, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Lamberti offered amendment S-5409, filed by the committee on Appropriations on April 8, 2002, to page 5 and to the title page of the bill, and moved its adoption.

Amendment S-5409 was adopted by a voice vote.

Senator Rehberg offered amendment S-5421, filed by her from the floor to pages 4 and 5 of the bill.

Senator Rehberg withdrew amendment S-5421.

Senator Flynn asked and received unanimous consent that action on **House File 2612** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shearer, until he returns, on request of Senator Harper.

BUSINESS PENDING

House File 2613

The Senate resumed consideration of **House File 2613**, a bill for an act relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services and making appropriations from the hospital trust fund to the department of human services and providing an effective date, previously deferred.

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. 2613), the vote was:

Ayes, 37:

Angelo	Behn	Boettger	Drake
Fiegen	Freeman	Gaskill	Greiner
Hammond	Hansen	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, 12:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Harper	McCoy

Absent or not voting, 1:

Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2614.

House File 2614

On motion of Senator Jensen, **House File 2614**, a bill for an act relating to and making appropriations to state departments and agencies from the tobacco settlement trust fund, rebuild Iowa infrastructure fund, and environment first fund, making related statutory changes, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Jensen offered amendment S-5410, filed by the committee on Appropriations on April 8, 2002, to pages 5, 7, and 8 of the bill.

Senator Boettger offered amendment S-5430, filed by her from the floor to page 1 of amendment S-5410, and moved its adoption.

Amendment S-5430 was adopted by a voice vote.

Senator Jensen moved the adoption of amendment S-5410, as amended.

Amendment S-5410 was adopted by a voice vote.

Senator Jensen offered amendment S-5425, filed by Senators Jensen and Lamberti from the floor to page 19 of the bill, and moved its adoption.

Amendment S-5425 was adopted by a voice vote.

Senator Tinsman asked and received unanimous consent that action on **House File 2614** be **deferred**.

BUSINESS PENDING

House File 2612

The Senate resumed consideration of **House File 2612**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, primary road fund, and general fund of the state, and providing for the nonreversion of certain moneys, previously deferred.

Senator Flynn offered amendment S-5433, filed by him from the floor to pages 4 and 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5433 be adopted?" (H.F. 2612), the vote was:

Ayes, 24:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	Lundby	McCoy
Miller	Ragan	Shearer	Soukup

Nays, 26:

Angelo	Behn	Boettger	Drake
Gaskill	Greiner	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Maddox	McKean	McKibben
McKinley	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, none.

Amendment S-5433 lost.

Senator Bolkcom offered amendment S-5432, filed by him from the floor to page 5 and to the title page of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 16, nays 26.

Amendment S-5432 lost.

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. 2612), the vote was:

Ayes, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer
Soukup			

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2612** and **2613** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senate Resolution 142

Senator Iverson asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 142
 2 By: Committee on Rules and Administration
 3 A Senate resolution honoring Senator Sheldon Rittmer.
 4 WHEREAS, Senator Rittmer is retiring from
 5 legislative office after completing three terms in
 6 office as a State Senator; and
 7 WHEREAS, Senator Rittmer's distinguished career has
 8 included service as Chairperson of the State
 9 Government Committee, the Transportation Committee,
 10 and the Small Business, Economic Development and
 11 Tourism Committee; Chairperson of the Health and Human
 12 Rights Appropriations Subcommittee; member of the
 13 Appropriations Committee; and Chairperson and ten-year
 14 member of the Administrative Rules Review Committee;
 15 and
 16 WHEREAS, Senator Rittmer has served on many other
 17 standing committees throughout his 12 years of
 18 legislative service and has been an influential and
 19 devoted legislator in this state; and
 20 WHEREAS, Senator Rittmer has been instrumental in
 21 the passage of legislation relating to state
 22 government, professional licensing, public retirement
 23 systems, transportation, and administrative rules
 24 review; and
 25 WHEREAS, Senator Rittmer has been active in
 26 international relations and represented the Iowa
 27 Senate on a visit to Iowa's Sister State, Stavropol,
 28 Russia; and
 29 WHEREAS, Senator Rittmer has served honorably and
 30 has unselfishly given of his time and efforts to

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1 further the interests of the State of Iowa and to
 2 provide beneficial programs for the citizens of Iowa;
 3 NOW THEREFORE,
 4 BE IT RESOLVED BY THE SENATE, That the Senate pay
 5 tribute to Senator Sheldon Rittmer for his devoted
 6 service to the Iowa General Assembly and the citizens
 7 of this state and wish him the very best in the years

8 ahead; and
9 BE IT FURTHER RESOLVED, That an official copy of
10 this Resolution be prepared and presented to Senator
11 Rittmer.

The Senate rose and expressed its tribute to Senator Rittmer.

Senator Boettger moved the adoption of Senate Resolution 142, which motion prevailed by a voice vote.

Senator Rittmer was presented a plaque in appreciation of his years of service and an enrolled copy of Senate Resolution 142.

Senator Rittmer addressed the Senate with brief remarks.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Redfern, until he returns, on request of Senator Gaskill; and Senator Shearer, until he returns, on request of Senator Dvorsky.

BUSINESS PENDING

House File 2614

The Senate resumed consideration of **House File 2614**, a bill for an act relating to and making appropriations to state departments and agencies from the tobacco settlement trust fund, rebuild Iowa infrastructure fund, and environment first fund, making related statutory changes, and providing effective dates, previously deferred.

Senator Tinsman offered amendment S-5434, filed by her from the floor to page 18 of the bill, and moved its adoption.

Amendment S-5434 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. 2614), the vote was:

Ayes, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Gronstal
Houser	Iverson	Jensen	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Ragan	Soukup	

Absent or not voting, 2:

Redfern	Shearer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator McKean asked and received unanimous consent that **House File 2614** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:08 p.m. until 8:00 a.m. Wednesday, April 10, 2002.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: April 9, 2002, 6:45 p.m.

Members Present: Behn, Chair; Houser, Vice Chair; Fraise, Ranking Member; Angelo, Boettger, Fiegen, Gaskill, Greiner, Kibbie, Ragan, Sexton, Shearer, Soukup, Veenstra, and Zieman.

Members Absent: None.

Committee Business: Passed SF 2293 (as amended).

Adjourned: 7:35 p.m.

RULES AND ADMINISTRATION

Convened: April 9, 2002, 3:20 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Gaskill, Harper, Lord, McKean, and Rittmer.

Members Absent: Dvorsky and Fink (both excused).

Committee Business: Passed SRs 152, 154, and 155. Passed resolutions honoring retiring LSB staff.

Adjourned: 3:22 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 156, by Dvorsky, a Senate resolution honoring Irene Bowers on her more than 50-year teaching career in the Iowa City Community School District.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 157, by McKean, a Senate resolution congratulating the University of Iowa Mock Trial Team on winning the 2002 Undergraduate Intercollegiate Mock Trial Competition National Championship.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 158, by committee on Rules and Administration, a Senate resolution honoring Thane R. Johnson upon his retirement from the Legislative Service Bureau as a Senior Research Analyst.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 159, by committee on Rules and Administration, a Senate resolution honoring Diane E. Bolender upon her retirement as Director of the Legislative Service Bureau.

Read first time under Rule 28 and **placed on calendar**.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 154

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

LSB 7239ss

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: SENATE FILE 2293, a bill for an act relating to animal agriculture.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5437.

Final Vote: Ayes, 14: Behn, Houser, Fraise, Angelo, Boettger, Fiegen, Gaskill, Kibbie, Ragan, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, 1: Greiner. Absent or not voting, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 152, a Senate resolution requesting Iowa's congressional delegation to work to permanently repeal the federal death tax.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Dvorsky and Fink.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 154 (LSB 7263ss), a Senate resolution honoring the Des Moines Area Community College Men's Basketball Team.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Dvorsky and Fink.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 155 (LSB 7239ss), a Senate resolution honoring and paying tribute to Auditor of State Richard D. Johnson upon his retirement from public office.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Dvorsky and Fink.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 158 (LSB 7250sv), a Senate resolution honoring Thane R. Johnson upon his retirement from the Legislative Service Bureau as a Senior Research Analyst.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Dvorsky and Fink.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 159 (LSB 7252sv), a Senate resolution honoring Diane E. Bolender upon her retirement as Director of the Legislative Service Bureau.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Dvorsky and Fink.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing House File 2614 and amendment S-5430, the following correction was made:

1. Page 1, line 10, the letter "c." was changed to the letter "b."

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 9, 2002, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2309 – Providing for regulation of processors, providing for penalties, and providing an effective date and for retroactive applicability.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 2532)

A conference committee report, signed by the following Senate and House members, was filed April 9, 2002, on House File 2532, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates.

On the part of the Senate:

SHELDON RITTMER, Chair
MIKE CONNOLLY
RICHARD DRAKE
JOHN P. KIBBIE
MIKE SEXTON

On the part of the House:

JEFF ELGIN, Chair
CHUCK GIPP
RICK LARKIN
JANET METCALF
TODD TAYLOR

AMENDMENTS FILED

S-5421	H.F.	2612	Kitty Rehberg
S-5422	H.F.	2615	Johnie Hammond Thomas Fiegen
S-5423	H.F.	2515	Steve King

			Jerry Behn
			Neal Schuerer
			Ken Veenstra
			Kitty Rehberg
			David G. Lord
S-5424	H.F.	2430	House
S-5425	H.F.	2614	John W. Jensen
			Jeff Lamberti
S-5426	H.F.	2615	Mary E. Kramer
			Jeff Lamberti
S-5427	H.F.	2592	Kitty Rehberg
S-5428	H.F.	2486	Steve King
S-5429	S.F.	2258	Jeff Angelo
S-5430	H.F.	2614	Nancy Boettger
S-5431	S.F.	2327	John P. Kibbie
S-5432	H.F.	2612	Joe Bolkcom
S-5433	H.F.	2612	Tom Flynn
S-5434	H.F.	2614	Maggie Tinsman
S-5435	S.F.	2330	Jeff Lamberti
S-5436	H.F.	2339	Jeff Angelo
S-5437	S.F.	2293	Agriculture

JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY
FIFTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 10, 2002

The Senate met in regular session at 8:06 a.m., President Kramer presiding.

Prayer was offered by Godz Guys (Music Ministry) of the Gloria Dei Lutheran Church in Urbandale, Iowa. They were the guests of Senator Maddox.

The Journal of Tuesday, April 9, 2002, was approved.

RESOLUTION REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate Resolution 135** be referred from the Regular Calendar to the committee on Rules and Administration.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 148

Senator Iverson asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 148
2 By: Committee on Rules and Administration
3 A Senate resolution honoring Senator JoAnn Johnson.
4 WHEREAS, Senator JoAnn Johnson has retired from
5 legislative office after completing nearly eight years
6 in office as a State Senator; and
7 WHEREAS, Senator Johnson's distinguished career as
8 a state legislator has included service as Chairperson
9 of the Commerce Committee and of the Ways and Means
10 Committee; as Vice Chairperson of the Health and Human

11 Rights Appropriations Subcommittee; and as a member of
12 the Administrative Rules Review Committee; and
13 WHEREAS, Senator Johnson has served on many other
14 standing committees and appropriation subcommittees
15 throughout her years of legislative service and has
16 been an influential and devoted legislator in this
17 state; and

18 WHEREAS, Senator Johnson has been instrumental in
19 the passage of legislation relating to agriculture,
20 commerce, and ways and means issues; and

21 WHEREAS, Senator Johnson has served honorably and
22 has unselfishly given of her time and efforts to
23 further the interests of the State of Iowa and to
24 provide beneficial programs for the citizens of Iowa;

25 NOW THEREFORE,

26 BE IT RESOLVED BY THE SENATE, That the Senate pay
27 tribute to Senator JoAnn Johnson for her devoted
28 service to the Iowa General Assembly and the citizens
29 of this state and wish her the very best in the years
30 ahead; and

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1 BE IT FURTHER RESOLVED, That an official copy of
2 this Resolution be prepared and presented to Senator
3 Johnson.

The Senate rose and expressed its tribute to Senator Johnson.

Senator Iverson moved the adoption of Senate Resolution 148,
which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 149

Senator Iverson asked and received unanimous consent to take up
the following resolution:

1 SENATE RESOLUTION 149
2 By: Committee on Rules and Administration
3 A Senate resolution honoring Senator Merlin E. Bartz.
4 WHEREAS, Senator Merlin E. Bartz has retired from
5 legislative office after completing nearly 10 years in
6 office as a State Senator and one term as a member of
7 the House of Representatives; and
8 WHEREAS, Senator Bartz's distinguished career as a

9 state legislator has included service as an Assistant
10 Majority Leader in the Seventy-seventh through
11 Seventy-ninth General Assemblies; and
12 WHEREAS, Senator Bartz's legislative career has
13 also included service as Chairperson of the Natural
14 Resources and Environment Committee; as Vice
15 Chairperson of the Local Government Committee and of
16 the Administration and Regulation Appropriations
17 Subcommittee; and as a member and as Chairperson of
18 the Administrative Rules Review Committee; and
19 WHEREAS, Senator Bartz has served on many other
20 standing committees throughout his 12 years of
21 legislative service and has been an influential and
22 devoted legislator in this state; and
23 WHEREAS, Senator Bartz has been instrumental in the
24 passage of legislation relating to agriculture,
25 natural resources, and administrative rules review;
26 and
27 WHEREAS, Senator Bartz has served honorably and has
28 unselfishly given of his time and efforts to further
29 the interests of the State of Iowa and to provide
30 beneficial programs for the citizens of Iowa; NOW

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1 THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Senate pay
3 tribute to Senator Merlin E. Bartz for his devoted
4 service to the Iowa General Assembly and the citizens
5 of this state and wish him the very best in the years
6 ahead; and
7 BE IT FURTHER RESOLVED, That an official copy of
8 this Resolution be prepared and presented to Senator
9 Bartz.

The Senate rose and expressed its tribute to Senator Bartz.

Senator Iverson moved the adoption of Senate Resolution 149,
which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 150

Senator Hansen asked and received unanimous consent to take up
the following resolution:

1 SENATE RESOLUTION 150
2 By: Committee on Rules and Administration
3 A Senate resolution honoring Senator Dennis H. Black
4 for his years of legislative service.
5 WHEREAS, Senator Dennis H. Black will this year
6 complete his second term of office in the Senate and
7 his twentieth year of office in the Iowa General
8 Assembly; and
9 WHEREAS, Senator Black has served honorably and has
10 unselfishly given his time and efforts to further the
11 interests of the State of Iowa and to provide
12 beneficial programs for the citizens of Iowa; and
13 WHEREAS, it is proper that Senator Black be honored
14 for his many years of service to the State of Iowa;
15 NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, That the Senate pay
17 tribute to Senator Black and express its gratitude for
18 the service rendered by him; and
19 BE IT FURTHER RESOLVED, That the Senate present to
20 Senator Black his Senate chair in appreciation for his
21 service.

Senator Hansen moved the adoption of Senate Resolution 150, which motion prevailed by a voice vote.

Senator Black addressed the Senate with brief remarks.

Senator Black was presented his Senate chair in honor of his 20 years of service and an enrolled copy of Senate Resolution 150.

The Senate rose and expressed its appreciation.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, until he arrives, on request of Senator Gaskill.

HOUSE AMENDMENT CONSIDERED

Senate File 503

Senator Sexton called up for consideration **Senate File 503**, a bill for an act relating to the construction of facilities or installation of practices related to open feedlot manure control, and providing an effective date, amended by the House in House amendment S-5294, filed April 2, 2002.

Senator Sexton withdrew amendment S-5390, filed by him on April 4, 2002, to page 1 of House amendment S-5294.

Senator Sexton moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Sexton moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 503), the vote was:

Ayes, 49:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Ragan	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Redfern

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2280

Senator Veenstra called up for consideration **Senate File 2280**, a bill for an act relating to the requirements of the department of human services for certain child welfare services providers, amended by the House, and moved that the Senate concur in House amendment S-5407, filed April 8, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Veenstra moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2280), the vote was:

Ayes, 50:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

UNFINISHED BUSINESS

House File 2559

On motion of Senator Shearer, **House File 2559**, a bill for an act relating to child protection confidentiality requirements involving the department of human services, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator King offered amendment S-5215, filed by him on March 19, 2002, to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5215 be adopted?" (H.F. 2559), the vote was:

Ayes, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Veenstra	Zieman

Nays, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Ragan
Soukup	Tinsman		

Absent or not voting, none.

Amendment S-5215 was adopted.

Senator Hansen asked and received unanimous consent that action on **House File 2559** be **deferred**.

Senator Boettger took the chair at 9:45 a.m.

President Kramer took the chair at 10:09 a.m.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senate Resolution 143

Senator Kramer asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 143
2 By: Committee on Rules and Administration
3 A Senate resolution honoring Senator Andrew J. McKean.
4 WHEREAS, Senator Andrew J. "Andy" McKean is
5 retiring from legislative office after completing 10
6 years in office as a State Senator and seven terms as
7 a member of the House of Representatives; and
8 WHEREAS, Senator McKean's distinguished career as a
9 state legislator has included service as President Pro
10 Tempore during the Seventy-ninth General Assembly; and
11 WHEREAS, Senator McKean's legislative career has
12 also included service as Chairperson of the Judiciary
13 Committee and as Vice Chairperson of the Ethics
14 Committee and of the Justice Systems Appropriations
15 Subcommittee; and
16 WHEREAS, Senator McKean has served on many other
17 standing committees throughout his 24 years of
18 legislative service and has been an influential and
19 devoted legislator in this state; and
20 WHEREAS, Senator McKean has been instrumental in
21 the passage of legislation pertinent to Iowa relating
22 to criminal and civil law, the correctional system,
23 and natural resources; and
24 WHEREAS, Senator McKean has served honorably and
25 has unselfishly given of his time and efforts to
26 further the interests of the State of Iowa and to
27 provide beneficial programs for the citizens of Iowa;
28 NOW THEREFORE,
29 BE IT RESOLVED BY THE SENATE, That the Senate pay
30 tribute to Senator Andrew J. "Andy" McKean for his

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1 devoted service to the Iowa General Assembly and the
2 citizens of this state and wish him the very best in

3 the years ahead; and
4 BE IT FURTHER RESOLVED, That, an official copy of
5 this Resolution be prepared and presented to Senator
6 McKean.

The Senate rose and expressed its tribute to Senator McKean.

Senator Iverson moved the adoption of Senate Resolution 143, which motion prevailed by a voice vote.

Senator McKean was presented a plaque in appreciation of his years of service and an enrolled copy of Senate Resolution 143.

Senator McKean addressed the Senate with brief remarks.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 9, 2002, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 2118, a bill for an act prohibiting certain activities related to the use or destruction of the materials of human reproduction, and providing penalties. (S-5439)

Senate File 2323, a bill for an act relating to the creation of a registered nurse recruitment program and fund to be administered by the college student aid commission. (S-5440)

ALSO: That the House has on April 9, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2622, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, sales and use, property, motor fuel, special fuel, and inheritance taxes and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 10, 2002, **adopted** the conference committee report and passed **House File 2532**, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates.

ALSO: That the House has on April 10, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2317, a bill for an act relating to the tobacco master settlement agreement, including tobacco product manufacturer compliance, making an appropriation, and providing penalties.

ALSO: That the House has on April 10, 2002, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the Senate is asked:

House File 2378, a bill for an act relating to the enterprise zone program and providing an effective date.

House File 2472, a bill for an act relating to the office of secretary of state and the conduct of elections and of voter registration in the state and including effective and applicability date provisions.

ALSO: That the House has on April 10, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2589, a bill for an act relating to the meetings of the revenue estimating conference.

Read first time and referred to committee on **Appropriations**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 503** and **2280** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:32 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:20 p.m., President Kramer presiding.

Senator Boettger took the chair at 1:21 p.m.

President Kramer took the chair at 1:41 p.m.

CONSIDERATION OF RESOLUTION
(Regular Calendar)**Senate Resolution 145**

Senator Iverson asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 145
2 By: Committee on Rules and Administration
3 A Senate resolution honoring Senator John W. Jensen.
4 WHEREAS, Senator John W. Jensen is retiring from
5 legislative office after completing six terms in
6 office as a State Senator; and
7 WHEREAS, Senator Jensen's distinguished career as a
8 state legislator has included service as Majority
9 Leader during the Seventy-third General Assembly, and
10 service for 10 years as an Assistant Minority Leader
11 during the Seventieth through Seventy-fourth General
12 Assemblies; and
13 WHEREAS, Senator Jensen's legislative career has
14 also included service as Chairperson of the Commerce
15 Committee and of the Transportation, Infrastructure,
16 and Capitals Appropriations Subcommittee; and as Vice
17 Chairperson of the Transportation Committee; and as a
18 member of the Commerce Committee for 22 years; and
19 WHEREAS, Senator Jensen has served on many other
20 standing committees throughout his 24 years of
21 legislative service and has been an influential and
22 devoted legislator in this state; and
23 WHEREAS, Senator Jensen has sponsored and been
24 instrumental in the passage of legislation pertinent
25 to Iowa relating to commerce, transportation, and
26 State Capitol restoration and preservation; and
27 WHEREAS, Senator Jensen has made the restoration,
28 conservation, and preservation of the State Capitol
29 his personal and professional mission during his
30 tenure in the Iowa Senate, and without regard to self-

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1 interest has raised public and private funds for the
2 purpose of returning the State Capitol to its full
3 grandeur; and
4 WHEREAS, Senator Jensen's devotion to the State
5 Capitol has included service as Chairperson and Vice
6 Chairperson of the Capital Projects Committee of the
7 Legislative Council, as well as service on the Capital
8 Projects Workgroup and on the Capitol Planning
9 Commission, and charter membership in the Friends of
10 Capitol Hill, Inc.; and

11 WHEREAS, Senator Jensen has served honorably and
12 has unselfishly given of his time and efforts to
13 further the interests of the State of Iowa and to
14 provide beneficial programs for the citizens of Iowa;
15 NOW THEREFORE,

16 BE IT RESOLVED BY THE SENATE, That the Senate pay
17 tribute to Senator John W. Jensen for his devoted
18 service to the Iowa General Assembly and the citizens
19 of this state and wish him the very best in the years
20 ahead; and

21 BE IT FURTHER RESOLVED, That an official copy of
22 this Resolution be prepared and presented to Senator
23 Jensen.

Ms. Carolann Jensen, Senior Research Analyst, paid tribute to her parents and presented a painting by Nadine Hawbaker to be hung in the Supreme Court chamber in honor of Myrtle Jensen.

The Senate rose and expressed its tribute to Senator Jensen.

Senator Iverson moved the adoption of Senate Resolution 145, which motion prevailed by a voice vote.

Senator Jensen was presented a plaque in appreciation of his years of service and an enrolled copy of Senate Resolution 145.

Senator Jensen addressed the Senate with brief remarks.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 127.

Senate Resolution 127

On motion of Senator Hammond, **Senate Resolution 127**, a Senate resolution honoring Cael Sanderson on his athletic achievements as a wrestler, with report of committee recommending passage, was taken up for consideration.

1 SENATE RESOLUTION 127
 2 By: Hammond, Fink, Hansen, Connolly, Holveck,
 3 Deluhery, Bolkcom, Dvorsky, Kibbie, Ragan, Black,
 4 McCoy, Dearden, Horn, Fraise, Shearer, Jensen,
 5 King, Redwine, Kramer, Iverson, McKean,
 6 Veenstra, McKinley, Schuerer, Tinsman, Behn,
 7 Sexton, McKibben, Freeman, Greiner, Zieman,
 8 Lord, Boettger, Rehberg, Drake, and Lamberti
 9 A Senate resolution honoring Cael Sanderson on his athletic
 10 achievements as a wrestler.
 11 WHEREAS, Iowa State wrestler Cael Sanderson is the
 12 nation's most accomplished collegiate wrestler; and
 13 WHEREAS, Cael Sanderson is a senior and has an Iowa
 14 State career record of 159 wins and no losses; and
 15 WHEREAS, Cael Sanderson is the nation's top-ranked
 16 wrestler at 197 pounds; and
 17 WHEREAS, Cael Sanderson is the first college
 18 wrestler ever to win the NCAA Tournament's outstanding
 19 wrestler award four times; and
 20 WHEREAS, Cael Sanderson is a three-time Dan Hodge
 21 Award recipient; and
 22 WHEREAS, Cael Sanderson is a two-time Academic All-
 23 American; and
 24 WHEREAS, Cael Sanderson elected not to compete at
 25 the 2001 World Championships to concentrate on Iowa
 26 State team and individual collegiate goals; and
 27 WHEREAS, Cael Sanderson competed at the NCAA
 28 championships with the Iowa State Wrestling Team in
 29 Albany, New York, on March 23, 2002, and completed his
 30 fourth consecutive undefeated collegiate wrestling

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1 season with a fourth NCAA championship; and
 2 WHEREAS, Cael Sanderson is the first collegiate
 3 wrestler ever to win four individual NCAA titles
 4 without a loss; and
 5 WHEREAS, Cael Sanderson has provided Iowa State
 6 wrestling fans, the State of Iowa, and the nation with
 7 four years of excitement and inspiration; NOW
 8 THEREFORE,
 9 BE IT RESOLVED BY THE SENATE, That the Senate
 10 recognizes and extends its congratulations to Cael

11 Sanderson for his outstanding and unparalleled
12 athletic achievements at Iowa State and thanks him for
13 his contributions to Iowa State wrestling and
14 athletics.
15 BE IT FURTHER RESOLVED, That the Senate wishes Cael
16 Sanderson continued success in all of his future
17 endeavors.
18 BE IT FURTHER RESOLVED, That, upon adoption, the
19 Secretary of the Senate shall prepare official copies
20 of this Resolution for presentation to Cael Sanderson
21 and to Iowa State University.

Senator Hammond moved the adoption of Senate Resolution 127, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Hammond introduced to the Senate chamber Iowa State wrestler Cael Sanderson.

Mr. Sanderson addressed the Senate with brief remarks and introduced Iowa State Wrestling Coach Bobby Douglas, Iowa State Athletic Director Bruce Van De Velde, and former University of Iowa Wrestling Coach Dan Gable.

The Senate rose and expressed its appreciation.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 116 and 119.

Senate Resolution 116

On motion of Senator Redfern, **Senate Resolution 116**, a Senate resolution congratulating the University of Northern Iowa Panthers Women's Volleyball Team, with report of committee recommending passage, was taken up for consideration.

Senator Redfern moved the adoption of Senate Resolution 116, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Redfern welcomed to the Senate chamber Sloane Tyler, Assistant Athletic Director for the University of Northern Iowa.

The Senate rose and expressed its welcome.

Senate Resolution 119

On motion of Senator Redfern, **Senate Resolution 119**, a Senate resolution congratulating the 2001 University of Northern Iowa Baseball Team, with report of committee recommending passage, was taken up for consideration.

Senator Redfern moved the adoption of Senate Resolution 119, which motion prevailed by a voice vote.

The Senate stood at ease at 2:59 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:29 p.m., President Kramer presiding.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 153

Senator Hammond asked and received unanimous consent to take up the following resolution:

- 1 SENATE RESOLUTION 153
- 2 By: Committee on Rules and Administration
- 3 A Senate resolution honoring Senator Jack Holveck for his
- 4 years of legislative service.
- 5 WHEREAS, Senator Jack Holveck will this year
- 6 complete his twentieth year of office in the Iowa
- 7 General Assembly while serving his first term of
- 8 office in the Senate; and
- 9 WHEREAS, Senator Holveck has served honorably and
- 10 has unselfishly given his time and efforts to further
- 11 the interests of the State of Iowa and to provide
- 12 beneficial programs for the citizens of Iowa; and
- 13 WHEREAS, it is proper that Senator Holveck be

14 honored for his many years of service to the State of
15 Iowa; NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, That the Senate pay
17 tribute to Senator Jack Holveck and express its
18 gratitude for the service rendered by him.
19 BE IT FURTHER RESOLVED, That the Senate present to
20 Senator Holveck his Senate chair in appreciation for
21 his service.

Senator Hammond moved the adoption of Senate Resolution 153, which motion prevailed by a voice vote.

Senator Holveck was presented his Senate chair in honor of his 20 years of service and an enrolled copy of Senate Resolution 153.

Senator Holveck addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

UNFINISHED BUSINESS

Senate File 2293

On motion of Senator Angelo, **Senate File 2293**, a bill for an act relating to animal agriculture, placed on the Unfinished Business Calendar on March 14, 2002, with report of committee on Agriculture recommending amendment and passage, was taken up for consideration.

Senator Behn offered amendment S-5437, filed by the committee on Agriculture on April 9, 2002, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Sexton offered amendment S-5446, filed by him from the floor to pages 1-54 of amendment S-5437.

The Senate stood at ease at 5:09 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:05 p.m., President Kramer presiding.

Senator Sexton moved the adoption of amendment S-5446.

Amendment S-5446 lost by a voice vote.

Senator Angelo offered amendment S-5443, filed by him from the floor to pages 5, 11-13, 15, 17, 34, 36, 49, and 50 of amendment S-5437, and moved its adoption.

Amendment S-5443 was adopted by a voice vote.

Senator Fraise offered amendment S-5444, filed by him from the floor to page 34 of amendment S-5437, and moved its adoption.

Amendment S-5444 lost by a voice vote.

Senator Lundby offered amendment S-5448, filed by her from the floor to page 48 of amendment S-5437, and moved its adoption.

Amendment S-5448 was adopted by a voice vote.

Senator Holveck offered amendment S-5447, filed by Senators Holveck, et al., from the floor to page 50 of amendment S-5437, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5447 to amendment S-5437 be adopted?" (S.F. 2293), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	King	McCoy	Ragan
Shearer	Soukup		

Nays, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern

Redwine
Tinsman

Rehberg
Veenstra

Schuerer
Zieman

Sexton

Absent or not voting, 1:

Rittmer

Amendment S-5447 lost.

Senator Bolkcom offered amendment S-5450, filed by him from the floor to pages 1 and 54 of amendment S-5437.

Senator Angelo raised the point of order that amendment S-5450 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5450 out of order.

Senator Ragan offered amendment S-5457, filed by Senator Ragan, et al., from the floor to pages 1, 15, 16, 20, 23-30, 44-50, and 53 of amendment S-5437.

Senator Ragan called for the following division of amendment S-5457:

Division S-5457A: Page 1, lines 3-50; and page 2, lines 1-29; and
Division S-5457B: Page 2, lines 30-31.

Senator Ragan asked and received unanimous consent to withdraw division S-5457B.

Senator Boettger took the chair at 7:49 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Black, until he returns, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 2293

The Senate resumed consideration of Senate File 2293.

Senator Ragan moved the adoption of division S-5457A.

A record roll call was requested.

On the question "Shall division S-5457A to amendment S-5437 be adopted?" (S.F. 2293), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	McCoy
Ragan	Soukup	Tinsman	

Nays, 30:

Angelo	Behn	Boettger	Drake
Fiegen	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Veenstra	Zieman		

Absent or not voting, 1:

Black

Division S-5457A lost.

President Kramer took the chair at 8:26 p.m.

Senator Kibbie offered amendment S-5458, filed by him from the floor to pages 16, 25, 43, and 45-50 of amendment S-5437.

Senator Kibbie called for the following division of amendment S-5458:

Division S-5458A: Page 1, lines 3-50; and page 2, lines 1-12 and 15; and

Division S-5458B: Page 2, lines 13-14.

Senator Kibbie withdrew division S-5458B.

Senator Kibbie moved the adoption of division S-5458A.

Division S-5458A lost by a voice vote.

Senator Kibbie offered amendment S-5451, filed by Senators Kibbie, Soukup, and Fraise from the floor to page 23 of amendment S-5437, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5451 to amendment S-5437 be adopted?" (S.F. 2293), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer
Soukup			

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, none.

Amendment S-5451 lost.

Senator Fraise offered amendment S-5456, filed by him from the floor to page 36 of amendment S-5437, and moved its adoption.

Amendment S-5456 lost by a voice vote.

Senator Soukup offered amendment S-5459, filed by Senators Soukup, Kibbie, and Fraise from the floor to page 39 of amendment S-5437, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5459 to amendment S-5437 be adopted?" (S.F. 2293), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer
Soukup			

Nays, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, none.

Amendment S-5459 lost.

President Pro Tempore McKean took the chair at 9:26 p.m.

Senator Hammond offered amendment S-5453, filed by Senators Hammond and Connolly from the floor to page 40 of amendment S-5437, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5453 to amendment S-5437 be adopted?" (S.F. 2293), the vote was:

Ayes, 13:

Bolkcom	Connolly	Dearden	Dvorsky
Fink	Gronstal	Hammond	Hansen
Harper	Holveck	McCoy	Ragan
Soukup			

Nays, 37:

Angelo	Behn	Black	Boettger
Deluhery	Drake	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Tinsman	Veenstra
Zieman			

Absent or not voting, none.

Amendment S-5453 lost.

Senator Bolkcom offered amendment S-5449, filed by him from the floor to page 50 of amendment S-5437.

Senator Bolkcom withdrew amendment S-5449.

Senator Angelo offered amendment S-5455, filed by Senators Angelo and Kibbie from the floor to page 53 of amendment S-5437, and moved its adoption.

Amendment S-5455 was adopted by a voice vote.

Senator Soukup offered amendment S-5454, filed by Senators Soukup, Fraise, and Kibbie from the floor to page 53 of amendment S-5437.

Senator Soukup asked and received unanimous consent that action on amendment S-5454 be deferred.

Senator Kibbie offered amendment S-5452, filed by Senators Kibbie, Soukup, and Fraise from the floor to page 53 of amendment S-5437.

Senator Angelo asked and received unanimous consent that action on amendment S-5452 to amendment S-5437, amendment S-5437, and **Senate File 2293** be **deferred**. (Amendment S-5454 to amendment S-5437 pending.)

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 10, 2002, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 2286, a bill for an act relating to the civil commitment of sexually violent predators. (S-5460)

Senate File 2318, a bill for an act relating to the tax on premiums and subscriber contract payments received by insurance companies and health service corporations by phasing in a reduction in the tax and increasing the prepayment of the tax. (S-5475)

ALSO: That the House has on April 10, 2002, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 123, a concurrent resolution requesting the governor to appoint a blue ribbon committee to make recommendations regarding the child welfare, child mental health, and juvenile justice systems in the state of Iowa.

Read first time and referred to committee on **Rules and Administration**.

ALSO: That the House has on April 10, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2620, a bill for an act regulating farmers markets, providing for fees, making penalties applicable, and providing an effective date.

Read first time and referred to committee on **Ways and Means**.

RECESS

On motion of Senator Angelo, the Senate recessed at 9:55 p.m. until the completion of a meeting of the committee on Ways and Means.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 10, 2002

AUDITOR OF STATE

State of Iowa Single Audit Report.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: April 10, 2002, 10:00 p.m.

Members Present: McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolckom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

Members Absent: None.

Committee Business: Passed HF's 2616, 2617, 2620, and 2622 (as amended).

Adjourned: 10:40 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 160, by Dvorsky, a Senate resolution congratulating the City of Coralville for receiving a first-place award in the 2001 international Nations in Bloom competition.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 161, by Black, a Senate resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 162, by Harper and Redfern, a Senate resolution recognizing Ms. Effie Burt for her composition, "I'll Make Me a World."

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 163, by Freeman, a Senate resolution honoring Senator Derryl J. McLaren.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILL RECEIVED

SSB 3198 Appropriations

Relating to public funding provisions involving the compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other properly related matters of the state, making and reducing appropriations, and providing effective dates.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 118

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 156

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 157

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 160

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 161

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 162

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

House Concurrent Resolution 123

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

House File 2589

APPROPRIATIONS: Lamberti, Chair; Schuerer and Soukup

House File 2620

WAYS AND MEANS: Bolkcom, Chair; McKibben and McKinley

House File 2622

WAYS AND MEANS: McKinley, Chair; Harper and McKibben

SSB 3198

APPROPRIATIONS: Lamberti, Chair; Flynn and Kramer

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 10th day of April, 2002:

Senate Files 2034 and 2228.

MICHAEL E. MARSHALL
Secretary of the Senate

RECONVENED

The Senate reconvened at 10:52 p.m., President Kramer presiding.

BUSINESS PENDING

Senate File 2293

The Senate resumed consideration of **Senate File 2293**, a bill for an act relating to animal agriculture, previously deferred. (Amendments pending: S-5437, S-5452 to amendment S-5437, and S-5454 to amendment S-5437.)

Senator Angelo offered amendment S-5461, filed by him from the floor to page 13 of amendment S-5437.

Senator Angelo asked and received unanimous consent that action on amendment S-5461 to amendment S-5437 be deferred.

Senator Fiegen offered amendment S-5474, filed by him from the floor to page 22 of amendment S-5437, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 19, nays 27.

Amendment S-5474 lost.

Senator Kibbie offered amendment S-5464, filed by him from the floor to page 33 of amendment S-5437, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5464 to amendment S-5437 be adopted?" (S.F. 2293), the vote was:

Ayes, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck

Horn	Kibbie	Maddox	McCoy
Ragan	Shearer	Soukup	

Nays, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Lundby	McKean	McKibben
McKinley	Miller	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Redfern

Amendment S-5464 lost.

Senator King withdrew amendment S-5463, filed by him from the floor to page 38 of amendment S-5437.

Senator King offered amendment S-5473, filed by Senator King, et al., from the floor to page 38 of amendment S-5437.

Senator King asked and received unanimous consent that action on amendment S-5473 to amendment S-5437 be deferred.

Senator Soukup offered amendment S-5466, filed by Senator Soukup, et al., from the floor to pages 45-50 of amendment S-5437.

Senator Soukup asked and received unanimous consent that action on amendment S-5466 to amendment S-5437 be deferred.

Senator Sexton offered amendment S-5470, filed by him from the floor to page 16 of amendment S-5437, and moved its adoption.

Amendment S-5470 was adopted by a voice vote.

Senator Angelo asked and received unanimous consent that action on **Senate File 2293** be **deferred**. (Amendments pending: S-5452 to amendment S-5437, S-5454 to amendment S-5437, S-5461 to amendment S-5437, S-5466 to amendment S-5437, S-5473 to amendment S-5437, and amendment S-5437.)

HOUSE AMENDMENT CONSIDERED

Senate File 2118

Senator Redwine called up for consideration **Senate File 2118**, a bill for an act prohibiting certain activities related to the use or destruction of the materials of human reproduction, and providing penalties, amended by the House in House amendment S-5439, filed April 10, 2002.

Senator Redwine offered amendment S-5441, filed by Senators Redwine and Flynn from the floor to pages 1, 2, and to the title provisions of House amendment S-5439, and moved its adoption.

Amendment S-5441 was adopted by a voice vote.

Senator Redwine moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Redwine moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2118), the vote was:

Ayes, 39:

Angelo	Behn	Black	Boettger
Connolly	Deluhery	Drake	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Hansen	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Veenstra	Zieman	

Nays, 10:

Bolkcom
Gronstal
Soukup

Dearden
Hammond
Tinsman

Dvorsky
Harper

Fink
Ragan

Absent or not voting, 1:

Redfern

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senator Boettger took the chair at 11:48 p.m.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:50 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 11:54 p.m., Senator Boettger presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2615.

House File 2615

On motion of Senator Kramer, **House File 2615**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Lamberti offered amendment S-5411, filed by the committee on Appropriations on April 8, 2002, to pages 7, 8, 10, and to the title page of the bill.

Senator Kramer offered amendment S-5426, filed by Senators Kramer and Lamberti on April 9, 2002, to page 1 of amendment S-5411, and moved its adoption.

Amendment S-5426 was adopted by a voice vote.

Senator Kramer offered amendment S-5465, filed by Senators Kramer and Lamberti from the floor to pages 1, 7, and 8 of amendment S-5411.

Senator Kramer asked and received unanimous consent that action on amendment S-5465 to amendment S-5411 and amendment S-5411 be deferred.

Senator Hansen offered amendment S-5412, filed by him on April 8, 2002, to pages 4 and 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5412 be adopted?" (H.F. 2615), the vote was:

Ayes, 24:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	King	McCoy
Ragan	Redwine	Shearer	Soukup

Nays, 25:

Angelo	Behn	Boettger	Drake
Gaskill	Greiner	Houser	Iverson
Jensen	Kramer	Lamberti	Lord
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

Redfern

Amendment S-5412 lost.

The Senate resumed consideration of amendment S-5465 to amendment S-5411, previously deferred.

Senator Kramer moved the adoption of amendment S-5465 to amendment S-5411.

A record roll call was requested.

On the question "Shall amendment S-5465 to amendment S-5411 be adopted?" (H.F. 2615), the vote was:

Ayes, 27:

Angelo	Behn	Black	Boettger
Drake	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	King
Kramer	Lamberti	Lord	Lundby
McKean	McKibben	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Veenstra	Zieman	

Nays, 23:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Maddox	McCoy	McKinley	Ragan
Shearer	Soukup	Tinsman	

Absent or not voting, none.

Amendment S-5465 was adopted.

Senator Kramer moved the adoption of amendment S-5411, as amended.

A record roll call was requested.

On the question "Shall amendment S-5411 be adopted?" (H.F. 2615), the vote was:

Ayes, 30:

Angelo	Behn	Black	Boettger
Drake	Freeman	Gaskill	Greiner

Houser	Iverson	Jensen	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 20:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Ragan	Shearer	Soukup

Absent or not voting, none.

Amendment S-5411 was adopted.

Senator Hammond offered amendment S-5422, filed by Senators Hammond and Fiegen on April 9, 2002, to pages 3 and 8 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5422 be adopted?" (H.F. 2615), the vote was:

Ayes, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Ragan
Redwine	Shearer	Soukup	

Nays, 27:

Angelo	Behn	Boettger	Drake
Gaskill	Greiner	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, none.

Amendment S-5422 lost.

Senator Fiegen offered amendment S-5479, filed by Senator Fiegen, et al., from the floor to pages 3 and 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5479 be adopted?" (H.F. 2615), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Ragan
Shearer	Soukup	Tinsman	

Nays, 24:

Angelo	Behn	Boettger	Drake
Gaskill	Greiner	Iverson	Jensen
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Rehberg	Rittmer
Schuerer	Sexton	Veenstra	Zieman

Absent or not voting, 3:

Houser	King	Redwine
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Amendment S-5479 lost.

Senator Kramer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2615), the vote was:

Ayes, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer
Soukup			

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2118** and **House File 2615** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2293

The Senate resumed consideration of **Senate File 2293**, a bill for an act relating to animal agriculture, previously deferred. (Amendments pending: S-5437, S-5452 to amendment S-5437, S-5454 to amendment S-5437, S-5461 to amendment S-5437, S-5466 to amendment S-5437, and S-5473 to amendment S-5437.)

President Kramer took the chair at 2:07 a.m.

Senator Angelo offered amendment S-5484, filed by him from the floor to page 13 of amendment S-5437, and moved its adoption.

Amendment S-5484 was adopted by a voice vote.

With the adoption of amendment S-5484, the Chair ruled the following amendments out of order:

S-5461, previously deferred; and

S-5480, filed by Senators Angelo, Behn, and Sexton from the floor to page 13 of amendment S-5437.

Senator Bolkcom withdrew amendment S-5481, filed by him from the floor to page 14 of amendment S-5437.

Senator Angelo offered amendment S-5482, filed by Senators Angelo and Kibbie from the floor to pages 25, 36, 42, and 52 of amendment S-5437, and moved its adoption.

Amendment S-5482 was adopted by a voice vote.

Senator King offered amendment S-5477, filed by him from the floor to page 38 of amendment S-5437, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5477 to amendment S-5437 be adopted?" (S.F. 2293), the vote was:

Ayes, 13:

Drake	Fiegen	Greiner	Houser
Jensen	King	Lord	McKinley
Miller	Redwine	Schuerer	Sexton
Veenstra			

Nays, 37:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Kibbie	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	Ragan	Redfern	Rehberg
Rittmer	Shearer	Soukup	Tinsman
Zieman			

Absent or not voting, none.

Amendment S-5477 lost.

Senator King asked and received unanimous consent to withdraw amendment S-5473 to amendment S-5437, previously deferred.

Senator Soukup asked and received unanimous consent to withdraw amendment S-5466 to amendment S-5437, previously deferred.

Senator Soukup offered amendment S-5483, filed by her from the floor to pages 45 and 50 of amendment S-5437, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5483 to amendment S-5437 be adopted?" (S.F. 2293), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Ragan	Shearer	Soukup

Nays, 30:

Angelo	Behn	Boettger	Drake
Fiegen	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, none.

Amendment S-5483 lost.

Senator Soukup asked and received unanimous consent to withdraw amendment S-5454 to amendment S-5437, previously deferred.

Senator Kibbie asked and received unanimous consent to withdraw amendment S-5452 to amendment S-5437, previously deferred.

Senator Angelo offered amendment S-5485, filed by him from the floor to pages 48, 49, and 53 of amendment S-5437, and moved its adoption.

Amendment S-5485 was adopted by a voice vote.

Senator Soukup withdrew amendment S-5486 filed by her from the floor to pages 52 and 53 of amendment S-5437.

Senator Angelo moved the adoption of amendment S-5437, as amended.

Amendment S-5437 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2293), the vote was:

Ayes, 37:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Fraise	Gaskill	Gronstal
Hammond	Harper	Horn	Houser
Iverson	Jensen	Kibbie	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Rittmer
Schuerer	Shearer	Soukup	Tinsman
Zieman			

Nays, 13:

Dvorsky	Fiegen	Fink	Flynn
Freeman	Greiner	Hansen	Holveck
King	Redwine	Rehberg	Sexton
Veenstra			

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2293** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 10, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2320, a bill for an act relating to the assessment of court fees by the clerk of district court.

ALSO: That the House has on April 10, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2618, a bill for an act relating to volunteer fire fighters by creating a volunteer fire fighters pension fund, providing for the deposit of certain insurance premium tax receipts in the fund, and establishing a volunteer fire fighters pension task force.

Read first time and referred to committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:18 a.m. Thursday, April 11, until 9:00 a.m. Thursday, April 11, 2002.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Students from the 8th grade leadership group, B. C. Berg Middle School, Newton. Senator Black.

Ninety-five 7th grade students from New Hampton Middle School, accompanied by Mrs. Wickman, Mr. O'Connell, Ms. Bergsgard, Ms. Sumner, Mrs. Timlin, Mrs. Lenehan, and Mrs. Dean. Senator Soukup.

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 10, 2002, 11:50 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer.

Members Absent: None.

Committee Business: Passed SCR 118, SRs 156, 157, 160, 161, and 163, and HCRs 122 and 123.

Adjourned: 11:52 p.m.

APPROPRIATIONS

Convened: April 11, 2002, 4:24 a.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Horn, Jensen, King, McKibben, McKinley, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Ziemann.

Members Absent: Black, Hammond, Lundby, and Soukup (all excused).

Committee Business: Approved SSB 3198.

Adjourned: 4:27 a.m.

INTRODUCTION OF BILL

Senate File 2331, by committee on Appropriations, a bill for an act relating to public funding provisions involving the compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other properly related matters of the state, making and reducing appropriations, and providing effective dates.

Read first time under Rule 28 and **placed on Appropriations calendar.**

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2331 (SSB 3198), a bill for an act relating to public funding provisions involving the compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other properly related matters of the state, making and reducing appropriations, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Lamberti, Kramer, Angelo, Gaskill, Jensen, King, McKibben, McKinley, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 7: Flynn, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, and Horn. Absent or not voting, 4: Black, Hammond, Lundby, and Soukup.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 118, a Senate concurrent resolution supporting enactment of Medicare coverage of oral cancer drugs.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 156, a Senate resolution honoring Irene Bowers on her more than 50-year teaching career in the Iowa City Community School District.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 157, a Senate resolution congratulating the University of Iowa Mock Trial Team on winning the 2002 Undergraduate Inter-collegiate Mock Trial Competition National Championship.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 160, a Senate resolution congratulating the City of Coralville for receiving a first-place award in the 2001 international Nations in Bloom competition.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 161, a Senate resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 163 (LSB 7277ss), a Senate resolution honoring Senator Derryl McLaren.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 122, a concurrent Resolution requesting the Supreme Court to implement a review and development of options to improve performance of guardian ad litem duties.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 123, a concurrent resolution requesting the governor to appoint a blue ribbon committee to make recommendations regarding the child welfare, child mental health, and juvenile justice systems in the state of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2616, a bill for an act relating to the time of possession of deer venison, increasing the minimum fine for unlawful taking, possessing, injuring, or transporting protected species and game, and subjecting violators to a penalty.

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.

ALSO:

Final Bill Action: HOUSE FILE 2617, a bill for an act relating to the regulation of milk and milk products, by providing for permits, fees, and penalties, making penalties applicable, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: McKibben, McKinley, Harper, Bolkcom, Connolly, Drake, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, 3: Deluhery, Flynn, and Holveck. Absent or not voting, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2620, a bill for an act regulating farmers markets, providing for fees, making penalties applicable, and providing an effective date.

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.

ALSO:

Final Bill Action: HOUSE FILE 2622, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, sales and use, property, motor fuel, special fuel, and inheritance taxes and including effective and retroactive applicability date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5478.

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.

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 2191)

A conference committee report, signed by the following Senate and House members, was filed April 10, 2002, on House File 2191, a bill for an act relating to notarial acts by judicial officers.

On the part of the Senate:

NANCY BOETTGER, Chair
THOMAS FIEGEN
WALLY HORN
STEVE KING
GENE MADDOX

On the part of the House:

DAVID MILLAGE, Chair
ROGER BROERS
KEITH KREIMAN
CHARLES LARSON

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 2192)

A conference committee report, signed by the following Senate and House members, was filed April 10, 2002, on House File 2192, a bill for an act relating to the establishment of a state agency work group to develop an interstate prescription drug purchasing cooperative.

On the part of the Senate:

MAGGIE TINSMAN, Chair
PATRICIA HARPER
DAVID MILLER
NEAL SCHUERER
MARK SHEARER

On the part of the House:

DAN BODDICKER, Chair
CARMINE BOAL
GREG HOVERSTEN
ROBERT OSTERHAUS
MARK SMITH

MOTION TO RECONSIDER FILED

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5215 to House File 2559 was adopted by the Senate on April 10, 2002.

MARK SHEARER

AMENDMENTS FILED

S-5438	S.F.	2330	Jeff Lamberti
S-5439	S.F.	2118	House
S-5440	S.F.	2323	House
S-5441	S.F.	2118	John Redwine Tom Flynn
S-5442	H.F.	2622	Mary A. Lundby
S-5443	S.F.	2293	Jeff Angelo
S-5444	S.F.	2293	Eugene S. Fraise
S-5445	H.F.	2549	Bill Fink
S-5446	S.F.	2293	Mike Sexton
S-5447	S.F.	2293	Jack Holveck Robert E. Dvorsky Michael E. Gronstal Patricia Harper Joe Bolkcom Johnie Hammond Betty A. Soukup
S-5448	S.F.	2293	Mary A. Lundby
S-5449	S.F.	2293	Joe Bolkcom

S-5450	S.F.	2293	Joe Bolkcom
S-5451	S.F.	2293	John P. Kibbie Betty A. Soukup Eugene S. Fraise
S-5452	S.F.	2293	John P. Kibbie Betty A. Soukup Eugene S. Fraise
S-5453	S.F.	2293	Johnie Hammond Mike Connolly
S-5454	S.F.	2293	Betty A. Soukup Eugene S. Fraise John P. Kibbie
S-5455	S.F.	2293	Jeff Angelo John P. Kibbie
S-5456	S.F.	2293	Eugene S. Fraise
S-5457	S.F.	2293	Amanda Ragan John P. Kibbie Mike Connolly Johnie Hammond Bill Fink Patricia Harper Robert E. Dvorsky Betty A. Soukup Michael E. Gronstal
S-5458	S.F.	2293	John P. Kibbie
S-5459	S.F.	2293	Betty A. Soukup John P. Kibbie Eugene S. Fraise
S-5460	S.F.	2286	House
S-5461	S.F.	2293	Jeff Angelo
S-5462	H.F.	2515	Kitty Rehberg
S-5463	S.F.	2293	Steve King
S-5464	S.F.	2293	John P. Kibbie
S-5465	H.F.	2615	Mary E. Kramer Jeff Lamberti
S-5466	S.F.	2293	Betty A. Soukup Patricia Harper Johnie Hammond Robert E. Dvorsky Bill Fink Steven D. Hansen

			Michael E. Gronstal
			Eugene S. Fraise
			Joe Bolkcom
			Matt McCoy
S-5467	H.F.	2515	Kitty Rehberg
S-5468	H.F.	2515	Kitty Rehberg
S-5469	H.F.	2515	Kitty Rehberg
S-5470	S.F.	2293	Mike Sexton
S-5471	S.F.	2308	David Miller
			Sandra Greiner
S-5472	H.F.	2515	Nancy Boettger
S-5473	S.F.	2293	Steve King
			Mike Sexton
			Hubert Houser
			Richard F. Drake
S-5474	S.F.	2293	Thomas Fiegen
S-5475	S.F.	2318	House
S-5476	S.F.	2330	Jeff Lamberti
S-5477	S.F.	2293	Steve King
S-5478	H.F.	2622	Ways and Means
S-5479	H.F.	2615	Thomas Fiegen
			Joe Bolkcom
			Johnie Hammond
			Maggie Tinsman
S-5480	S.F.	2293	Jeff Angelo
			Jerry Behn
			Mike Sexton
S-5481	S.F.	2293	Joe Bolkcom
S-5482	S.F.	2293	Jeff Angelo
			John P. Kibbie
S-5483	S.F.	2293	Betty A. Soukup
S-5484	S.F.	2293	Jeff Angelo
S-5485	S.F.	2293	Jeff Angelo
S-5486	S.F.	2293	Betty A. Soukup

JOURNAL OF THE SENATE

EIGHTY-EIGHTH CALENDAR DAY
FIFTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 11, 2002

The Senate met in regular session at 9:14 a.m., President Kramer presiding.

Prayer was offered by the Reverend Donald Illian, pastor of the St. John Lutheran Church in Denver, Iowa. He was the guest of Senator Jensen.

SPECIAL GUESTS

Senator Boettger welcomed to the Senate chamber President Petar Stoyanov, the first democratically elected President of Bulgaria. President Stoyanov was visiting the United States under the sponsorship of the German Marshall Fund and was escorted by John Roof, Mayor of Waterloo; Youri Dimitrov, Cedar Falls entrepreneur formerly from Bulgaria; and host Wayne Moyer of Grinnell College.

President Stoyanov addressed the Senate with brief remarks. The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 144

Senator Iverson asked and received unanimous consent to take up the following resolution:

- 1 SENATE RESOLUTION 144
- 2 By: Committee on Rules and Administration
- 3 A Senate resolution honoring Senator David G. Lord.
- 4 WHEREAS, Senator David G. Lord is retiring from
- 5 legislative office after completing a partial term in

6 office as a State Senator and three terms as a member
7 of the House of Representatives; and
8 WHEREAS, Senator Lord has served as a member of the
9 Seventy-sixth through Seventy-ninth General
10 Assemblies; and

11 WHEREAS, Senator Lord's distinguished career has
12 included service on the Commerce, Local Government,
13 Natural Resources and Environment, Rules and
14 Administration Committees, and on the Health and Human
15 Rights Appropriations Subcommittee; and

16 WHEREAS, Senator Lord has served honorably and has
17 unselfishly given of his time and efforts to further
18 the interests of the State of Iowa and to provide
19 beneficial programs for the citizens of Iowa; NOW
20 THEREFORE,

21 BE IT RESOLVED BY THE SENATE, That the Senate pay
22 tribute to Senator David G. Lord for his devoted
23 service to the Iowa General Assembly and the citizens
24 of this state, and wish him the very best in the years
25 ahead; and

26 BE IT FURTHER RESOLVED, That an official copy of
27 this Resolution be prepared and presented to Senator
28 Lord.

The Senate rose and expressed its tribute to Senator Lord.

Senator Iverson moved the adoption of Senate Resolution 144, which motion prevailed by a voice vote.

Senator Lord was presented a plaque in appreciation of his years of service and an enrolled copy of Senate Resolution 144.

Senator Lord addressed the Senate with brief remarks.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 154.

Senate Resolution 154

On motion of Senator Behn, **Senate Resolution 154**, a Senate resolution honoring the Des Moines Area Community College Men's Basketball Team, with report of committee recommending passage, was taken up for consideration.

Senator Behn moved the adoption of Senate Resolution 154, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Behn welcomed to the Senate chamber Head Coach Orv Salmon and members of the DMACC men's basketball team.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 155.

Senate Resolution 155

On motion of Senator Iverson, **Senate Resolution 155**, a Senate resolution honoring and paying tribute to Auditor of State Richard D. Johnson upon his retirement from public office, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 155, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Iverson welcomed to the Senate chamber Auditor of State Richard D. Johnson.

Auditor Johnson addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senate Resolution 151

Senator Iverson asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 151
2 By: Committee on Rules and Administration
3 A Senate Resolution honoring Senator Michael E. Gronstal
4 for his years of legislative service.
5 WHEREAS, Senator Michael E. Gronstal will this year
6 complete his twentieth year of office in the Iowa
7 General Assembly while serving his fifth term of
8 office in the Senate; and
9 WHEREAS, Senator Gronstal has served honorably and
10 has unselfishly given his time and efforts to further
11 the interests of the State of Iowa and to provide
12 beneficial programs for the citizens of Iowa; and
13 WHEREAS, it is proper that Senator Gronstal be
14 honored for his many years of service to the State of
15 Iowa; NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, That the Senate pay
17 tribute to Senator Michael E. Gronstal and express its
18 gratitude for the service rendered by him.
19 BE IT FURTHER RESOLVED, That the Senate present to
20 Senator Gronstal his Senate chair in appreciation for
21 his service.

The Senate rose and expressed its tribute to Senator Gronstal.

Senator Iverson moved the adoption of Senate Resolution 151, which motion prevailed by a voice vote.

Senator Gronstal was presented his Senate chair in honor of his 20 years of service and an enrolled copy of Senate Resolution 151.

Senator Gronstal addressed the Senate with brief remarks.

Senator Angelo took the chair at 10:00 a.m.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Freeman asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 117.

Senate Concurrent Resolution 117

On motion of Senator Dvorsky, **Senate Concurrent Resolution 117**, a concurrent resolution honoring Mr. Harold "Tommy" Thompson upon his retirement as the Executive Director of the Iowa Communications Network, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Concurrent Resolution 117, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Dvorsky introduced to the Senate chamber General Harold "Tommy" Thompson and his wife Cindy. General Thompson addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Redfern asked and received unanimous consent to take up for consideration Senate Resolution 157.

Senate Resolution 157

On motion of Senator McKean, **Senate Resolution 157**, a Senate resolution congratulating the University of Iowa Mock Trial Team on winning the 2002 Undergraduate Intercollegiate Mock Trial Competition National Championship, with report of committee recommending passage, was taken up for consideration.

Senator McKean moved the adoption of Senate Resolution 157, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator McKean welcomed to the Senate chamber the University of Iowa Mock Trial Team. Mr. Kristofer Lyons addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **Senate Concurrent Resolution 117** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 11, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2168, a bill for an act authorizing the state board of regents to issue bonds to construct, improve, remodel, repair, furnish, and equip inpatient and outpatient facilities and patient care facilities at the university of Iowa hospitals and clinics.

ALSO: That the House has on April 11, 2002, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2612, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, primary road fund, and general fund of the state, and providing for the nonreversion of certain moneys.

ALSO: That the House has on April 11, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2621, a bill for an act relating to tax credits under the new jobs and income program and the enterprise zone program for farmers' cooperatives and including a retroactive applicability date.

Read first time and referred to committee on **Ways and Means**.

Senator Boettger took the chair at 10:56 a.m.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senate Resolution 131

Senator Dvorsky asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 131
2 By: Committee on Rules and Administration
3 A Senate resolution honoring Senator Steven D. Hansen.
4 WHEREAS, Senator Steven D. Hansen is retiring from
5 legislative office after completing two terms in
6 office as a State Senator and four terms as a member
7 of the House of Representatives; and
8 WHEREAS, Senator Hansen's distinguished career as a
9 state legislator has included service as an Assistant
10 Minority Leader in the Seventy-seventh, Seventy-
11 eighth, and Seventy-ninth General Assemblies; and
12 WHEREAS, Senator Hansen's distinguished career has
13 also included service as Chairperson of the Small
14 Business, Economic Development and Tourism Committee,
15 and as Vice Chairperson of the Commerce Committee; and
16 WHEREAS, Senator Hansen has served on many other
17 standing committees throughout his 16 years of
18 legislative service and has been an influential and
19 devoted legislator in this state; and
20 WHEREAS, Senator Hansen has sponsored and been
21 instrumental in the passage of legislation pertinent
22 to Iowa relating to commerce, economic development,
23 gaming, and promotion of arts and cultural
24 attractions; and
25 WHEREAS, Senator Hansen has served honorably and
26 has unselfishly given of his time and efforts to
27 further the interests of the State of Iowa and to
28 provide beneficial programs for the citizens of Iowa;
29 NOW THEREFORE,
30 BE IT RESOLVED BY THE SENATE, That the Senate pay

Page 2

1 tribute to Senator Steven D. Hansen for his devoted
2 service to the Iowa General Assembly and the citizens
3 of this state and wish him the very best in the years
4 ahead; and
5 BE IT FURTHER RESOLVED, That an official copy of
6 this Resolution be prepared and presented to Senator
7 Hansen.

The Senate rose and expressed its tribute to Senator Hansen.

Senator Dvorsky moved the adoption of Senate Resolution 131, which motion prevailed by a voice vote.

Senator Hansen was presented a plaque in appreciation of his years of service and an enrolled copy of Senate Resolution 131.

Senator Hansen addressed the Senate with brief remarks.

President Kramer took the chair at 12:55 p.m.

SPECIAL GUESTS

Senator Deluhery welcomed to the Senate chamber his wife Mardi, former Lieutenant Governor Jo Ann Zimmerman and former Senators Norm Rodgers, Jim Riordan, Elaine Szymoniak, Arthur Small, and Al Sorensen.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 11, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2305, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, sales and use, property, motor fuel, and special fuel.

ALSO: That the House has on April 11, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2325, a bill for an act relating to certain state agency regulatory functions by reorganizing the duties of the department of inspections and appeals, transferring the court appointed special advocate program to the department of inspections and appeals, renaming and revising the duties of the state citizen foster care review board, reorganizing the administrative structure of the department of natural resources, providing for legislative review of state agencies, and revising requirements for licensed birth centers. (S-5489)

RECESS

On motion of Senator Iverson, the Senate recessed at 1:08 p.m. until the completion of a meeting of the committee on Ways and Means and party caucuses.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Bob and Helen Murphy, Webster City — For celebrating your 60th wedding anniversary on April 9, 2002. Senator Iverson (04/11/02).

Jeff Zittergruen, Van Horne — For achieving the rank of Eagle Scout. Senator Schuerer (04/11/02).

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: April 11, 2002, 1:11 p.m.

Members Present: McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

Members Absent: Connolly and Deluhery (both excused).

Committee Business: Passed HF 2621.

Adjourned: 1:13 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 164, by Gronstal, a Senate resolution deferring action on the confirmation of an appointment submitted by the Governor.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 165, by Gronstal, a Senate resolution thanking state employees who have been laid off or furloughed for their service to the state.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENT

House File 2621

WAYS AND MEANS: Miller, Chair; Flynn and Rehberg

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2621, a bill for an act relating to tax credits under the new jobs and income program and the enterprise zone program for farmers' cooperatives and including a retroactive applicability date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: McKibben, McKinley, Harper, Bolkom, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 2: Connolly and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 3:11 p.m., President Kramer presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 2318

Senator McKibben called up for consideration **Senate File 2318**, a bill for an act relating to the tax on premiums and subscriber contract payments received by insurance companies and health service corporations by phasing in a reduction in the tax and increasing the prepayment of the tax, amended by the House in House amendment S-5475, filed April 10, 2002.

Senator Fiegen asked and received unanimous consent that action on House amendment S-5475 and **Senate File 2318** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lamberti, until he returns, on request of Senator Iverson.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**House File 678**

Senator Tinsman called up for consideration, **House File 678**, a bill for an act relating to child custody and visitation including the requirement of mediation when a custody arrangement is disputed, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5408 to Senate amendment H-8464, filed April 8, 2002.

A record roll call was requested.

On the question "Shall House amendment S-5408 to Senate amendment H-8464 be adopted?" (H.F. 678), the vote was:

Ayes, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Redfern
Shearer	Soukup		

Absent or not voting, 1:

Lamberti

The motion prevailed and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Tinsman moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 678), the vote was:

Ayes, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lord	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink

Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Redfern
Shearer	Soukup		

Absent or not voting, 1:

Lamberti

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2592.

House File 2592

On motion of Senator McKibben, **House File 2592**, a bill for an act relating to deferment of taxable income for start-up businesses and providing an effective and retroactive applicability date, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg withdrew amendment S-5427, filed by her on April 9, 2002, to page 2 and to the title page of the bill.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2592), the vote was:

Ayes, 50:

Angelo	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	Kibbie	King
Kramer	Lamberti	Lord	Lundby

Maddox	McCoy	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Flynn and Gronstal, until they return, on request of Senator Dvorsky.

UNFINISHED BUSINESS

House File 2339

On motion of Senator Angelo, **House File 2339**, a bill for an act relating to the filing of a supersedeas bond, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Holveck offered amendment S-5265, filed by him on March 27, 2002, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5265 be adopted?" (H.F. 2339), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	Ragan
Redfern	Shearer	Soukup	

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Flynn	Gronstal	Lord
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Amendment S-5265 lost.

Senator Redfern withdrew amendment S-5490, filed by him from the floor to page 1 of the bill.

Senator Angelo withdrew amendment S-5436, filed by him on April 9, 2002, to page 1 of the bill.

Senator Redfern withdrew amendment S-5264, filed by him on March 27, 2002, to page 1 of the bill.

Senator Angelo offered amendment S-5208, filed by him on March 19, 2002, to page 1 of the bill, and moved its adoption.

Amendment S-5208 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2339), the vote was:

Ayes, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Hansen
Houser	Iverson	Jensen	King
Kramer	Lamberti	Lord	Lundby
Maddox	McCoy	McKibben	McKinley
Miller	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Hammond	Harper	Holveck
Horn	Kibbie	McKean	Ragan
Redfern	Shearer	Soukup	

Absent or not voting, 2:

Flynn	Gronstal
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Angelo asked and received unanimous consent that **House Files 678, 2339, and 2592** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 11, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2321, a bill for an act relating to sales and use taxes by requiring the department of revenue and finance to collect data on the extent and the effect on taxes of electronic commerce in the state, striking the repeal of the tax treatment of sales where the substance of the transaction is delivered by electronic waves, digitally, or by way of cable or fiber optics, and establishing a committee to enter into multistate discussions on the simplification of the sales and use taxes and including an effective date.

ALSO: That the House has on April 11, 2002, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 2614, a bill for an act relating to and making appropriations to state departments and agencies from the tobacco

settlement trust fund, rebuild Iowa infrastructure fund, and environment first fund, making related statutory changes, and providing effective dates. (S-5495)

BUSINESS PENDING

Senate File 2318

The Senate resumed consideration of **Senate File 2318**, a bill for an act relating to the tax on premiums and subscriber contract payments received by insurance companies and health service corporations by phasing in a reduction in the tax and increasing the prepayment of the tax, and House amendment S-5475, previously deferred.

Senator Fiegen offered amendment S-5496, filed by Senator Fiegen, et al., from the floor to page 1 of House amendment S-5475.

Senator McKibben raised the point of order that amendment S-5496 to House amendment S-5475 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5496 to House amendment S-5475, out of order.

Senator McKibben moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator McKibben moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2318), the vote was:

Ayes, 32:

Angelo	Behn	Boettger	Deluhery
Drake	Dvorsky	Freeman	Gaskill
Greiner	Holveck	Houser	Iverson
Jensen	King	Kramer	Lamberti

Lord	Lundby	Maddox	McCoy
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 16:

Black	Bolkcom	Connolly	Dearden
Fiegen	Fink	Fraise	Hammond
Hansen	Harper	Horn	Kibbie
McKean	Ragan	Shearer	Soukup

Absent or not voting, 2:

Flynn	Gronstal
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKibben, for the remainder of the day, on request of Senator Miller.

HOUSE AMENDMENT CONSIDERED

Senate File 2325

Senator Lundby called up for consideration **Senate File 2325**, a bill for an act relating to certain state agency regulatory functions by reorganizing the duties of the department of inspections and appeals, transferring the court appointed special advocate program to the department of inspections and appeals, renaming and revising the duties of the state citizen foster care review board, reorganizing the administrative structure of the department of natural resources, providing for legislative review of state agencies, and revising requirements for licensed birth centers, amended by the House, and moved that the Senate concur in House amendment S-5489, filed April 11, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Lundby moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2325), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Fraise
Freeman	Gaskill	Greiner	Hammond
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKean
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Present, 1:

Fiegen

Absent or not voting, 3:

Flynn	Gronstal	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 8, 2002)

House File 2515

The Senate resumed consideration of **House File 2515**, a bill for an act relating to the duties and operation of the department of education and providing effective and applicability dates, deferred April 8, 2002.

Senator King offered amendment S-5406, filed by Senator King, et al., on April 8, 2002, to pages 2, 5, and to the title page of the bill.

Senator Schuerer asked and received unanimous consent that action on amendment S-5406 be deferred.

Senator Veenstra took the chair at 4:47 p.m.

Senator King offered amendment S-5423, filed by Senator King, et al., on April 9, 2002, to page 2 of the bill.

President Kramer took the chair at 4:59 p.m.

Senator King moved the adoption of amendment S-5423.

A record roll call was requested.

On the question "Shall amendment S-5423 be adopted?" (H.F. 2515), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 16:

Angelo	Behn	Greiner	Houser
Iverson	Jensen	King	Lord
McKinley	Miller	Redwine	Rehberg
Schuerer	Sexton	Veenstra	Zieman

Nays, 30:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Kramer	Lundby	Maddox	McCoy
McKean	Ragan	Rittmer	Shearer
Soukup	Tinsman		

Absent or not voting, 4:

Boettger	Lamberti	McKibben	Redfern
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Amendment S-5423 lost.

The Senate resumed consideration of amendment S-5406, previously deferred.

Senator Schuerer called for the following division of amendment S-5406:

Division S-5406A: Page 1, lines 3-33; and page 2, line 9; and

Division S-5406B: Page 1, lines 34-50; and page 2, lines 1-8.

Senator Schuerer asked and received unanimous consent to withdraw division S-5406B.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Greiner, Lundby, and Redfern, until they arrive, on request of Senator Iverson.

BUSINESS PENDING

House File 2515

The Senate resumed consideration of House File 2515.

Senator Schuerer moved the adoption of division S-5406A.

A record roll call was requested.

On the question "Shall division S-5406A be adopted?" (H.F. 2515), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Angelo	Behn	Boettger	Houser
Iverson	Jensen	King	Lamberti
Lord	McKean	McKinley	Miller
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Veenstra	Zieman	

Nays, 27:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Kramer	Maddox	McCoy	Ragan
Shearer	Soukup	Tinsman	

Absent or not voting, 4:

Greiner	Lundby	McKibben	Redfern
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Division S-5406A lost.

Senator Dvorsky offered amendment S-5202, filed by him on March 19, 2002, to page 2 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5202 be adopted?" (H.F. 2515), the vote was:

Ayes, 22:

Black	Boettger	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fiegen
Fink	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Ragan
Shearer	Soukup		

Nays, 23:

Angelo	Behn	Drake	Freeman
Gaskill	Houser	Iverson	King
Kramer	Lamberti	Lord	Maddox
McKean	McKinley	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 5:

Greiner	Jensen	Lundby	McKibben
Redfern			

Amendment S-5202 lost.

Senator Rehberg withdrew amendment S-5337, filed by her on April 2, 2002, to pages 3, 21, and to the title page of the bill.

Senator Rehberg offered amendment S-5467, filed by her on April 10, 2002, to pages 3, 21, and to the title page of the bill, and moved its adoption.

Amendment S-5467 was adopted by a voice vote.

Senator Boettger withdrew amendment S-5472, filed by her on April 10, 2002, to page 3 of the bill.

Senator Boettger offered amendment S-5497, filed by her from the floor to page 3 of the bill, and moved its adoption.

Amendment S-5497 was adopted by a voice vote.

Senator Rehberg withdrew amendment S-5334, filed by her on April 2, 2002, to page 5 and to the title page of the bill.

Senator Rehberg withdrew amendment S-5462, filed by her on April 10, 2002, to pages 5, 21, and to the title page of the bill.

Senator Rehberg offered amendment S-5468, filed by her on April 10, 2002, to page 5 and to the title page of the bill.

Senator Connolly raised the point of order that amendment S-5468 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-5468 in order.

Senator Dvorsky asked and received unanimous consent that action on amendment S-5468 and **House File 2515** be **deferred**.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2614

Senator Jensen called up for consideration **House File 2614**, a bill for an act relating to and making appropriations to state departments and agencies from the tobacco settlement trust fund, rebuild Iowa infrastructure fund, and environment first fund, making related statutory changes, and providing effective dates, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5495 to Senate amendment H-8583, filed April 11, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Jensen moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2614), the vote was:

Ayes, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Hansen	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKinley	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Harper	Holveck	Horn	Kibbie
McCoy	Ragan	Shearer	Soukup

Absent or not voting, 3:

Greiner	McKibben	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

The Journal of Wednesday, April 10, 2002, was approved.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2622.

House File 2622

On motion of Senator McKinley, **House File 2622**, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, sales and use, property, motor fuel, special fuel, and inheritance taxes and including effective and retroactive applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McKinley offered amendment S-5478, filed by the committee on Ways and Means on April 10, 2002, to pages 10, 12, 13, 16, 18, 21-23, and to the title page of the bill, and moved its adoption.

Amendment S-5478 was adopted by a voice vote.

Senator Connolly offered amendment S-5487, filed by him from the floor to page 1 and to the title page of the bill.

Senator McKinley raised the point of order that amendment S-5487 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5487 out of order.

The Chair ruled the following amendments out of order:

S-5494, filed by Senator Dearden from the floor to page 1 of amendment S-5487; and

S-5499, filed by Senators Redwine and McKean from the floor to page 1 of amendment S-5487.

Senator Harper offered amendment S-5498, filed by Senator Harper, et al., from the floor to pages 9-10 and 22-23 of the bill, and moved its adoption.

Amendment S-5498 was adopted by a voice vote.

Senator Lundby withdrew amendment S-5442, filed by her on April 10, 2002, to pages 16 and 23 of the bill.

Senator McKinley moved that the bill be read the last time now and placed upon 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. 2622), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lord	Lundby	McCoy
McKean	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Greiner	Maddox	McKibben	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

BUSINESS PENDING

House File 2515

The Senate resumed consideration of **House File 2515**, a bill for an act relating to the duties and operation of the department of education and providing effective and applicability dates, and amendment S-5468, previously deferred.

Senator Rehberg withdrew amendment S-5468.

Senator Rehberg offered amendment S-5469, filed by her on April 10, 2002, to pages 5, 21, and to the title page of the bill, and moved its adoption.

Amendment S-5469 was adopted by a voice vote.

Senator Dvorsky offered amendment S-5238, filed by him on March 21, 2002, to pages 10 and 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5238 be adopted?" (H.F. 2515), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Ragan	Shearer
Soukup			

Nays, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 2:

Greiner

McKibben

Amendment S-5238 lost.

Senator Rehberg offered amendment S-5376, filed by Senator Rehberg, et al., on April 3, 2002, to pages 14 and 21 of the bill, and moved its adoption.

Amendment S-5376 was adopted by a voice vote.

Senator Connolly offered amendment S-5252, filed by him on March 26, 2002, to pages 18 and 22 of the bill.

Senator Rehberg raised the point of order that amendment S-5252 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-5252 in order.

Senator Connolly moved the adoption of amendment S-5252, which motion prevailed by a voice vote.

Senator Boettger offered amendment S-5501, filed by her from the floor to page 3 of the bill, and moved its adoption.

Amendment S-5501 was adopted by a voice vote.

Senator Rehberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2515), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Kibbie	King	Kramer

Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKinley	Miller
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Greiner McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2318** and **2325** and **House Files 2515** and **2622** be **immediately messaged** to the House.

The Senate stood at ease at 7:06 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:28 p.m., Senator Maddox presiding.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 133

Senator Connolly asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 133
2 By: Committee on Rules and Administration
3 A Senate resolution honoring Senator Patrick J. Deluhery.
4 WHEREAS, Senator Patrick J. Deluhery is retiring
5 from legislative office after completing twenty-four
6 years in office as a State Senator; and
7 WHEREAS, Senator Deluhery's distinguished career as
8 a state legislator has included service as Assistant
9 Majority Leader during the Seventieth General Assembly
10 and as Assistant Minority Leader during the Sixty-
11 ninth and Seventy-seventh General Assemblies; and

12 WHEREAS, Senator Deluhery's service as Chairperson
13 of the Commerce Committee and the Environment and
14 Energy Utilities Committee and of the Human Services
15 Appropriations Subcommittee is well recognized; and

16 WHEREAS, Senator Deluhery has served as the Vice
17 Chairperson and long-time member of the Commerce and
18 Communications Committee and Chairperson of the
19 Environment Committee of the Assembly on Federal
20 Issues of the National Conference of State
21 Legislatures; and

22 WHEREAS, Senator Deluhery's dedication and
23 expertise regarding commerce, economic development,
24 consumer protection on financial services, groundwater
25 protection, waste volume reduction and recycling,
26 energy efficiency, and services to persons with
27 disabilities issues and his knowledge and advice
28 concerning Senate traditions are well recognized; and

29 WHEREAS, Senator Deluhery has served honorably and
30 has unselfishly given of his time and efforts to

Page 2

1 further the interests of the State of Iowa and to
2 provide beneficial programs for the citizens of Iowa;
3 and

4 WHEREAS, Senator Deluhery has served on many
5 standing committees throughout his years of
6 legislative service and has been an influential and
7 devoted legislator in this state; NOW THEREFORE,

8 BE IT RESOLVED BY THE SENATE, That the Senate pay
9 tribute to Senator Patrick J. Deluhery for his devoted
10 service to the Iowa General Assembly and the citizens
11 of this state and wish him the very best in the years
12 ahead; and

13 BE IT FURTHER RESOLVED, That an official copy of
14 this Resolution be prepared and presented to Senator
15 Deluhery.

The Senate rose and expressed its tribute to Senator Deluhery.

President Kramer took the chair at 7:44 p.m.

Senator Connolly moved the adoption of Senate Resolution 133,
which motion prevailed by a voice vote.

Senator Deluhery was presented a plaque in appreciation of his
years of service and an enrolled copy of Senate Resolution 133.

Senator Deluhery addressed the Senate with brief remarks.

ADJOURNMENT

On motion of Senator Redfern, the Senate adjourned at 8:50 p.m. until 9:00 a.m. Friday, April 12, 2002.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

FFA students from Graettinger Community Schools, accompanied by Dale Hoffman. Senator Kibbie.

FFA students from Okoboji Community Schools, Milford. Senator Kibbie.

Forty-one members of the Jazz Band from Okoboji Community Schools, Milford. Senator Kibbie.

Members of the 8th grade class from Odebolt-Authur Community Schools, accompanied by Steve Walsh, Pippa Finera, and Don Schmidke. Senator King.

SUBCOMMITTEE ASSIGNMENTS

House File 2618

WAYS AND MEANS: McKibben, Chair; Harper and McKinley

LSB 7279sv

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2124, the following correction was made:

1. Page 19, line 34, the strike through was extended through the period.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 11th day of April, 2002:

Senate Files 2124 and 2205.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 11, 2002, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 144 – Requiring contracts for the construction or maintenance of highways to include certain provisions for the restoration of areas in which fill dirt or other materials are to be removed.

S.F. 466 – Relating to child care and protection public policy provisions involving children by authorizing sanctions for a child care provider who obtains public funding by fraudulent means.

S.F. 2273 – Relating to the designation of a Juneteenth National Freedom Day.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 11, 2002, when the vote was taken on Senate File 2325. Had I been present, I would have voted "Aye." Also, I was necessarily absent from the Senate chamber on April 11, 2002, when the votes were taken on Senate File 2317 and House File 2339. Had I been present, I would have voted "Nay" on both.

TOM FLYNN

MOTION TO RECONSIDER FILED

MADAM PRESIDENT: I move to reconsider the vote by which House File 2614 passed the Senate on April 11, 2002.

JEFF LAMBERTI

AMENDMENTS FILED

S-5487	H.F.	2622	Mike Connolly
S-5488	S.F.	2327	Mike Connolly
S-5489	S.F.	2325	House
S-5490	H.F.	2339	Donald B. Redfern
S-5491	H.F.	2617	Kitty Rehberg
S-5492	S.F.	2286	Thomas Fiegen Johnie Hammond
S-5493	S.F.	2308	David Miller Sandra Greiner
S-5494	H.F.	2622	Dick L. Dearden
S-5495	H.F.	2614	House
S-5496	S.F.	2318	Thomas Fiegen Mark Shearer Steven D. Hansen Amanda Ragan Joe Bolkcom Mike Connolly Betty A. Soukup Patricia Harper Bill Fink Robert E. Dvorsky Johnie Hammond Michael E. Gronstal John P. Kibbie Dennis H. Black Wally E. Horn Dick L. Dearden Eugene S. Fraise Mary A. Lundby
S-5497	H.F.	2515	Nancy Boettger
S-5498	H.F.	2622	Patricia Harper Paul McKinley Mark Shearer Larry McKibben
S-5499	H.F.	2622	John Redwine Andy McKean
S-5500	H.F.	2549	Nancy Boettger
S-5501	H.F.	2515	Nancy Boettger
S-5502	H.F.	2486	Steve King

JOURNAL OF THE SENATE

EIGHTY-NINTH CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 12, 2002

The Senate met in regular session at 9:10 a.m., President Kramer presiding.

Prayer was offered by Miss Angie Groh, Senate Page from Thornton, Iowa.

The Journal of Thursday, April 11, 2002, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 11, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2259, a bill for an act amending Code provisions administered by the department of education, including provisions related to participation in extracurricular activities, tuition reimbursement payment by school districts under the postsecondary enrollment options Act, interscholastic activities agreements, school infrastructure program calculations, phase I payment calculations, and the use of phase III balances by school districts and area education agencies.

ALSO: That the House has on April 11, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2623, a bill for an act relating to public funding provisions involving the compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and

other properly related matters of the state, making and reducing appropriations, and providing effective dates.

Read first time and **attached to similar Senate File 2331.**

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senate Resolution 147

Senator Kibbie asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 147
2 By: Committee on Rules and Administration
3 A Senate resolution honoring Senator Johnie Hammond for her
4 years of legislative service.
5 WHEREAS, Senator Johnie Hammond will this year
6 complete her second term of office in the Senate and
7 her twentieth year of office in the Iowa General
8 Assembly; and
9 WHEREAS, Senator Hammond has served honorably and
10 has unselfishly given her time and efforts to further
11 the interests of the State of Iowa and to provide
12 beneficial programs for the citizens of Iowa; and
13 WHEREAS, it is proper that Senator Hammond be
14 honored for her many years of service to the State of
15 Iowa; NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, That the Senate pay
17 tribute to Senator Johnie Hammond and express its
18 gratitude for the service rendered by her; and
19 BE IT FURTHER RESOLVED, That the Senate present to
20 Senator Hammond her Senate chair in appreciation for
21 her service.

Senator Kibbie moved the adoption of Senate Resolution 147, which motion prevailed by a voice vote.

Senator Hammond was presented her Senate chair in honor of her 20 years of service and an enrolled copy of Senate Resolution 147.

Senator Hammond addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 156.

Senate Resolution 156

On motion of Senator Dvorsky, **Senate Resolution 156**, a Senate resolution honoring Irene Bowers on her more than 50-year teaching career in the Iowa City Community School District, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 156, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Boettger, until she arrives, and Senators Greiner and McKibben, for the day, on request of Senator Freeman; and Senators Deluhery and McCoy, until they arrive, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2617.

House File 2617

On motion of Senator Rehberg, **House File 2617**, a bill for an act relating to the regulation of milk and milk products, by providing for permits, fees, and penalties, making penalties applicable, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg offered amendment S-5491, filed by her on April 11, 2002, to pages 2 and 3 of the bill, and moved its adoption.

Amendment S-5491 was adopted by a voice vote.

Senator Rehberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2617), the vote was:

Ayes, 36:

Angelo	Behn	Black	Drake
Fiegen	Fraise	Freeman	Gaskill
Hammond	Harper	Horn	Houser
Iverson	Jensen	Kibbie	King
Kramer	Lamberti	Lord	Lundby
Maddox	McKean	McKinstal	Miller
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 9:

Bolkcom	Connolly	Dearden	Dvorsky
Fink	Flynn	Gronstal	Hansen
Holveck			

Absent or not voting, 5:

Boettger	Deluhery	Greiner	McCoy
McKibben			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Pro Tempore McKean took the chair at 9:41 a.m.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kramer, until she returns, on request of Senator Gaskill; and Senator Houser, until he returns, on request of Senator Freeman.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration House File 2591.

House File 2591

On motion of Senator Flynn, **House File 2591**, a bill for an act relating to an increase in the resident hunting license fee and establishing a pheasant and quail restoration program and making an appropriation, with report of committee recommending passage, was taken up for consideration.

Senator Flynn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2591), the vote was:

Ayes, 43:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Kibbie	King
Lamberti	Lord	Lundby	Maddox
McKean	McKinley	Miller	Ragan
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 7:

Boettger	Deluhery	Greiner	Houser
Kramer	McCoy	McKibben	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

SENATE RECEDES

Senate File 2197

Senator Maddox called up for consideration **Senate File 2197**, a bill for an act prohibiting a registered sex offender from residing near a school or child care facility, and providing a penalty, amended by

the House, further amended by the Senate, and moved that the Senate recede from its amendment.

The motion prevailed and the Senate **receded** from its amendment.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2197), the vote was:

Ayes, 44:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Lamberti	Lord	Lundby
Maddox	McKean	McKinley	Miller
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Boettger	Deluhery	Greiner	Kramer
McCoy	McKibben		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration House File 2621.

House File 2621

On motion of Senator Miller, **House File 2621**, a bill for an act relating to tax credits under the new jobs and income program and

the enterprise zone program for farmers' cooperatives and including a retroactive applicability date, with report of committee recommending passage, was taken up for consideration.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2621), the vote was:

Ayes, 44:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Lamberti	Lord	Lundby
Maddox	McKean	McKinley	Miller
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Boettger	Deluhery	Greiner	Kramer
McCoy	McKibben		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Angelo asked and received unanimous consent that **Senate File 2197** and **House Files 2591, 2617, and 2621** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration Senate File 2330.

Senate File 2330

On motion of Senator Lamberti, **Senate File 2330**, a bill for an act relating to the establishment of a regional transit district within incorporated cities and unincorporated areas of one or more counties, and providing for the issuance of general obligation bonds and revenue bonds, was taken up for consideration.

Senator Lamberti withdrew amendment S-5438, filed by him on April 10, 2002, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Lamberti offered amendment S-5476, filed by him on April 10, 2002, striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment S-5476 was adopted by a voice vote.

With the adoption of amendment S-5476, the Chair ruled amendment S-5435, filed by Senator Lamberti on April 9, 2002, to page 2 and to the title page of the bill, out of order.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2330), the vote was:

Ayes, 45:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Boettger	Deluhery	Greiner	Kramer
McKibben			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2286

Senator Angelo called up for consideration **Senate File 2286**, a bill for an act relating to the civil commitment of sexually violent predators, amended by the House in House amendment S-5460, filed April 10, 2002.

Senator Fiegen offered amendment S-5492, filed by Senators Fiegen and Hammond on April 11, 2002, to page 1 of House amendment S-5460.

Senator Fiegen asked and received unanimous consent to withdraw amendment S-5492 to House amendment S-5460.

Senate Angelo moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Angelo moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2286), the vote was:

Ayes, 45:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck

Horn	Houser	Iverson	Jensen
Kibbie	King	Lamberti	Lord
Lundby	Maddox	McCoy	McKean
McKinley	Miller	Ragan	Redfern
Redwine	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Boettger	Greiner	Kramer	McKibben
Rehberg			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration House File 2620.

House File 2620

On motion of Senator Bolkcom, **House File 2620**, a bill for an act regulating farmers markets, providing for fees, making penalties applicable, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2620), the vote was:

Ayes, 39:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fraise	Freeman
Gaskill	Gronstal	Hammond	Harper
Holveck	Horn	Houser	Iverson
Jensen	King	Lamberti	Lord
Lundby	Maddox	McCoy	McKean

McKinley	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 6:

Fink	Flynn	Hansen	Kibbie
Shearer	Soukup		

Absent or not voting, 5:

Boettger	Greiner	Kramer	McKibben
Miller			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2565

On motion of Senator Maddox, **House File 2565**, a bill for an act requiring contract disclosure statements for certain residential real estate installment contracts, providing for a penalty, and providing an applicability date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2565), the vote was:

Ayes, 47:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redfern	Redwine	Rehberg	Rittmer

Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Boettger	Greiner	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2268

Senator Redfern called up for consideration **Senate File 2268**, a bill for an act relating to animals other than livestock, including the taking of such animals, providing for their disposition, and providing for the reimbursement of dispositional expenses, amended by the House in House amendment S-5295, filed April 2, 2002.

Senator Gaskill took the chair at 10:42 a.m.

President Pro Tempore McKean took the chair at 10:47 a.m.

Senator Redfern moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Redfern moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2268), the vote was:

Ayes, 47:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn

Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Boettger	Greiner	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2430

Senator Houser called up for consideration **House File 2430**, a bill for an act providing for the mental health and developmental disabilities commission to assume the duties of the state county management committee and provides new rulemaking authority associated with those duties, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5424 to Senate amendment H-8535, filed April 9, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Houser moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2430), the vote was:

Ayes, 47:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Boettger	Greiner	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2268 and 2286** and **House Files 2430, 2565, and 2620** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, until he returns, on request of Senator Gaskill.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2616.

House File 2616

On motion of Senator Flynn, **House File 2616**, a bill for an act relating to the time of possession of deer venison, increasing the

minimum fine for unlawful taking, possessing, injuring, or transporting protected species and game, and subjecting violators to a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Flynn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2616), the vote was:

Ayes, 46:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Boettger	Greiner	McKibben	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2532

Senator Rittmer called up the conference committee report on **House File 2532**, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates, filed on April 9, 2002, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report, with the recommendations and amendments contained therein, was adopted.

Senator Rittmer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2532), the vote was:

Ayes, 47:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Ragan
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Boettger	Greiner	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2532** and **2616** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senate Resolution 159

Senator Iverson asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 159
2 By: Committee on Rules and Administration
3 A Senate Resolution honoring Diane E. Bolender upon her retire-
4 ment as Director of the Legislative Service Bureau.
5 WHEREAS, Diane E. Bolender is retiring as the
6 Director of the Legislative Service Bureau after
7 serving in that capacity for nearly 13 years; and
8 WHEREAS, Diane's service at the Legislative Service
9 Bureau has spanned five decades and nearly 35 years;
10 and
11 WHEREAS, Diane began her legislative career working
12 for the Iowa General Assembly in 1967 prior to the
13 time when the General Assembly first began meeting
14 each year in regular session, and when the Legislative
15 Service Bureau was a young central staff agency; and
16 WHEREAS, Diane's academic degree in history,
17 government, and education and her experience working
18 for the Omaha Public Schools as a high school
19 government teacher served her well in preparing her
20 for her drafting, staffing, and research work at the
21 Legislative Service Bureau; and
22 WHEREAS, Diane exhibited her commitment to the
23 General Assembly and the citizens of this state by
24 quickly becoming an expert in the drafting of bills
25 and staffing of committees in the areas of education,
26 education finance, public retirement systems, and
27 state government; and
28 WHEREAS, Diane continually assumed more
29 responsibility throughout her career at the
30 Legislative Service Bureau, becoming a Senior Research

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1 Analyst in 1980, assuming the position of Research
2 Division Chief in 1987, being elevated to Deputy
3 Director in 1988, and being named by the Legislative
4 Council as Director in 1989; and
5 WHEREAS, Diane has been an exceptional and much-
6 beloved staff person in the Legislative Service
7 Bureau, continually exclaiming her exuberance for
8 legislative staffing, exercising her devotion and
9 loyalty to the General Assembly as an institution and

10 as a co-equal branch of government, and pursuing her
11 untiring resolve to always prepare the highest quality
12 work products for the General Assembly in the shortest
13 time frame possible; and

14 WHEREAS, Diane has been extremely active in
15 representing the Iowa General Assembly in national
16 legislative organizations, including the Education
17 Commission of the States, the National Conference of
18 State Legislatures, and the Council of State
19 Governments; and

20 WHEREAS, Diane was elected to the highest
21 legislative staff position in the nation as the
22 National Conference of State Legislatures' Staff Chair
23 for 2000-2001, representing more than 30,000
24 legislative staff around the country and endeavoring
25 to serve them through the programs and services
26 offered by this dynamic professional association of
27 legislators and staff; and

28 WHEREAS, Diane's other activities for the National
29 Conference of State Legislatures have included serving
30 as a founding member of the Education Staff Network,

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1 serving as the Chair of the Research and Committee
2 Staff Section, serving as Staff Chair of the Assembly
3 on the Legislature and of the Assembly on State
4 Issues, and serving two terms on the Executive
5 Committee; and

6 WHEREAS, Diane has also served as a staff member of
7 the national Executive Committee of the Council of
8 State Governments and worked as the principal
9 legislative staff person and liaison to the Council of
10 State Governments' staff when the Iowa General
11 Assembly hosted the 1992 National Annual Meeting of
12 the Council of State Governments and the 1994
13 Midwestern Legislative Conference Meeting of the
14 Council of State Governments in Des Moines; and

15 WHEREAS, it is fitting that the Senate should
16 recognize Diane's extraordinary and long-term public
17 service, her unsurpassed devotion to the legislature
18 as an institution, her inspiring leadership in the
19 Legislative Service Bureau's fulfillment of its
20 nonpartisan drafting and staffing missions, and her
21 determined attention to the lawmaking functions of the
22 General Assembly; NOW THEREFORE,

23 BE IT RESOLVED BY THE SENATE, That the Senate pay
24 tribute to Diane E. Bolender, Director of the
25 Legislative Service Bureau, for her extraordinary and
26 inspiring accomplishments as the leader and manager of
27 the General Assembly's nonpartisan drafting and
28 staffing agency, and for her devoted service over

29 nearly 35 years to the General Assembly and the
30 citizens of this state, and, upon her retirement, wish

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1 her the very best in the years ahead; and
2 BE IT FURTHER RESOLVED, That the Secretary of the
3 Senate prepare an official copy of this Resolution for
4 presentation to Diane E. Bolender.

The Senate rose and expressed tributes to Director Bolender.

Senator Iverson moved the adoption of Senate Resolution 159,
which motion prevailed by a voice vote.

Director Bolender addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 158

Senator Maddox asked and received unanimous consent to take up
the following resolution:

1 SENATE RESOLUTION 158
2 By: Committee on Rules and Administration
3 A Senate resolution honoring Thane R. Johnson upon his retire-
4 ment from the Legislative Service Bureau as a Senior
5 Research Analyst.
6 WHEREAS, Thane R. Johnson is retiring from the
7 Legislative Service Bureau as a Senior Research
8 Analyst after serving for nearly 33 years as a
9 Research Analyst with almost 28 of those years serving
10 as a Senior Research Analyst; and
11 WHEREAS, Thane began his career working for the
12 Iowa General Assembly in 1969 when the General
13 Assembly first began meeting each year in regular
14 session, and when the Legislative Service Bureau was a
15 young central staff agency; and
16 WHEREAS, Thane's bachelor and master's degrees in
17 political science and his experience working for the
18 South Dakota State Legislative Research Council and
19 the Polk-Des Moines Taxpayers Association served him
20 well in preparing him for his drafting, staffing, and

21 research work for the Legislative Service Bureau; and
22 WHEREAS, Thane exhibited his commitment to the
23 General Assembly and the citizens of this state by
24 becoming an expert in the drafting of bills and
25 staffing of committees in the areas of alcoholic
26 beverages, gambling, hunting and fishing, and local
27 government; and
28 WHEREAS, Thane has been a much-beloved staff person
29 in the Legislative Service Bureau, sharing his cheery
30 personality, enlightening his fellow employees and the

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1 Bureau's pages with his highly developed sense of
2 humor, and exercising his musical talents; and
3 WHEREAS, Thane has been active in representing the
4 Iowa General Assembly in many Midwestern meetings of
5 the Council of State Governments; and
6 WHEREAS, it is fitting that the Senate should
7 recognize Thane's long-term public service, his hard
8 work, his dedication to the nonpartisan drafting and
9 staffing missions of the Legislative Service Bureau,
10 and his attention to the lawmaking functions of the
11 General Assembly; NOW THEREFORE,
12 BE IT RESOLVED BY THE SENATE, That the Senate pay
13 tribute to Thane R. Johnson, Senior Research Analyst
14 of the Legislative Service Bureau, for his
15 extraordinary accomplishments as a bill drafter and
16 committee staffer, and for his devoted service to the
17 General Assembly and the citizens of this state, and,
18 upon his retirement, wish him the very best in the
19 years ahead; and
20 BE IT FURTHER RESOLVED, That the Secretary of the
21 Senate prepare an official copy of this Resolution for
22 presentation to Thane R. Johnson.

The Senate rose and expressed tributes to Mr. Johnson.

Senator Iverson moved the adoption of Senate Resolution 158,
which motion prevailed by a voice vote.

Mr. Johnson addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 121.

Senate Resolution 121

On motion of Senator Iverson, **Senate Resolution 121**, a Senate resolution honoring the University of Iowa Women's Basketball Team and Coach Lisa Bluder, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 121, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 122.

Senate Resolution 122

On motion of Senator Iverson, **Senate Resolution 122**, a Senate resolution congratulating the Iowa State Cyclones Women's Basketball Team and Coach Bill Fennelly, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 122, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 123.

Senate Resolution 123

On motion of Senator Iverson, **Senate Resolution 123**, a Senate resolution honoring the Drake Women's Basketball Team, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 123, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 124.

Senate Resolution 124

On motion of Senator Iverson, **Senate Resolution 124**, a Senate resolution congratulating Gayle Blevins, Head Coach of the University of Iowa Women's Softball Team on her successful coaching career, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 124, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 160.

Senate Resolution 160

On motion of Senator Bolckom, **Senate Resolution 160**, a Senate resolution congratulating the City of Coralville for receiving a first-place award in the 2001 international Nations in Bloom competition, with report of committee recommending passage, was taken up for consideration.

Senator Bolcom moved the adoption of Senate Resolution 160, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 161.

Senate Resolution 161

On motion of Senator Black, **Senate Resolution 161**, a Senate Resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer, with report of committee recommending passage, was taken up for consideration.

Senator Black moved the adoption of Senate Resolution 161, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 115.

Senate Resolution 115

On motion of Senator Iverson, **Senate Resolution 115**, a Senate resolution congratulating Ms. Carissa Meadows for receiving a 2002 Prudential Spirit of Community Award, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 115, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 152.

Senate Resolution 152

On motion of Senator Iverson, **Senate Resolution 152**, a Senate resolution requesting Iowa's congressional delegation to work to permanently repeal the federal death tax, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 152.

A nonrecord roll call was requested.

The ayes were 21, nays 12.

The motion prevailed and the resolution was adopted.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 11, 2002, **adopted** the conference committee report **and passed House File 2191**, a bill for an act relating to notarial acts by judicial officers.

ALSO: That the House has on April 11, 2002, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 2615, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing effective dates. (S-5504)

ALSO: That the House has on April 12, 2002, **adopted** the conference committee report **and passed House File 2192**, a bill for an act relating to the establishment of a state agency work group to develop an interstate prescription drug purchasing cooperative.

ALSO: That the House has on April 12, 2002, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the Senate is asked:

House File 2339, a bill for an act relating to the filing of a supersedeas bond.

ALSO: That the House has on April 12, 2002, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bills in which the concurrence of the Senate is asked:

House File 2515, a bill for an act relating to the duties and operation of the department of education and providing effective and applicability dates. (S-5503)

House File 2622, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, sales and use, property, motor fuel, special fuel, and inheritance taxes and including effective and retroactive applicability date provisions. (S-5505)

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2192

Senator Tinsman called up the conference committee report on **House File 2192**, a bill for an act relating to the establishment of a state agency work group to develop an interstate prescription drug purchasing cooperative, filed on April 10, 2002, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report, with the recommendations and amendments contained therein, was adopted.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2192), the vote was:

Ayes, 43:

Behn	Black	Bolkcom	Connolly
Dearden	Deluhery	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Iverson	Kibbie	King
Kramer	Lamberti	Lord	Lundby

Maddox	McCoy	McKean	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Shearer
Soukup	Tinsman	Veenstra	

Nays, none.

Absent or not voting, 7:

Angelo	Boettger	Greiner	Jensen
McKibben	Sexton	Zieman	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2323

Senator Redfern called up for consideration **Senate File 2323**, a bill for an act relating to the creation of a registered nurse recruitment program and fund to be administered by the college student aid commission, amended by the House, and moved that the Senate concur in House amendment S-5440, filed April 10, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Redfern moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2323), the vote was:

Ayes, 45:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKinley
Miller	Ragan	Redfern	Redwine

Rehberg
Shearer
Zieman

Rittmer
Soukup

Schuerer
Tinsman

Sexton
Veenstra

Nays, none.

Absent or not voting, 5:

Boettger
McKibben

Greiner

Jensen

Lord

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

Senate File 2308

On motion of Senator Miller, **Senate File 2308**, a bill for an act relating to the utility replacement tax, and providing for the Act's retroactive applicability, placed on the Unfinished Business Calendar on March 14, 2002, was taken up for consideration.

Senator Miller asked and received unanimous consent to withdraw amendment S-5386, filed by Senators Greiner and Miller on April 3, 2002, to page 2 of the bill.

Senator Miller asked and received unanimous consent to withdraw amendment S-5471, filed by Senators Miller and Greiner on April 10, 2002, to page 2 of the bill.

Senator Miller offered amendment S-5493, filed by Senators Miller and Greiner on April 11, 2002, to page 2 of the bill.

(Action on Senate File 2308 was deferred.)

The Senate stood at ease at 12:45 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 1:15 p.m., President Pro Tempore McKean presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolution 122.

House Concurrent Resolution 122

On motion of Senator Iverson, **House Concurrent Resolution 122**, a concurrent resolution requesting the Supreme Court to implement a review and development of options to improve performance of guardian ad litem duties, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 122, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolution 123.

House Concurrent Resolution 123

On motion of Senator Iverson, **House Concurrent Resolution 123**, a concurrent resolution requesting the governor to appoint a blue ribbon committee to make recommendations regarding the child welfare, child mental health, and juvenile justice systems in the state of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 123, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 118.

Senate Concurrent Resolution 118

On motion of Senator Iverson, **Senate Concurrent Resolution 118**, a concurrent resolution supporting enactment of Medicare coverage of oral cancer drugs, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 118, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 118, House Concurrent Resolutions 122 and 123, Senate File 2323, and House File 2192** be **immediately messaged** to the House.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Tinsman, until she returns, on request of Senator Rittmer; and Senators Jensen, Maddox, and Schuerer, until they return, on request of Senator Iverson.

BUSINESS PENDING

Senate File 2308

The Senate resumed consideration of **Senate File 2308**, a bill for an act relating to the utility replacement tax, and providing for the Act's retroactive applicability, previously deferred.

Senator Miller moved the adoption of amendment S-5493.

A record roll call was requested.

On the question "Shall amendment S-5493 be adopted?" (S.F. 2308), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Behn	Drake	Gaskill	Harper
Horn	Iverson	King	Kramer
Lamberti	Lord	Lundby	McKean
McKinley	Miller	Redwine	Rehberg
Sexton	Shearer	Veenstra	Zieman

Nays, 23:

Angelo	Black	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gronstal	Hammond	Hansen	Holveck
Houser	Kibbie	McCoy	Ragan
Redfern	Rittmer	Soukup	

Absent or not voting, 7:

Boettger	Greiner	Jensen	Maddox
McKibben	Schuerer	Tinsman	

Amendment S-5493 lost.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2308), the vote was:

Ayes, 39:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Kibbie
King	Kramer	Lamberti	Lord
Lundby	McCoy	McKean	McKinley
Miller	Ragan	Redfern	Rittmer
Sexton	Soukup	Veenstra	

Nays, 4:

Redwine	Rehberg	Shearer	Zieman
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Absent or not voting, 7:

Boettger
McKibben

Greiner
Schuerer

Jensen
Tinsman

Maddox

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2258

Senator Angelo called up for consideration **Senate File 2258**, a bill for an act relating to the board of educational examiners' authority to determine whether an applicant for licensure or certification or for renewal of a license is qualified for the license sought, amended by the House in House amendment S-5256, filed March 26, 2002.

Senator Angelo offered amendment S-5281, filed by him on April 1, 2002, to page 1 of House amendment S-5256, and moved its adoption.

Amendment S-5281 was adopted by a voice vote.

Senator Angelo offered amendment S-5429, filed by him on April 9, 2002, to page 1 of House amendment S-5256, and moved its adoption.

Amendment S-5429 was adopted by a voice vote.

Senator Angelo moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Angelo moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2258), the vote was:

Ayes, 45:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Ragan	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Boettger	Greiner	McKibben	Miller
Redfern			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller, until he returns, on request of Senator Horn.

UNFINISHED BUSINESS (Deferred April 10, 2002)

House File 2559

The Senate resumed consideration of **House File 2559**, a bill for an act relating to child protection confidentiality requirements involving the department of human services, deferred April 10, 2002.

Senator Shearer withdrew the motion to reconsider the vote by which amendment S-5215 to House File 2559 was adopted by the Senate on April 10, 2002, filed by him on April 10, 2002, and found on page 1104 of the Senate Journal.

President Kramer took the chair at 1:43 p.m.

Senator Shearer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2559), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Angelo	Behn	Drake	Freeman
Gaskill	Houser	Jensen	King
Lamberti	Lord	McKean	McKinley
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 25:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Kibbie	Kramer	Lundby
Maddox	McCoy	Ragan	Shearer
Soukup			

Absent or not voting, 4:

Boettger	Greiner	McKibben	Miller
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The bill, having not received a constitutional majority, was declared to have failed to pass the Senate.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2622

Senator McKinley called up for consideration **House File 2622**, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, sales

and use, property, motor fuel, special fuel, and inheritance taxes and including effective and retroactive applicability date provisions, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5505, to Senate amendment H-8682, filed April 12, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator McKinley moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2622), the vote was:

Ayes, 46:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Boettger	Greiner	McKibben	Miller
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2515

Senator Rehberg called up for consideration **House File 2515**, a bill for an act relating to the duties and operation of the department of education and providing effective and applicability date, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5503 to Senate amendment H-8681, filed April 12, 2002.

A nonrecord roll call was requested.

The ayes were 25, nays 20.

The motion prevailed and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Rehberg moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2515), the vote was:

Ayes, 46:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Boettger	Greiner	McKibben	Miller
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Connolly, until he returns, on request of Senator Hammond.

SENATE RECEDES

House File 582

Senator Angelo called up for consideration **House File 582**, a bill for an act relating to the division and development of land by amending provisions relating to subdivision plats and plats of survey and relating to annexation and other boundary adjustments, and providing for the Act's applicability, amended by the Senate and moved that the Senate recede from its amendment.

The motion prevailed by a voice vote and the Senate **receded** from its amendment.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 582), the vote was:

Ayes, 45:

Angelo	Behn	Black	Bolkcom
Dearden	Deluhery	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKean
McKinley	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Boettger
Miller

Connolly

Greiner

McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Pro Tempore McKean took the chair at 2:20 p.m.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

E. Joyce Schulte, Agricultural Development Authority
Gary Steinlage, Agricultural Development Authority
Annette Townsley, Agricultural Development Authority

Holly Healey, Board of Athletic Training Examiners

G. L. Rushenberg, Board of Barber Examiners

Ethel Campbell, Commission on Community Action Agencies

Barbara Oliver-Hall, Credit Union Review Board

Mary Barakat, Criminal and Juvenile Justice Planning Advisory Council

James Grover, Commission on the Deaf

Carolyn Roberts, Iowa Grain Indemnity Fund Board
Donna Winburn, Iowa Grain Indemnity Fund Board

Dr. William T. Brown, Grape and Wine Development Commission
Benjamin Jung, Grape and Wine Development Commission
Ron Mark, Grape and Wine Development Commission
Horst "John" Priebe, Grape and Wine Development Commission
Dr. Paul Tabor, Grape and Wine Development Commission

Eldon Huston, Healthy and Well Kids in Iowa (*hawk-i*) Board

Leslie Whippen, Board for the Licensing and Regulation of Hearing Aid Dispensers

Larry Hertel, State Board of Examiners for Nursing Home Administrators

Connie Connolly, Board of Optometry Examiners

Verna Welte, Prevention of Disabilities Policy Council

Sharon Chism, Real Estate Appraiser Examining Board

Alison Doyle, Small Business Advisory Council

Derek Holmes, Small Business Advisory Council

Barry Cleaveland, State Transportation Commission

Dean Hicks, Iowa Workforce Development Board

Patricia Marshall, Iowa Workforce Development Board

Earnest Nelson, Iowa Workforce Development Board

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 46:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Boettger	Greiner	McKibben	Miller
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The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Steven Chapman, as a member of the State Racing and Gaming Commission, placed on the Individual Confirmation Calendar on March 27, 2002, and found on page 847 of the Senate Journal.

Senator Kibbie moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McCoy
McKean	McKinley	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Boettger	Greiner	McKibben	Miller
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Richard J. Haines, as Director of the Department of General Services, placed on the Individual Confirmation Calendar on March 27, 2002, and found on page 847 of the Senate Journal.

Senator Lamberti moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McCoy	McKean
McKinley	Ragan	Redfern	Redwine
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 1:

Dvorsky

Absent or not voting, 5:

Boettger	Greiner	McKibben	Miller
Rehberg			

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:28 p.m. until the completion of a meeting of the committee on Rules and Administration.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Irene Bowers, Iowa City — For a more than 50-year teaching career in the Iowa City Community School District. Senator Dvorsky (04/12/02).

City of Coralville — For receiving a first-place award in the 2001 international Nations in Bloom competition. Senator Dvorsky (04/12/02).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

FFA students from Anamosa Community Schools and their guests, 14 high school students from Sybena, Russia. Senator McKean.

Thirty-seven 4th grade students from Cody Elementary in Pleasant Valley, accompanied by their teacher Sonya Vogel. Senators Rittmer and Tinsman.

PETITION

The following petition was presented and placed on file:

From residents of Marion County favoring legislation to regulate livestock and livestock facilities. Senator Fink.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: April 12, 2002, 2:30 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer.

Members Absent: Boettger (excused).

Committee Business: Passed SRs 162, 164, 165, LSB 7279sv, and resolutions for the daily operations of the Senate and for adjournment of the Senate.

Adjourned: 2:31 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 164

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 165

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 119, a Senate concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 164, a Senate resolution deferring action on the confirmation of an appointment submitted by the Governor.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 166, a Senate resolution relating to daily operations of the Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 167 (LSB 7279sv), a Senate resolution requesting the Secretary of Agriculture to establish a task force to study value-added agricultural issues.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 12, 2002, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 415 – Relating to the jurisdiction of district associate judges.

S.F. 2279 – Relating to the regulated commercial activities of insurance and security sales, including rate adjustments for small group coverage, provisions pertaining to state and county mutual insurance associations, termination dates and licensed health care providers for emergency medical malpractice insurance, suspension of an insurer's certificate of authority for delinquency, exceptions to the right of a notice of intent not to renew, coverage requirements in a medical expense policy, tort immunity related to viatical settlement contracts, confidentiality of certain personal information in securities and insurance filings, postponement or suspension of registration under the blue sky law, reporting related to professional liability insurance, annual percentage rate used in calculations of the minimum nonforfeiture amount relating to individual deferred annuities, and providing for a future repeal.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 12, 2002, when the votes were taken on Senate Concurrent Resolution 118 and Senate File 2308 (and amendment S-5493 to Senate File 2308). Had I been present, I would have voted "Aye" on both (and "Nay" on amendment S-5493). In addition, I was necessarily absent from the Senate chamber on April 12, 2002, when the votes were taken on House Concurrent Resolutions 122 and 123. Had I been present, I would have voted "Aye" on both.

NEAL SCHUERER

RECONVENED

The Senate reconvened at 2:31 p.m., President Pro Tempore McKean presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer, until she returns, on request of Senator Freeman.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Iverson called up the appointment of Mary Elizabeth Brandsgard, as Chairperson of the Iowa Telecommunications and Technology Commission, placed on the Individual Confirmation Calendar on March 28, 2002, and found on page 862 of the Senate Journal.

Senator Deluhery moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Lamberti	Lord
Lundby	Maddox	McCoy	McKean
McKinley	Ragan	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Boettger	Greiner	Kramer	McKibben
Miller			

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 162, a Senate resolution recognizing Ms. Effie Burt for her composition, "I'll Make Me a World."

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 165, a Senate resolution thanking state employees who have been laid off or furloughed for their service to the state.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Dvorsky, Fink, Gaskill, Harper, Lord, McKean, and Rittmer. Nays, none. Absent or not voting, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Freeman asked and received unanimous consent to take up for consideration Senate Resolutions 162 and 165.

Senate Resolution 162

On motion of Senator Harper, **Senate Resolution 162**, a Senate resolution recognizing Ms. Effie Burt for her composition, "I'll Make Me a World," with report of committee recommending passage, was taken up for consideration.

Senator Harper moved the adoption of Senate Resolution 162, which motion prevailed by a voice vote.

Senate Resolution 165

On motion of Senator Gronstal, **Senate Resolution 165**, a Senate resolution thanking state employees who have been laid off or furloughed for their service to the state, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 165, which motion prevailed by a voice vote.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Sexton called up the appointment of Thomas Gronstal, as Superintendent of Banking, placed on the Individual Confirmation Calendar on March 5, 2002, and found on page 490 of the Senate Journal.

Senator Jensen moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Jensen	Kibbie
King	Lamberti	Lord	Lundby
Maddox	McCoy	McKean	McKinley
Ragan	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Boettger	Greiner	Iverson	Kramer
McKibben	Miller		

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

UNFINISHED BUSINESS

Senate File 2250

On motion of Senator Fink, **Senate File 2250**, a bill for an act relating to the operation and regulation of personal watercraft or motorboats, and to watercraft safety courses and certificates, and subjecting violators to a penalty, placed on the Unfinished Business Calendar on March 14, 2002, was taken up for consideration.

Senator Fink offered amendment S-5511, filed by him from the floor striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment S-5511 was adopted by a voice vote.

With the adoption of amendment S-5511, the Chair ruled amendment S-5152, filed by Senators Fink and Sexton on March 13, 2002, to pages 1, 2, and to the title page of the bill, out of order.

Senator Fink asked and received unanimous consent that **House File 2447** be **substituted** for **Senate File 2250**.

House File 2447

On motion of Senator Fink, **House File 2447**, a bill for an act relating to the operation and regulation of personal watercraft, and to watercraft safety courses and certificates, and subjecting violators to a penalty, was taken up for consideration.

Senator Fink moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2447), the vote was:

Ayes, 39:

Angelo	Behn	Black	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal

Hammond	Hansen	Harper	Holveck
Horn	Houser	Jensen	Kibbie
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKinley	Ragan
Redfern	Rehberg	Rittmer	Sexton
Shearer	Soukup	Zieman	

Nays, 5:

King	Redwine	Schuerer	Tinsman
Veenstra			

Absent or not voting, 6:

Boettger	Greiner	Iverson	Kramer
McKibben	Miller		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Fink asked and received unanimous consent that **Senate File 2250** be **withdrawn** from further consideration of the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Lynn M. Walding, as Administrator of the Alcoholic Beverages Division, placed on the Individual Confirmation Calendar on March 27, 2002, and found on page 846 of the Senate Journal.

Senator Maddox moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 43:

Angelo	Behn	Black	Bolkcom
Connolly	Deluhery	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Jensen	Kibbie	King
Lamberti	Lord	Lundby	Maddox

McCoy	McKean	McKinley	Ragan
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 7:

Boettger	Dearden	Greiner	Iverson
Kramer	McKibben	Miller	

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Angelo took the chair at 3:14 p.m.

Senator Maddox called up the appointment of Jack P. Ketterer, as Administrator of the State Racing and Gaming Commission, placed on the Individual Confirmation Calendar on March 27, 2002, and found on page 847 of the Senate Journal.

Senator McKean moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 42:

Angelo	Behn	Black	Bolkcom
Connolly	Deluhery	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Jensen	Kibbie	King
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKinley	Ragan
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 8:

Boettger	Dearden	Greiner	Iverson
Kramer	McKibben	Miller	Redfern

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

President Pro Tempore McKean took the chair at 3:20 p.m.

UNFINISHED BUSINESS

House File 2486

On motion of Senator King, **House File 2486**, a bill for an act relating to redistricting, the process of congressional and legislative redistricting, and review by the ethics and campaign disclosure board of county supervisor redistricting plans, and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Gronstal offered amendment S-5508, filed by him from the floor to pages 1, 7, 8, and to the title page of the bill.

Senator King raised the point of order that amendment S-5508 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5508 out of order.

Senator King offered amendment S-5428, filed by him on April 9, 2002, to pages 5-7 and 10-12 of the bill.

Senator King withdrew amendment S-5428.

Senator King offered amendment S-5502, filed by him on April 11, 2002, to pages 5-7 and 10-12 of the bill, and moved its adoption.

Amendment S-5502 was adopted by a voice vote.

President Kramer took the chair at 3:46 p.m.

Senator Gronstal offered amendment S-5509, filed by him from the floor to page 7 and to the title page of the bill.

Senator Gronstal withdrew amendment S-5509.

Senator Gronstal offered amendment S-5507, filed by him from the floor to page 8 and to the title page of the bill.

Senator King raised the point of order that amendment S-5507 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5507 out of order.

(Action on House File 2486 was deferred.)

The Senate stood at ease at 3:55 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 4:15 p.m., President Kramer presiding.

Senator Angelo took the chair at 4:16 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 119, by committee on Rules and Administration, a concurrent resolution to provide for adjournment sine die.

Read first time and **placed on calendar**.

Senate Resolution 166, by committee on Rules and Administration, a Senate resolution relating to daily operations of the Senate.

Read first time and **placed on calendar**.

Senate Resolution 167, by committee on Rules and Administration, a Senate resolution requesting the Secretary of Agriculture to establish a task force to study value-added agricultural issues.

Read first time and **placed on calendar**.

DEFERRAL OF APPOINTEE
(Individual Confirmation Calendar)

Senator Schuerer called up the appointment of Lee Clancey, as a member of the State Racing and Gaming Commission, placed on the Individual Confirmation Calendar on March 27, 2002, and found on page 847 of the Senate Journal.

Senate Iverson asked and received unanimous consent that action on the appointment of Lee Clancey be **deferred**.

The Senate stood at ease at 4:20 p.m. until the fall of the gavel.

The Senate resumed session at 4:43 p.m., Senator Angelo presiding.

QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent, and a quorum present.

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and thanked by Senators Iverson and Gronstal for their service to the Senate.

A Certificate of Excellence for serving with honor and distinction as a Senate Page during the 2002 Regular Session of the Seventy-ninth General Assembly and individual and group pictures were presented to each of the following pages:

Karla Anderson, Alyssa Beaman, Alissa Darrow, Jessi Fisher, Matt Gibson, Tiffany Gilbert, Angie Groh, Emma Heetland, Sam How, Andrew Kinser, Ember Leonard, Tiffany Meredith, Micky Snieder, Kasee Sparks, Julianne Spoo, Micah Van Mersbergen, Mallie Vetter, and Wendy Walker.

The Senate rose and expressed its appreciation to the Pages.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2258** and **House Files 582, 2447, 2515, and 2622** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fraise, for the remainder of the day, on request of Senator Hansen.

REFUSAL OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Iverson called up the appointment of Lee Clancey, as a member of the State Racing and Gaming Commission, previously deferred.

President Kramer took the chair at 5:47 p.m.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 27:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Kibbie	Lundby	Maddox	McCoy
McKean	Ragan	Redfern	Rittmer
Shearer	Soukup	Tinsman	

Nays, 20:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Gronstal	Houser
King	Kramer	Lamberti	Lord
McKinley	Miller	Redwine	Rehberg
Schuerer	Sexton	Veenstra	Zieman

Absent or not voting, 3:

Fraise

Greiner

McKibben

The appointee, having failed to receive a two-thirds vote, was declared to have been **refused confirmation** by the Senate.

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 7:45 p.m., President Kramer presiding.

QUORUM CALL

Senator Freeman requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Soukup and McCoy, for the remainder of the day, on request of Senator Hammond.

UNFINISHED BUSINESS

House File 2549

On motion of Senator Boettger, **House File 2549**, a bill for an act relating to students and school district employees by amending the student achievement and teacher quality program and language pertaining to retirement incentives and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 21, 2002, was taken up for consideration.

Senator Fink offered amendment S-5445, filed by him on April 10, 2002, to pages 1-12 and to the title page of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 16, nays 26.

Amendment S-5445 lost.

Senator Boettger withdrew amendment S-5500, filed by her on April 11, 2002, to pages 2, 4, 5, and 9-12 of the bill.

Senator Kramer withdrew amendment S-5512, filed by her from the floor to pages 4-6 and 8-12 of the bill.

Senator Boettger offered amendment S-5515, filed by her from the floor to pages 4-6 and 8-12 of the bill, and moved its adoption.

Amendment S-5515 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2549), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Fraise	Greiner	McCoy	McKibben
Soukup			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 5, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2057, a bill for an act relating to the designation of a Dr. Norman E. Borlaug World Food Prize Day.

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 2002, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2293, a bill for an act relating to animal agriculture.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2549** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2331.

Senate File 2331

On motion of Senator Lamberti, **Senate File 2331**, a bill for an act relating to public funding provisions involving the compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other properly related matters of the state, making and reducing appropriations, and providing effective dates, was taken up for consideration.

Senator Lamberti offered amendment S-5506, filed by him from the floor striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5506 was adopted by a voice vote.

Senator Lamberti asked and received unanimous consent that **House File 2623** be **substituted** for **Senate File 2331**.

House File 2623

On motion of Senator Lamberti, **House File 2623**, a bill for an act relating to public funding provisions involving the compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other properly related matters of the state, making and reducing appropriations, and providing effective dates, was taken up for consideration.

Senator Fink offered amendment S-5514, filed by Senators Fink and McCoy from the floor to pages 12 and 13 of the bill.

Senator Lamberti raised the point of order that amendment S-5514 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5514 out of order.

Senator Fiegen offered amendment S-5510, filed by him from the floor to page 27 of the bill.

President Pro Tempore McKean took the chair at 8:58 p.m.

President Kramer took the chair at 9:04 p.m.

Senator Lamberti raised the point of order that amendment S-5510 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5510 out of order.

The Senate stood at ease at 9:15 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 9:34 p.m., President Kramer presiding.

Senator Bolkcom offered amendment S-5513, filed by Senators Bolkcom and Kibbie from the floor to page 29 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5513 be adopted?" (H.F. 2623), the vote was:

Ayes, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Ragan	Shearer		

Nays, 24:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	McKean	McKinley	Miller
Redfern	Redwine	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 8:

Fraise	Greiner	Lundby	Maddox
McCoy	McKibben	Rehberg	Soukup

Amendment S-5513 lost.

Senator Kibbie offered amendment S-5517, filed by him from the floor to page 57 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5517 be adopted?" (H.F. 2623), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	Ragan	Shearer
Tinsman			

Nays, 23:

Angelo	Behn	Boettger	Freeman
Gaskill	Houser	Iverson	Jensen
King	Kramer	Lamberti	Lord
McKean	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Veenstra	Zieman	

Absent or not voting, 6:

Fraise	Greiner	Maddox	McCoy
McKibben	Soukup		

Amendment S-5517 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. 2623), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hammond	Hansen

Harper	Holveck	Horn	Kibbie
Ragan	Shearer		

Absent or not voting, 5:

Fraise	Greiner	McCoy	McKibben
Soukup			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Lamberti asked and received unanimous consent that **Senate File 2331** be **withdrawn** from further consideration of the Senate.

President Pro Tempore McKean took the chair at 10:47 p.m.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 2002, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2326, a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters and including effective dates.

Senate File 2328, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

ALSO: That the House on April 12, 2002, **concurred** in the Senate amendment and **passed** the following bill in which the concurrence of the House was asked:

House File 2549, a bill for an act relating to students and school district employees by amending the student achievement and teacher quality program and language pertaining to retirement incentives and providing an effective date.

ALSO: That the House on April 12, 2002, **concurred** in the Senate amendment to the House amendment, **and passed** the following bills in which the concurrence of the House was asked:

Senate File 2118, a bill for an act prohibiting certain activities related to the use or destruction of the materials of human reproduction, and providing penalties.

Senate File 2258, a bill for an act relating to the board of educational examiners' authority to determine whether an applicant for licensure or certification or for renewal of a license is qualified for the license sought.

ALSO: That the House on April 12, 2002, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2316, a bill for an act relating to the sale of certain farmland by Iowa state university of science and technology, providing for the appropriation and use of proceeds from the sale, and providing an effective date. (S-5516)

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2623** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2615

Senator Kramer called up for consideration **House File 2615**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing effective dates, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5504 to Senate amendment H-8642, filed April 12, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Kramer moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2615), the vote was:

Ayes, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Hansen	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKinley	Miller	Redfern
Redwine	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 17:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Gronstal	Hammond	Harper
Holveck	Horn	Kibbie	Ragan
Shearer			

Absent or not voting, 6:

Fraise	Greiner	McCoy	McKibben
Rehberg	Soukup		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2191

Senator Boettger called up the conference committee report on **House File 2191**, a bill for an act relating to notarial acts by judicial officers, filed on April 10, 2002, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report, with the recommendations and amendments contained therein, was adopted.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2191), the vote was:

Ayes, 43:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Jensen	Kibbie
King	Kramer	Lamberti	Lord
Lundby	Maddox	McKean	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Rittmer	Sexton	Shearer
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 7:

Fraise	Greiner	Houser	McCoy
McKibben	Schuerer	Soukup	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senator Boettger took the chair at 11:00 p.m.

HOUSE AMENDMENT CONSIDERED

Senate File 2316

Senator Lamberti called up for consideration **Senate File 2316**, a bill for an act relating to the sale of certain farmland by Iowa state university of science and technology, providing for the appropriation and use of proceeds from the sale, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S-5516, filed April 12, 2002.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Lamberti moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2316), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Houser	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lord	Lundby	Maddox	McKean
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Fraise	Greiner	McCoy	McKibben
Soukup			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 166.

Senate Resolution 166

On motion of Senator Iverson, **Senate Resolution 166**, a Senate resolution relating to daily operations of the Senate, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 166, which motion prevailed by a voice vote.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 2002, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 124, a House concurrent resolution to provide for adjournment sine die.

Read first time and **attached to companion Senate Concurrent Resolution 119**.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 167.

Senate Resolution 167

On motion of Senator Iverson, **Senate Resolution 167**, a Senate resolution requesting the Secretary of Agriculture to establish a task force to study value-added agricultural issues, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 167, which motion prevailed by a voice vote.

LEADERSHIP RECOGNITION

Senator Iverson was escorted to the well of the Senate by Senators Rittmer and Sexton; Senator Gronstal was escorted to the well of the Senate by Senators Hammond and Harper; and Senator Kramer was escorted to the well of the Senate by Senators Redwine and Jensen. They were presented gifts on behalf of the members of the Senate in recognition of their leadership during the Seventy-ninth General Assembly.

The honored senators addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

President Kramer took the chair at 11:30 p.m.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 119.

Senate Concurrent Resolution 119

On motion of Senator Iverson, **Senate Concurrent Resolution 119**, a Senate concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 124** be substituted for **Senate Concurrent Resolution 119**.

House Concurrent Resolution 124

On motion of Senator Iverson, **House Concurrent Resolution 124**, a House concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 124, which motion prevailed by a voice vote.

WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 119** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2308, 2316, and 2330, House Files 2191 and 2615, and House Concurrent Resolution 124** be **immediately messaged** to the House.

APPENDIX

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 12, 2002, when the vote was taken on House File 2191. Had I been present, I would have voted "Aye."

NEAL SCHUERER

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 12, 2002, when the vote was taken on Senate File 2308. Had I been present, I would have voted "Aye."

MAGGIE TINSMAN

MOTIONS TO RECONSIDER FILED

MADAM PRESIDENT: I move to reconsider the vote by which House File 2559 failed to pass the Senate on April 12, 2002.

MARY E. KRAMER

MADAM PRESIDENT: I move to reconsider the vote by which House File 2559 failed to pass the Senate on April 12, 2002.

MARK SHEARER

MADAM PRESIDENT: I move to reconsider the vote by which the confirmation of Lee Clancey failed to be approved by the Senate on April 12, 2002.

MICHAEL E. GRONSTAL

AMENDMENTS FILED

S-5503	H.F.	2515	House
S-5504	H.F.	2615	House
S-5505	H.F.	2622	House
S-5506	S.F.	2331	Jeff Lamberti
S-5507	H.F.	2486	Michael E. Gronstal
S-5508	H.F.	2486	Michael E. Gronstal
S-5509	H.F.	2486	Michael E. Gronstal
S-5510	H.F.	2623	Thomas Fiegen
S-5511	S.F.	2250	Bill Fink
S-5512	H.F.	2549	Mary E. Kramer

S-5513	H.F.	2623	Joe Bolkcom John P. Kibbie
S-5514	H.F.	2623	Bill Fink Matt McCoy
S-5515	H.F.	2549	Nancy Boettger
S-5516	S.F.	2316	House
S-5517	H.F.	2623	John P. Kibbie

The Senate stood at ease at 11:32 p.m. until the fall of the gavel.

The Senate resumed session, President Kramer presiding.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2190, the following correction was made:

1. Page 1, line 31, the words "Recovery of employee overpayment" were capitalized.

ALSO: That in enrolling Senate File 2275, the following correction was made:

1. Page 4, line 27, the letter "r" in the word "subchapter" was stricken.

ALSO: That in enrolling Senate File 2280, the following correction was made:

1. Page 2, line 34, after the word "Sec." the number "2." was added.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 12th day of April, 2002:

Senate Files 348, 503, 2057, 2118, 2168, 2190, 2197, 2258, 2259, 2268, 2275, 2280, 2286, 2293, 2305, 2316, 2317, 2318, 2320, 2321, 2323, 2325, 2326, and 2328.

MICHAEL E. MARSHALL
Secretary of the Senate

FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to Senate Rule 24, the following motions to reconsider, which remained on the Senate calendar upon adjournment of the 2002 Regular Session of the Seventy-ninth General Assembly, were determined to have **failed**:

House File 2559, a bill for an act relating to child protection confidentiality requirements involving the department of human services. (Failed to pass Senate on April 12, 2002.) Motions filed by Senators Kramer and Shearer on April 12, 2002.

House File 2614, a bill for an act relating to and making appropriations to state departments and agencies from the tobacco settlement trust fund, rebuild Iowa infrastructure fund, and environment first fund, making related statutory changes, and providing effective dates. (Passed the Senate on April 11, 2002.) Motion filed by Senator Lamberti on April 11, 2002.

Governor's appointment of Lee Clancey as a member of the State Racing and Gaming Commission. (Refused confirmation by the Senate on April 12, 2002.) Motion filed by Senator Gronstal on April 12, 2002.

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Iverson moved that a committee be appointed to notify the Governor that the Senate was ready to adjourn sine die in accordance with House Concurrent Resolution 124.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Gronstal and Iverson.

COMMITTEE TO NOTIFY THE HOUSE

Senator Iverson moved that a committee be appointed to notify the House that the Senate was ready to adjourn sine die in accordance with House Concurrent Resolution 124.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Iverson and Gronstal.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to adjourn sine die.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Iverson reported that the committee appointed to notify the House that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee was discharged.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Gronstal reported that the committee appointed to notify the Governor that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee was discharged.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 124, duly adopted, the day of April 12, 2002, having arrived, President Kramer declared the 2002 Regular Session of the Seventy-ninth General Assembly adjourned sine die.

MESSAGE FROM THE GOVERNOR

April 18, 2002

The Honorable Mary Kramer
President of the Senate
State Capitol
LOCAL

The Honorable Brent Siegrist
Speaker of the House
State Capitol
LOCAL

Dear President Kramer and Speaker Siegrist:

Two significant highlights from this year's regular legislative session include progress made in attracting venture capital to Iowa and a major step forward toward striking a balance between our livestock industry and our natural resources.

In an effort to attract venture capital for emerging, expanding, and restructuring enterprises, I worked with lawmakers to establish the Iowa Capital Formation Act. Designed around the fund of funds venture capital model, this initiative offers individuals and institutional investors the opportunity to participate in venture capital initiatives with contingent tax credits as an incentive to investors. We worked in a bipartisan effort to add a new tax credit to encourage increased private sector investment in start-up business ventures by reducing risk and increasing profitability of such investments. Legislation was also passed to provide a tax credit for equity investment in a venture capital fund and to allow start-up businesses to defer their taxable income. Combined, these initiatives will provide the opportunity for entrepreneurs to fulfill their dreams here in Iowa resulting in increased growth and productivity for our state.

This year also yielded a livestock confinement bill that better balances the need for clean water, clean air, and quality of life with the need for a healthy livestock industry. This is a difficult issue that I asked the legislature to address for three years by providing local officials authority over locating large confinement facilities. While the legislation passed this year does not accomplish that goal, I believe it will result in a better quality of life for Iowans, cleaner water, cleaner air, and a livestock industry that will help support family farmers across the state.

The biggest disappointment of the legislative session was the majority party's unwillingness to compromise on a budget that protected Iowa families. The Republican-controlled legislature refused to fund the priorities of Iowa families — putting schools, child safety, health care, and public security in jeopardy — even though Iowa has sufficient resources to protect these priorities.

We have witnessed significant progress in other areas when we set partisanship aside and work for the interests of all Iowans. I intend to continue to work with legislators to ensure we protect education, health care, and public safety for all Iowans.

Sincerely,
THOMAS J. VILSACK
Governor

State of Iowa

**JOURNAL
OF THE SENATE**

**SEVENTY-NINTH
GENERAL ASSEMBLY**

**2002 FIRST
EXTRAORDINARY SESSION**

April 22, 2002

**MARY E. KRAMER, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate**

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY
FIRST EXTRAORDINARY SESSION

Senate Chamber
Des Moines, Iowa, Monday, April 22, 2002

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 9:12 a.m. by the Honorable Mary E. Kramer, President of the Senate.

Prayer was offered by the Honorable Patrick J. Deluhery, member of the Senate from Scott County, Davenport, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Angie Groh and Micah Van Mersbergen.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

April 18, 2002

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 9:00 a.m., April 22, 2002.

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 2002 Regular Session of the Seventy-ninth General Assembly adjourned pursuant to House Concurrent Resolution 124, and

Whereas, throughout the legislative session that adjourned last week, I repeatedly called on lawmakers to pass a budget that adequately funded vital state services, and

Whereas, the budget lawmakers passed underfunds vital educational, child safety, health care, and public security services, and

Whereas, Iowa has ample resources to adequately fund vital state services while maintaining a balanced budget, and

Whereas, Iowa cannot afford to underfund these vital state services, since such a step could jeopardize the security and welfare of Iowa families.

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 22nd day of April, 2002, 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 the Senate chamber at the State Capitol at 9:00 a.m. on the 22nd day of April, 2002, for the purpose which the assembly is convened, namely the matter of approving a fiscal year 2003 state budget that protects Iowans' priorities 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 18th day of April in the year of our Lord two thousand two.

(SEAL)

THOMAS J. VILSACK, Governor

Attest:

CHESTER J. CULVER
Secretary of State

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 2002 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 April 18, 2002, proclamation of the Governor, **duly organized** for the 2002 Extraordinary Session of the Seventy-ninth General Assembly and is ready to receive communications from the Senate.

The Senate stood at ease at 9:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:10 p.m., President Kramer presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 12:11 p.m. until the completion of a meeting of the committee on Rules and Administration.

APPENDIX

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: Monday, 12:11 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Harper, Lord, McKean, and Rittmer.

Members Absent: Gaskill.

Committee Business: Passed resolution for adjournment.

Adjourned: 12:18 p.m.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 120, a concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Iverson, Kramer, Boettger, Lord, McKean, and Rittmer. Nays, 4: Gronstal, Dvorsky, Fink, and Harper. Absent or not voting, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened at 12:19 p.m., President Kramer presiding.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 120, by committee on Rules and Administration, a concurrent resolution to provide for adjournment sine die.

Read first time and **placed on calendar**.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 120.

Senate Concurrent Resolution 120

On motion of Senator Iverson, **Senate Concurrent Resolution 120**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Boettger took the chair at 1:42 p.m.

President Kramer took the chair at 1:49 p.m.

(Action on Senate Concurrent Resolution 120 was deferred.)

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 2002, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 125, a concurrent resolution to provide for adjournment sine die.

Read first time and **attached to companion Senate Concurrent Resolution 120**.

ALSO: That the House is **prepared to adjourn** the 2002 Extraordinary Session of the Seventy-ninth General Assembly pursuant to House Concurrent Resolution 125, duly adopted.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dearden, for the day, and Senators Hansen and McCoy, until they return, on request of Senator Soukup.

BUSINESS PENDING

Senate Concurrent Resolution 120

The Senate resumed consideration of Senate Concurrent Resolution 120.

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 125** be **substituted** for **Senate Concurrent Resolution 120**.

House Concurrent Resolution 125

House Concurrent Resolution 125, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 125.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (H.C.R. 125) the vote was:

Ayes, 29:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 18:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Harper
Holveck	Horn	Kibbie	Ragan
Shearer	Soukup		

Absent or not voting, 3:

Dearden	Hansen	McCoy
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The motion prevailed and the resolution was adopted.

WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 120** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 125** 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 the House of Representatives informing them that the Senate was prepared to adjourn sine die pursuant to House Concurrent Resolution 125.

The motion prevailed by a voice vote.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 125, duly adopted, the day of April 22, 2002, having arrived, President Kramer declared the 2002 Extraordinary Session of the Seventy-ninth General Assembly adjourned sine die at 2:22 p.m.

**SENATE BILLS APPROVED,
ITEM VETOED, AND VETOED
SUBSEQUENT TO ADJOURNMENT**

Seventy-Ninth General Assembly

2002 Regular Session

SENATE BILLS APPROVED, ITEM VETOED,
AND VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2002 Regular Session:

SENATE BILLS APPROVED

S.F. 348 – Relating to the establishment of Iowa charter schools and providing for a conditional effective date. Approved April 23.

S.F. 503 – Relating to open feedlots, by providing for standards of construction for pollution control structures. Approved April 30.

S.F. 2034 – Relating to the filing of a criminal indictment or trial information against a person who is not present in the state. Approved April 22.

S.F. 2057 – Relating to the designation of a Dr. Norman E. Borlaug World Food Prize Day. Approved May 10.

S.F. 2118 – Prohibiting human cloning, and providing penalties. Approved April 26.

S.F. 2124 – Relating to the department of public defense by amending the state military code and the Iowa code of military justice, creating a statewide mutual aid compact, providing for the confidentiality of certain records, exempting the department of public defense from certain state service contract requirements and state competitive bidding requirements, exempting the Iowa technology center from anticompetition provisions, increasing a standing appropriation, providing criminal penalties for violations, and providing effective dates. Approved April 22.

S.F. 2168 – Authorizing the state board of regents to issue bonds to construct, improve, remodel, repair, furnish, and equip inpatient and outpatient facilities and patient care facilities at the university of Iowa hospitals and clinics. Approved May 8.

S.F. 2197 – Prohibiting a registered sex offender from residing near a school or child care facility, and providing a penalty. Approved May 9.

S.F. 2205 – Relating to regulation of child care and child development homes and child care centers and providing effective date and applicability provisions. Approved May 2.

S.F. 2228 – Relating to utilization of school district moneys for physical plant and equipment levy purposes. Approved April 22.

S.F. 2258 – Relating to the board of educational examiners' authority to determine whether an applicant for licensure or certification or for renewal of a license is qualified for the license sought. Approved April 26.

S.F. 2259 – Amending Code provisions administered by the department of education, including provisions related to participation in extracurricular activities, tuition reimbursement payment by school districts under the postsecondary enrollment options Act, interscholastic activities agreements, school infrastructure program calculations, phase I payment calculations, and the use of phase III balances by school districts and area education agencies. Approved April 26.

S.F. 2268 – Relating to animals other than livestock, including the taking of such animals, providing for their disposition, and providing for the reimbursement of dispositional expenses, providing for the protection of animals from injury or torment, and providing penalties. Approved April 26.

S.F. 2275 – Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and including effective and retroactive applicability date provisions. Approved April 22.

S.F. 2280 – Relating to the requirements of the department of human services for certain child welfare services providers and providing an effective date. Approved April 23.

S.F. 2286 – Relating to the civil commitment of sexually violent predators, and providing an effective date. Approved April 30.

S.F. 2293 – Relating to animal agriculture, providing for fees, providing for penalties, and including retroactive applicability and effective date provisions. Approved April 29.

S.F. 2305 – Relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, sales and use, property, motor fuel, and special fuel. Approved May 6.

S.F. 2316 – Relating to the sale of certain farmland by Iowa state university of science and technology, providing for the appropriation and use of proceeds from the sale, and providing an effective date. Approved May 2.

S.F. 2318 – Relating to the tax on premiums and subscriber contract payments received by insurance companies and health service corporations by phasing in a reduction in the tax and increasing the prepayment of the tax. Approved May 9.

S.F. 2320 – Relating to the assessment of court fees by the clerk of district court. Approved April 23.

S.F. 2321 – Relating to sales and use taxes by requiring the department of revenue and finance to collect data on the extent and the effect on taxes of electronic commerce in the state, striking the repeal of the tax treatment of sales where the substance of the transaction is delivered by electronic waves, digitally, or by way of cable or fiber optics, and establishing a committee to enter into multistate discussions on the simplification of the sales and use taxes and including an effective date. Approved May 10.

S.F. 2323 – Relating to the creation of a registered nurse recruitment program and fund to be administered by the college student aid commission. Approved April 26.

S.F. 2325 – Relating to certain state agency regulatory functions by reorganizing the duties of the department of inspections and appeals, transferring the court appointed special advocate program to the department of inspections and appeals, renaming and revising the duties of the state citizen foster care review board, reorganizing the administrative structure of the department of natural resources, providing for legislative review of state agencies, and revising requirements for licensed birth centers. Approved May 10.

S.F. 2328 – Providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date. Approved May 9.

GOVERNOR'S ITEM VETO MESSAGES

May 10, 2002

The Honorable Chester Culver
Secretary of State
State Capitol
LOCAL

Dear Secretary Culver:

I hereby transmit Senate File 2317, an act relating to the tobacco master settlement agreement, including tobacco product manufacturer compliance, making an appropriation, and providing penalties. This legislation provides additional remedies to aid in the enforcement of the Model Statute, Code 453C which was required to be approved and enforced by the State in the Master Settlement Agreement with the Tobacco Manufacturers.

Sections 1–8 of this bill would require compliance with chapter 453C before a distributor could affix stamps to the product. Additionally, a registered agent would be required for service of process of those out of state manufacturers selling in this state. Iowa is required to "diligently enforce" chapter 453C and penalties for failure to are monetary and substantial. The possibility exists that the entire amount owed to Iowa for any particular year could be eliminated if the statute is not diligently enforced.

Section 9 is the balance owed the private counsel retained to represent Iowa in its litigation against the Tobacco manufacturers. The original appropriation contained in House File 755, section 25, of last year's appropriation was \$944,877.60 short of the obligation owed to the attorneys by contract. The shortage was created when estimates paid by Tobacco manufacturers over the last three years did not meet actual obligation. When the contractual obligation to the attorneys is concluded, the balance of the payments will be assigned to the State.

In its present form there is some question as to whether Sections 1–8 would jeopardize Iowa having a qualified model statute within the meaning of the Master Settlement Agreement. That in itself would result in substantial monetary penalties for the State.

Senate File 2317 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve Sections 1–8 given the potential to put Iowa in noncompliance with the Master Settlement Agreement. I look forward to working with lawmakers to approve legislation that would ensure compliance with the Master Settlement Agreement and not jeopardize these funds.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2317 are hereby approved as of this date.

Sincerely,
THOMAS J. VILSACK
Governor

May 10, 2002

The Honorable Chester Culver
Secretary of State
State Capitol
LOCAL

Dear Secretary Culver:

I hereby transmit Senate File 2326, an Act making, reducing, and transferring appropriations, and providing for other properly related matters and including effective dates.

Since the Legislature approved this bill, there has been a dramatic change in the State's revenue projections. Most states and the federal government experienced a large reduction in final pay income tax returns and a correspondingly large increase in taxpayers due refunds. Because of this change in circumstance, I asked the State's Revenue Estimating Conference (REC) to meet to review their official revenue estimate for both fiscal years 2002 and 2003.

On May 7, the REC met and decreased general fund resources available to the State by \$205.5 million in fiscal year 2002 and \$220.1 million in fiscal year 2003. By law, both the governor and the legislature must rely on the REC estimate in preparing and approving the state budget.

While I am concerned about many details within this bill, there is a larger, more fundamental concern that prevents me from approving the majority of this bill. Due to recent action by the REC in lowering revenue projections, signing this bill would enact a general fund budget for fiscal year 2003 that results in a general fund deficit of more than \$200 million and would be an irresponsible action. I cannot and will not do so.

At the same time, we cannot go back on our commitment to our children and families. Education at all levels is the number one priority in Iowa. To build on progress in student achievement, reduced class sizes, and job and wealth creation, we must have an educated workforce, and we must use our colleges and universities as an engine for economic growth. Even as we work to cut budgets, we must do all we can to preserve our commitment to education and maintain the educational opportunities for our children.

To help ensure this educational commitment, I am approving Division IV, Sections 76 through 86, the education portion of Senate File 2326 with the noted exceptions. While it falls short of my original goals for funding, given our current fiscal realities, it is likely the best investment we can make at this time. We will continue to work for additional resources in education through achieving savings and efficiencies in government. In the end, however, we must look to our educated workforce and our colleges and universities to be a catalyst for economic growth in our state. In the long run, education is the key to Iowa's economic prosperity.

In order for our children to have the best opportunities available to them, they must also have adequate access to health care. Iowa has the distinction of being the top performing state in the nation according to The Social Health of the States, conducted by the Fordham Institute for Innovation in Social Policy. In an effort to continue the progress we have made in ensuring every child receives the medical attention they need I am approving Sections 106, which provides funding for the Healthy and Well Kids in Iowa (*hawk-i*) program. In a nation as wealthy as ours, no child should be left out.

Senate File 2326 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve Division I, Sections 1 through 33; Division II, Sections 34 through 45; Division III, Sections 46 through 75; Division V, Sections 87 through 98; Division VI, Sections 99 through 105 and Sections 107 through 140; Division VII, Sections 141 through 162; Division VIII, Sections 163 through 167. This action is necessary as a result of the REC's lowering the revenue estimates. I intend to work with lawmakers in a special session this month to take responsible action to reduce spending, reallocate existing resources, and balance this budget.

I am unable to approve Section 79, subsection 15, paragraph 2. This paragraph states that it is the intent of the general assembly to cease providing assistance for the Jobs for America's Graduates (JAG) program on June 30, 2003. This is a valuable program that provides direct services to the most at-risk juniors and seniors in local school districts through direct intervention. These students are worked with intensively to ensure that they graduate and are successful in obtaining a job or enrolling in postsecondary training. It is our duty to provide the tools to enable all students to succeed.

I am unable to approve Section 79, subsection 16, paragraph 2. This paragraph states that it is the intent of the general assembly to cease providing assistance for the Americorps After-School Initiative on June 30, 2003. Americorps is an after school program aimed at middle school students located in schools with high rates of juvenile crime, violence and drug abuse. This is an important tool in linking people across Iowa willing to volunteer to improve a child's life.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2326 are hereby approved as of this date.

Sincerely,
THOMAS J. VILSACK
Governor

GOVERNOR'S VETO MESSAGE

May 9, 2002

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2190, an Act concerning workers' compensation, which among other things, would reduce workers' compensation payments made to injured employees by expanding the ability of employers to apportion compensation payments made to employees who suffer more than one work-related injury, or a single injury that follows a preexisting functional condition.

The workers' compensation statute has historically struck a carefully crafted balance between the interests of employers and employees in the state of Iowa. Legislators originally enacted the statute to create a consistent and fair compensation schedule for workers who suffered injuries during the course of their employment. Like the acts of most other states, the Iowa workers' compensation statute guaranteed prompt, yet limited, compensation for employee work-related injuries. Legislators also crafted the original statute to promote industrial and workplace safety, and reduce the likelihood that injured workers and their dependants would be forced to seek public assistance. In exchange for this well-defined and structured system, employees gave up all rights to seek full and fair compensation for their work-related injuries in a court of law. Thus, the Iowa workers' compensation statute became the exclusive remedy for all work-related injuries, regardless of the circumstance.

Senate File 2190 destroys the effective balance between the interests of employers and the well-being of injured workers by expanding an employer's ability to apportion workers' compensation payments due and owing when the employer received a prior payment for a prior injury. In essence, Senate File 2190 would allow an employer to receive a 'credit' for any pre-existing condition that affected the employability of a worker, whenever a subsequent workplace injury increased the industrial disability of the worker, regardless of the nature of the subsequent injury, or its relationship to the prior one. Senate File 2190 would also allow an employer to apportion a work-related injury, even where a prior injury or disease would not cause an ascertainable portion of the work-related injury, and wouldn't independently produce some degree of disability before the subsequent injury. This change would be clearly divergent from the common law of tortious liability, and it would contravene the initial intent of the worker's compensation statute.

Under Senate File 2190, a worker who has suffered a partial disability of 35 percent for a damaged shoulder tendon, can only recover a workers' compensation payment of 15 percent, for a subsequent and unrelated back injury, sustained on the job, which results in an additional 50 percent loss to the worker's earning capacity. As such, this worker, whose working capacity has fallen from 100% to 15%, would see his or her compensation payment reduced under Senate File 2190 from 85% to 50%. This result would be unjust and untenable. Not only would it lead to an unconscionable windfall for employers, at the expense of working Iowans, but it would also jeopardize the safety of workers by removing a powerful incentive for Iowa companies to maintain safe working environments.

Workers' compensation is widely regarded as an important tool to ensure that employers update working environments and minimize any hazardous working conditions that may jeopardize the health and safety of their workforce. Workers' compensation also constitutes the first line of defense against economic catastrophe, whenever a wage earner sustains a substantial work-related injury. Senate File 2190 would impose undue hardships on injured workers and their dependants by shifting the fiscal responsibility for support following a work-related injury from the employer to the injured employee. Senate File 2190 may also have the unintended consequence of increasing the tax burden placed on Iowa taxpayers, who fund public assistance programs that support injured and/or displaced workers with reduced earning capacities.

The state of Iowa must protect its workers. Protection cannot be provided without ensuring that workers who suffer a substantial work-related injury have access to a balanced and consistent compensation schedule. Senate File 2190 would create a plainly inequitable compensation schedule by expanding apportionment limitations in a manner that would substantially reduce compensation payments made to employees who suffer more than one work-related injury, or a single injury that follows a preexisting functional condition. This bill would shift an unjust portion of the burden of diminished employability away from employers, and place it squarely on the shoulders of injured workers.

For this reason, I hereby respectfully disapprove Senate File 2190.

Sincerely,
THOMAS J. VILSACK
Governor

State of Iowa

**JOURNAL
OF THE SENATE**

**SEVENTY-NINTH
GENERAL ASSEMBLY**

**2002 SECOND
EXTRAORDINARY SESSION**

May 28, 2002

**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 22
Des Moines, Iowa, Tuesday, May 28, 2002

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 10:07 a.m. by the Honorable Mary E. Kramer, President of the Senate.

Prayer was offered by the Honorable Ken Veenstra, member of the Senate from Sioux County, Orange City, 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.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Flynn and Harper, for the day, on request of Senator Gronstal.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

May 23, 2002

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., May 28, 2002.

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 2002 Regular Session of the Seventy-ninth General Assembly adjourned pursuant to House Concurrent Resolution 124, and

Whereas, the 2002 Extraordinary Session of the Seventy-ninth General Assembly adjourned pursuant to House Concurrent Resolution 125, and

Whereas, since the General Assembly approved the state budget for fiscal years 2002 and 2003, the state has experienced a dramatic change in revenue projections, and

Whereas, Iowa along with most states and the federal government experienced a large reduction in final pay income tax returns and a correspondingly large increase in taxpayers due refunds, and

Whereas, as a result of the Revenue Estimating Conference action on May 7th, general fund resources available to the state decreased by \$205.5 million in fiscal year 2002 and \$220.1 million in fiscal year 2003, and

Whereas, by law, both the governor and the legislature must rely on the Revenue Estimating Conference's estimate in preparing and approving the state budget, and

Whereas, due to recent action by the Revenue Estimating Conference in lowering revenue projections, I did not approve most of the budget for fiscal year 2003 as passed by the General Assembly because it was no longer a balanced budget, and

Whereas, we must maintain a balanced budget that funds the vital state services that Iowans rely on everyday.

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 28th day of May, 2002, and to that end I do call up and direct the members of the House of Representatives to convene in the Supreme Court chamber at the State Capitol and members of the Senate to convene in Room 22 at the State Capitol at 10:00 a.m. on the 28th day of May, 2002, for the purpose which the assembly is convened, namely the matter of revising a fiscal year 2002 and a fiscal year 2003 state budget and matters properly related thereto.

(SEAL)

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 23rd day of May in the year of our Lord two thousand two.

THOMAS J. VILSACK, Governor

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 2002 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 May 23, 2002, proclamation of the Governor, **duly organized** for the 2002 Second Extraordinary Session of the Seventy-ninth General Assembly and is ready to receive communications from the Senate.

The Senate stood at ease at 10:14 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:21 p.m., President Kramer presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 3:23 p.m. until the completion of meetings of the committees on Appropriations and Ethics.

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 since the adjournment of the 2002 First Extraordinary Session:

May 9, 2002

CITIZENS' AIDE/OMBUDSMAN

Annual report for calendar year 2001, pursuant to Iowa Code chapter 2C.

May 10, 2002

DEPARTMENT OF PUBLIC HEALTH

2001 Iowa Termination of Pregnancy Report, pursuant to Iowa Code section 144.29A.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: May 28, 2002, 3:43 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Angelo, Black, Bolkom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann.

Members Absent: Flynn, Ranking Member (excused).

Committee Business: Passed LSBs 7300sv, 7302sv, and 7314sv.

Adjourned: 4:10 p.m.

ETHICS

Convened: May 28, 2002, 3:25 p.m.

Members Present: Drake, Chair; McKean, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, and Rittmer.

Members Absent: None.

Committee Business: Review of ethics complaint.

Adjourned: 3:35 p.m.

SUBCOMMITTEE ASSIGNMENTS

LSB 7300sv

APPROPRIATIONS: Jensen, Chair; Lamberti and Soukup

LSB 7302sv

APPROPRIATIONS: Lamberti, Chair; Connolly and Kramer

LSB 7314sv

APPROPRIATIONS: Lamberti, Chair; Connolly and Kramer

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2332 (LSB 7300sv), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and providing for the nonreversion of certain moneys and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Lamberti, Kramer, Angelo, Gaskill, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 8: Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, Horn, and Soukup. Absent or not voting, 2: Flynn and Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2333 (LSB 7302sv), a bill for an act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 24: Lamberti, Kramer, Angelo, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Flynn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2334 (LSB 7314sv), a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Lamberti, Kramer, Angelo, Gaskill, Jensen, King, Lundby, McKibben, McKinley, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 10: Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, Horn, Redfern, and Soukup. Absent or not voting, 1: Flynn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., President Kramer presiding.

INTRODUCTION OF BILLS

Senate File 2332, by committee on Appropriations, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and providing for the nonreversion of certain moneys and providing effective dates.

Read first time and **placed on Appropriations calendar.**

Senate File 2333, by committee on Appropriations, a bill for an act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions.

Read first time and **placed on Appropriations calendar**.

Senate File 2334, by committee on Appropriations, a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions.

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 May 28, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2626, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and providing for the nonreversion of certain moneys and providing effective dates.

Read first time and **attached to companion Senate File 2332**.

The Senate stood at ease at 4:32 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:58 p.m., President Kramer presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2332.

Senate File 2332

On motion of Senator Jensen, **Senate File 2332**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and providing for the nonreversion of certain moneys and providing effective dates, was taken up for consideration.

Senator Jensen asked and received unanimous consent that **House File 2626** be **substituted** for **Senate File 2332**.

House File 2626

On motion of Senator Jensen, **House File 2626**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and providing for the nonreversion of certain moneys and providing effective dates, was taken up for consideration.

Senator Jensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2626), the vote was:

Ayes, 30:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg

Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Gronstal	Hammond	Hansen
Holveck	Horn	Kibbie	Ragan
Shearer	Soukup		

Absent or not voting, 2:

Flynn	Harper
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Jensen asked and received unanimous consent that **Senate File 2332** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2626** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 5:05 p.m. until the completion of a meeting of the committee on Rules and Administration.

APPENDIX

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: May 28, 2002, 5:06 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Lord, and Rittmer.

Members Absent: Harper and McKean (both excused).

Committee Business: Passed resolutions regarding Mr. Thompson, no new taxes in FY 2004, and sine die.

Adjourned: 5:08 p.m.

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 121, a concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Harper and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 168, a Senate resolution honoring Mr. Harold "Tommy" Thompson upon his retirement as the Executive Director of the Iowa Communications Network.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Harper and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 169, a Senate resolution pledging that the Senate will not raise taxes in order to balance the state budget for fiscal year 2004.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Harper and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened session at 5:10 p.m., President Kramer presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2333.

Senate File 2333

On motion of Senator Lamberti, **Senate File 2333**, a bill for an act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions, was taken up for consideration.

Senator Lamberti offered amendment S-5518, filed by him from the floor to pages 2, 3, 12, 14, 15, and 19 of the bill, and moved its adoption.

Amendment S-5518 was adopted by a voice vote.

Senator Lamberti asked and received unanimous consent that action on **Senate File 2333** be **deferred**.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 168, by committee on Rules and Administration, a Senate resolution honoring Mr. Harold "Tommy" Thompson upon his retirement as the Executive Director of the Iowa Communications Network.

Read first time and **placed on calendar**.

Senate Resolution 169, by committee on Rules and Administration, a Senate resolution pledging that the Senate will not raise taxes in order to balance the state budget for fiscal year 2004.

Read first time and **placed on calendar**.

Senate Concurrent Resolution 121, by committee on Rules and Administration, a Senate concurrent resolution to provide for adjournment sine die.

Read first time and **placed on calendar**.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 168.

Senate Resolution 168

On motion of Senator Iverson, **Senate Resolution 168**, a Senate resolution honoring Mr. Harold “Tommy” Thompson upon his retirement as the Executive Director of the Iowa Communications Network, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 168, which motion prevailed by a voice vote.

The Senate stood at ease at 5:25 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 6:28 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 May 28, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2625, a bill for an act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions.

Read first time and **attached to companion Senate File 2333**.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 169.

Senate Resolution 169

On motion of Senator Iverson, **Senate Resolution 169**, a Senate resolution pledging that the Senate will not raise taxes in order to balance the state budget for fiscal year 2004, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate Resolution 169** be **deferred**.

BUSINESS PENDING

Senate File 2333

The Senate resumed consideration of **Senate File 2333**, a bill for an act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions, previously deferred.

Senator Lamberti asked and received unanimous consent that **House File 2625** be **substituted** for **Senate File 2333**.

House File 2625

On motion of Senator Lamberti, **House File 2625**, a bill for an act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions, was taken up for consideration.

Senator Lamberti offered amendment S-5520, filed by him from the floor to pages 9, 13, 15-18, 26, and 27 of the bill, and moved its adoption.

Amendment S-5520 was adopted by a voice vote.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2625), the vote was:

Ayes, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Gronstal	Hammond	Hansen
Holveck	Horn	Kibbie	McCoy
Miller	Ragan	Shearer	Soukup

Absent or not voting, 2:

Flynn	Harper
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Lamberti asked and received unanimous consent that **Senate File 2333** be **withdrawn** from further consideration of the Senate.

The Senate stood at ease at 7:04 p.m. until the fall of the gavel.

The Senate resumed session at 7:29 p.m., President Kramer presiding.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2625** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2334.

Senate File 2334

On motion of Senator Lamberti, **Senate File 2334**, a bill for an act relating to a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions, was taken up for consideration.

(Action on Senate File 2334 was deferred.)

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 May 28, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2627, a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions.

Read first time and **attached to companion Senate File 2334**.

BUSINESS PENDING

Senate File 2334

The Senate resumed consideration of **Senate File 2334**, a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions, previously deferred.

Senator Lamberti asked and received unanimous consent that **House File 2627** be **substituted** for **Senate File 2334**.

House File 2627

On motion of Senator Lamberti, **House File 2627**, a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions, was taken up for consideration.

Senator McCoy offered amendment S-5519, filed by Senator McCoy, et al., from the floor to pages 37-39, 45, 49, 50, 61, 65, 78, 87, 108, 120, 121, 141, 142, 150-152, 156-159, 161, and 181 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5519 be adopted?" (H.F. 2627), the vote was:

Ayes, 20:

Black
Deluhery

Bolkcom
Dvorsky

Connolly
Fiegen

Dearden
Fink

Fraise	Gronstal	Hammond	Hansen
Holveck	Horn	Kibbie	Lundby
McCoy	Ragan	Shearer	Soukup

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Flynn	Harper
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Amendment S-5519 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. 2627), the vote was:

Ayes, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	McKean
McKibben	McKinley	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Gronstal	Hammond	Hansen
Holveck	Horn	Kibbie	Maddox
McCoy	Miller	Ragan	Redfern
Shearer	Soukup		

Absent or not voting, 2:

Flynn	Harper
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Lamberti asked and received unanimous consent that **Senate File 2334** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2627** be **immediately messaged** to the House.

BUSINESS PENDING

Senate Resolution 169

The Senate resumed consideration of **Senate Resolution 169**, a Senate resolution pledging that the Senate will not raise taxes in order to balance the state budget for fiscal year 2004, previously deferred.

Senator Shearer offered amendment S-5521, filed by him from the floor to page 1 of the resolution, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5521 be adopted?" (S.R. 169), the vote was:

Ayes, 37:

Angelo	Behn	Black	Boettger
Deluhery	Drake	Fiegen	Fink
Freeman	Gaskill	Greiner	Gronstal
Holveck	Horn	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Maddox	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Tinsman	Veenstra
Zieman			

Nays, 11:

Bolkcom	Connolly	Dearden	Dvorsky
Fraise	Hammond	Hansen	Kibbie
Lundby	McCoy	Soukup	

Absent or not voting, 2:

Flynn	Harper
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Amendment S-5521 was adopted.

Senator Iverson moved the adoption of Senate Resolution 169.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.R. 169), the vote was:

Ayes, 35:

Angelo	Behn	Black	Boettger
Deluhery	Drake	Fiegen	Fink
Freeman	Gaskill	Greiner	Gronstal
Horn	Houser	Iverson	Jensen
King	Kramer	Lamberti	Lord
Maddox	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Schuerer	Sexton	Shearer
Tinsman	Veenstra	Zieman	

Nays, 12:

Bolkcom	Connolly	Dearden	Dvorsky
Fraise	Hammond	Hansen	Holveck
Kibbie	Lundby	McCoy	Soukup

Present, 1:

Rittmer

Absent or not voting, 2:

Flynn	Harper
-------	--------

The motion prevailed and the resolution, as amended, was adopted.

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 May 28, 2002, **concurred** in the Senate Amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2625, a bill for an act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions.

ALSO: That the House has on May 28, 2002, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 126, a concurrent resolution to provide for adjournment sine die.

Read first time and **attached to companion Senate Concurrent Resolution 121**.

ALSO: That the House is **prepared to adjourn** the 2002 Second Extraordinary Session of the Seventy-ninth General Assembly pursuant to House Concurrent Resolution 126, duly adopted.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 121.

Senate Concurrent Resolution 121

On motion of Senator Iverson, **Senate Concurrent Resolution 121**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 126** be **substituted** for **Senate Concurrent Resolution 121**.

House Concurrent Resolution 126

On motion of Senator Iverson, **House Concurrent Resolution 126**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 126, which motion prevailed by a voice vote.

WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 121** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 126** 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 the House of Representatives informing them that the Senate was prepared to adjourn sine die pursuant to House Concurrent Resolution 126.

The motion prevailed by a voice vote.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 126, duly adopted, the day of May 28, 2002, having arrived, President Kramer declared the 2002 Second Extraordinary Session of the Seventy-ninth General Assembly adjourned sine die at 9:26 p.m.

APPENDIX

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on May 28, 2002, when the votes were taken on House File 2626, amendment S-5519 to House File 2627, and amendment S-5521 to Senate Resolution 169. Had I been present, I would have voted "Aye" on all. In addition, I was necessarily absent from the Senate chamber on May 28, 2002, when the votes were taken on Senate Resolution 169 and House Files 2625 and 2627. Had I been present, I would have voted "Nay" on all.

TOM FLYNN

AMENDMENTS FILED

S-5518	S.F.	2333	Jeff Lamberti
S-5519	H.F.	2627	Matt McCoy
			John P. Kibbie
			Dennis H. Black
			Steven D. Hansen
			Wally E. Horn
			Dick L. Dearden
			Eugene S. Fraise
			Patrick J. Deluhery
			Jack Holveck
			Joe Bolkcom
			Thomas Fiegen
			Mark Shearer
			Amanda Ragan
			Robert E. Dvorsky
			Johnie Hammond
			Betty A. Soukup
			Bill Fink
			Mike Connolly
			Michael E. Gronstal
S-5520	H.F.	2625	Jeff Lamberti
S-5521	S.R.	169	Mark Shearer

AMENDMENTS FILED

During the

Seventy-Ninth General Assembly

2002 Regular Session

S-5000

1 Amend Senate Concurrent Resolution 103 as follows:

2 1. Page 1, by striking lines 3 through 18 and

3 inserting the following:

4 "A Concurrent Resolution amending the compensation
5 resolution for employees of the Seventy-ninth General
6 Assembly.

7 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE

8 SENATE CONCURRING, That for the duration of the 2002

9 Regular Session of the Seventy-ninth General Assembly,

10 secretaries to senators and representatives are

11 presumed to have 36, rather than 40, hours of work

12 each week the general assembly is in session and shall

13 be paid only on that basis.

14 BE IT FURTHER RESOLVED, That the following joint

15 Senate/House employees of the Seventy-ninth General

16 Assembly be placed in the following pay grades and be

17 paid an overtime premium:

18 Security Secretary I Grade 19

19 Security Officer I Grade 20

20 Security Officer II Grade 23

21 Conservation/Restoration Specialist II Grade 31"

MARY E. KRAMER

S-5001

1 Amend Senate Resolution 101 as follows:

2 1. Page 1, line 5, by striking the words and

3 figure "Rules 27 and" and inserting the following:

4 "Rule".

5 2. Page 1, line 8, by striking the word "are" and

6 inserting the following: "is".

7 3. By striking page 1, line 10, through page 2,

8 line 9.

9 4. Amend the title, line 3, by striking the words

10 and figure "Rules 27 and" and inserting the following:

11 "Rule".

STEVEN D. HANSEN

S-5002

1 Amend Senate File 2025 as follows:

2 1. Page 1, by striking lines 1 and 2.

3 2. Page 1, line 11, by inserting after the word

4 "Iowa" the following: ", including, without

5 limitation, enterprises in the life sciences, advanced

6 manufacturing, information technology, and value-added

7 agriculture areas".

8 3. Page 1, line 34, by striking the word "five"

- 9 and inserting the following: "three".
- 10 4. Page 2, by striking lines 1 through 7 and
11 inserting the following:
- 12 "b. The investment of resources from the Iowa fund
13 of funds in Iowa businesses within three years of the
14 effective date of this Act.
- 15 c. A cumulative rate of return on venture
16 investments of the Iowa fund of funds equal to a
17 minimum of one and one-half percentage points above
18 the ten-year treasury bill rate in effect at the end
19 of five years following the effective date of this
20 Act."
- 21 5. Page 2, line 30, by inserting after the figure
22 "432" the following: "and against the moneys and
23 credits tax imposed by section 533.24".
- 24 6. Page 4, line 4, by striking the words "and
25 investments made by".
- 26 7. Page 4, line 34, by inserting after the word
27 "year." the following: "The board shall indicate on
28 the tax certificate the principal amount of the tax
29 credit and the taxable year or years for which the
30 credit may be claimed."
- 31 8. Page 6, line 5, by striking the words "any
32 of".
- 33 9. Page 6, line 27, by inserting after the words
34 "shall not" the following: "and cannot".
- 35 10. By striking page 6, line 31, through page 7,
36 line 26, and inserting the following:
- 37 "2. To facilitate the organization of an Iowa
38 capital investment corporation, both of the following
39 persons shall serve as incorporators as provided in
40 section 504A.28:
- 41 a. The chairperson of the Iowa economic
42 development board or a designee of the chairperson.
- 43 b. The director of the department of economic
44 development or a designee of the director.
- 45 3. After incorporation, the initial board of
46 directors shall be elected by the members of an
47 appointment committee. The members of the appointment
48 committee shall be appointed by the Iowa economic
49 development board. The initial board of directors
50 shall consist of five members. The persons elected to

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- 1 the initial board of directors by the appointment
2 committee shall include persons who have an expertise
3 in the areas of the selection and supervision of
4 investment managers or in the fiduciary management of
5 investment funds, and other areas of expertise as
6 deemed appropriate by the appointment committee.
7 After the election of the initial board of directors,

8 vacancies in the board of directors of the corporation
9 shall be elected by the remaining directors of the
10 corporation. Members of the board of directors shall
11 be subject to any restrictions on conflicts of
12 interest specified in the organizational documents and
13 shall have no interest in any venture capital
14 investment fund allocation manager selected by the
15 corporation pursuant to the provisions of this
16 division or in any investments made by the Iowa fund
17 of funds.

18 4. The members of the appointment committee shall
19 exercise due care to assure that persons elected to
20 the initial board of directors have the requisite
21 financial experience necessary in order to carry out
22 the duties of the corporation as established in this
23 division, including in areas related to venture
24 capital investment, investment management, and
25 supervision of investment managers and investment
26 funds.

27 5. Upon the election of the initial board of
28 directors, the terms of the members of the appointment
29 committee shall expire."

30 11. Page 7, line 28, by inserting after the word
31 "incorporators" the following: "and the appointment
32 committee".

33 12. Page 7, line 29, by striking the words "the
34 incorporators" and inserting the following: "the
35 director of the department in order to administer this
36 section".

37 13. Page 10, by striking lines 26 through 28, and
38 inserting the following: "within the state of Iowa.
39 The Iowa fund of funds shall not invest more than five
40 percent of its assets in investments for this
41 program."

42 14. Page 11, by striking lines 13 through 15, and
43 inserting the following:
44 "g. Each calendar year, the auditor of state shall
45 conduct an annual audit of the activities of the Iowa
46 fund of funds or shall engage an independent auditor
47 to conduct the audit provided that the independent
48 auditor has no business, contractual, or other
49 connection to the Iowa capital investment corporation
50 or the Iowa fund of funds. The corporation shall

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1 reimburse the auditor of state for costs associated
2 with the annual audit. The audit shall be delivered
3 to the Iowa".

4 15. Page 11, by inserting after line 23 the
5 following:

6 "i. Upon the liquidation of the Iowa fund of

7 funds, the Iowa capital investment corporation shall
 8 file a report with the general assembly stating how
 9 many jobs in this state were created through
 10 investments made by the Iowa fund of funds."

11 16. Page 13, line 23, by inserting after the word
 12 "year." the following: "The board shall indicate on
 13 the tax certificate the principal amount of the tax
 14 credit and the taxable year or years for which the
 15 credit may be claimed."

16 17. Page 14, line 20, by inserting after the word
 17 "banks" the following: ", for credit unions,".

18 18. Page 14, by inserting after line 21, the
 19 following:

20 "Sec. ____ NEW SECTION. 15E.229 ENFORCEMENT.

21 The attorney general may enforce the provisions of
 22 this division and conduct any investigations necessary
 23 for such enforcement."

24 19. By striking page 14, line 22, through page
 25 19, line 9.

26 20. Title page, by striking lines 1 through 15,
 27 and inserting the following: "An Act creating an Iowa
 28 capital investment board, authorizing the organization
 29 of an Iowa capital investment corporation and an Iowa
 30 fund of funds, and authorizing the issuance of
 31 contingent tax credits to investors in the Iowa fund
 32 of funds."

33 21. By renumbering as necessary.

LARRY McKIBBEN

S-5003

1 Amend House File 2078, as amended, passed, and
 2 reprinted by the House as follows:

3 1. Page 8, lines 4 and 5, by striking the words
 4 "director of the department", and inserting the
 5 following: "incorporators and appointment committee".

6 2. Page 11, lines 2 and 3, by striking the words
 7 "shall not invest more than", and inserting the
 8 following: "shall invest".

9 3. Page 15, by inserting after line 13 the
 10 following:

11 "Sec. 501. Section 422.8, subsection 2, paragraph
 12 b, subparagraph (2), Code 2001, is amended to read as
 13 follows:

14 (2) Any cash or the value of property
 15 distributions which are made only to the extent that
 16 they are paid from income upon which Iowa income tax
 17 has not been paid, as determined under rules of the
 18 director, reduced by ~~fifty percent~~ of the amount of
 19 any of these distributions that are made to enable the
 20 shareholder to pay federal income tax on items of

21 income, loss, and expenses from the corporation.
22 Sec. 502. APPLICABILITY PROVISION. Section 501 of
23 this Act applies retroactively to January 1, 2002, for
24 tax years beginning on or after that date."
25 4. Title page, line 1, by inserting after the
26 words "An Act" the following: "relating to economic
27 stimulus measures for businesses by".
28 5. Title page, line 4, by inserting after the
29 word "funds" the following: "; establishing a small
30 business growth initiative by adjusting the allocation
31 to Iowa of income earned by an S corporation for
32 purposes of the state individual income tax; and
33 including a retroactive applicability date provision".
34 6. By renumbering as necessary.

LARRY McKIBBEN

S-5004

1 Amend the amendment, S-5003, to House File 2078, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 8, by inserting after the word
5 "invest" the following: "at least".

MARK SHEARER

S-5005

1 Amend House File 2078, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 5, line 18, by inserting after the word
4 "plan," the following: "specify the number of jobs
5 created in Iowa as a result of the investments and the
6 range of hourly wages and benefits paid for these
7 jobs,".

JOE BOLKCOM

S-5006

1 Amend House File 2078, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 10, lines 19 and 20, by striking the
4 words "consider equity investments" and inserting the
5 following: "invest at least thirty percent of the
6 equity investments of the fund".

JOE BOLKCOM

S-5007

- 1 Amend House File 2078, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 3, line 35, through page 4,
- 4 line 1, and inserting the following: "purposes."

THOMAS FIEGEN

S-5008

- 1 Amend House File 2078, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 7, by inserting after the word
- 4 "state" the following: "of Iowa".

THOMAS FIEGEN

S-5009

- 1 Amend House File 2078, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, line 18, by inserting after the word
- 4 "plan," the following: "a list of businesses which
- 5 have received moneys from venture capital funds
- 6 receiving moneys from the Iowa fund of funds, a list
- 7 of sales of businesses which have received moneys from
- 8 venture capital funds receiving moneys from the Iowa
- 9 fund of funds, a list of the total employees and the
- 10 average wage of employees at businesses which have
- 11 received moneys from venture capital funds receiving
- 12 moneys from the Iowa fund of funds, a list of
- 13 dividends paid by businesses which have received
- 14 moneys from venture capital funds receiving moneys
- 15 from the Iowa fund of funds, a list of the net profits
- 16 by businesses which have received moneys from venture
- 17 capital funds receiving moneys from the Iowa fund of
- 18 funds,".

THOMAS FIEGEN

S-5010

- 1 Amend House File 2078, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 10, line 22, by inserting after the words
- 4 "of Iowa." the following: "The Iowa fund of funds
- 5 shall require venture capital funds receiving
- 6 investments from the Iowa fund of funds to maintain a
- 7 portfolio with at least one-third of the value of the
- 8 portfolio of investments in Iowa businesses, at least

9 ten percent of the value of the portfolio of
10 investments in rural businesses, and at least ten
11 percent of the value of the portfolio of investments
12 in businesses with less than one hundred employees."

THOMAS FIEGEN

S-5011

- 1 Amend Senate File 2034 as follows:
2 1. Page 1, line 1, by inserting after the figure
3 "802.6," the following: "subsection 1,"
4 2. Page 1, by striking line 3.
5 3. Page 1, by striking lines 10 through 14.

GENE MADDOX

S-5012

- 1 Amend Senate Concurrent Resolution 104 as follows:
2 1. Page 3, by striking lines 8 through 11, and
3 inserting the following:
4 "WHEREAS, the expansion and modernization of locks
5 has been proven nationwide as the best method of
6 optimizing efficiency, reducing congestion, and
7 providing for additional safety of inland waterway
8 administration; and".

MIKE CONNOLLY
MARK ZIEMAN

S-5013

- 1 Amend Senate Concurrent Resolution 104 as follows:
2 1. Page 1, lines 6 and 7, by striking the words
3 "Upper Mississippi and Illinois Rivers Inland
4 Waterways" and inserting the following: "Missouri
5 River Inland Waterway".
6 2. Page 1, by striking lines 9 and 10, and
7 inserting the following:
8 "WHEREAS, vital navigation locks and dams are
9 contained".
10 3. Page 1, by striking lines 12 and 13, and
11 inserting the following:
12 "WHEREAS, manufacturing facilities, terminals, and
13 docks are located on the waterways of".
14 4. Page 1, by striking lines 17 through 20, and
15 inserting the following: "standard of living in the
16 Missouri river basin, and today supplies millions of
17 tons of the nation's cargo, supporting agriculture and
18 manufacturing; and".
19 5. Page 1, by striking lines 21 through 23, and

20 inserting the following:

21 "WHEREAS, American agricultural exports including
22 corn, wheat, and soybeans are shipped down the
23 Missouri river".

24 6. Page 1, line 24, by striking the word
25 "rivers".

26 7. By striking page 1, line 30 through page 2,
27 line 2, and inserting the following:

28 "WHEREAS, the Missouri lock and dam system annually
29 saves our nation countless dollars in higher
30 transportation costs; and".

31 8. Page 2, by striking line 3, and inserting the
32 following:

33 "WHEREAS, millions of tons of".

34 9. Page 2, by striking lines 6 and 7, and
35 inserting the following: "from, and within Iowa by
36 barge traffic down the Missouri river; and".

37 10. Page 2, by striking line 9, and inserting the
38 following: "an annual savings of millions of
39 dollars".

40 11. Page 2, by striking lines 11 through 13.

41 12. Page 2, by striking lines 28 through 30, and
42 inserting the following:

43 "WHEREAS, the lakes and miles of wildlife refuge
44 along the Missouri river basin support a vibrant and
45 growing recreational industry,".

46 13. Page 3, by striking lines 16 through 20.

47 14. Page 3, by striking lines 22 through 24, and
48 inserting the following: "the Missouri river will
49 provide needed construction and related jobs over many
50 years; NOW THEREFORE,".

Page 2

1 15. Page 3, lines 27 and 28, by striking the
2 words "Upper Mississippi and Illinois Rivers" and
3 inserting the following: "Missouri River".

STEVE KING
HUBERT M. HOUSER
JOHN REDWINE

S-5014

1 Amend Senate File 2041 to read as follows:

2 1. Page 1, line 13, by inserting after the word
3 "materials." the following: "'Smoking herbs" does not
4 include any substance of plant origin or other
5 derivative that is a controlled substance, as defined
6 in section 124.101, including but not limited to
7 marijuana as defined in that section, or any such

8 substance that is otherwise prohibited or regulated by
9 law."

GENE MADDOX

S-5015

1 Amend House File 681, 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 12C.1, subsection 2, paragraph
6 c, Code Supplement 2001, is amended to read as
7 follows:
8 c. "Bank" means a corporation engaged in the
9 business of banking authorized by law to receive
10 deposits and whose deposits are insured by the bank
11 insurance fund or the savings association insurance
12 fund of the federal deposit insurance corporation and
13 includes any office of a bank. "Bank" also means a
14 savings and loan or savings association."
15 2. Page 1, line 1, by inserting after the word
16 "Code" the following: "Supplement".
17 3. Page 1, by inserting after line 20 the
18 following:
19 "Sec. ____ Section 12C.6A, subsection 2, Code
20 2001, is amended to read as follows:
21 2. In addition to establishing a minimum interest
22 rate for public funds pursuant to section 12C.6, the
23 committee composed of the superintendent of banking,
24 the superintendent of credit unions, the auditor of
25 state or a designee, and the treasurer of state shall
26 develop a list of financial institutions eligible to
27 accept state public funds. The committee shall
28 require that a financial institution seeking to
29 qualify for the list shall annually provide the
30 committee a written statement that the financial
31 institution has complied with the requirements of this
32 chapter and has a commitment to community reinvestment
33 consistent with the safe and sound operation of a
34 financial institution, unless the financial
35 institution has received a rating of satisfactory or
36 higher pursuant to the federal Community Reinvestment
37 Act, 12 U.S.C. § 2901 et seq., and such rating is
38 certified to the committee by the superintendent of
39 banking. To qualify for the list a financial
40 institution must demonstrate a continuing commitment
41 to meet the credit needs of the local community in
42 which it is chartered."
43 4. Page 2, by striking lines 2 through 18 and
44 inserting the following:
45 "Sec. ____ NEW SECTION. 12C.20 PUBLIC FUND

46 REPORTS.

47 1. On or before the tenth day of February, May,
48 August, and November of each year, each savings and
49 loan and each out-of-state bank that has one or more
50 branches in the state shall calculate and certify to

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1 the superintendent of banking in the form prescribed
2 by the superintendent the amount of public funds on
3 deposit at the savings and loan and at each such
4 branch of the out-of-state bank as of the end of the
5 previous calendar quarter.

6 2. A bank shall, upon request of the
7 superintendent, certify to the superintendent the
8 amount of public funds on deposit at the bank and at
9 each branch of an out-of-state bank on any day
10 specified by the superintendent in such request.

11 3. The superintendent may at any time make such
12 investigation as the superintendent deems necessary
13 and appropriate to verify the information provided to
14 the superintendent pursuant to subsections 1 and 2.

15 4. On or before the twentieth day of February,
16 May, August, and November of each year, the
17 superintendent shall notify the treasurer of state of
18 the amount of collateral required to be pledged as of
19 the end of the previous calendar quarter based upon
20 the certification provided to the superintendent under
21 subsection 1 or 2 and a review by the superintendent
22 of the quarterly call report filed by each bank that
23 is not a savings and loan or an out-of-state bank."

24 5. Page 2, line 21, by striking the words
25 "financial institution that is a".

26 6. Page 2, lines 23 and 24, by striking the words
27 "before the first day of each calendar quarter".

28 7. Page 2, line 27, by striking the words "same
29 depository or holding company" and inserting the
30 following: "bank pledging the collateral or any
31 affiliate of the bank as defined in section 524.1101".

32 8. Page 3, line 7, by inserting after the word
33 "bank" the following: "by paying an assessment to the
34 treasurer of state".

35 9. Page 3, by striking lines 9 through 13 and
36 inserting the following:

37 "c. In the event an assessment is paid by a bank
38 to the treasurer of state pursuant to section 12C.23A,
39 or in the event that collateral pledged by the bank is
40 liquidated pursuant to section 12C.23A, subsection 3,
41 paragraph "e", and the proceeds are used to pay the
42 assessment, the bank is subrogated to the claim of a
43 public funds depositor to the extent the claim is paid
44 from funds paid by the bank or proceeds of collateral

45 pledged by the bank are used to pay the assessment."
46 10. Page 3, line 14, by inserting after the word
47 "agent" the following: "of the bank".
48 11. By striking page 3, line 19, through page 5,
49 line 33, and inserting the following:
50 "2. The amount of the collateral required to be

Page 3

1 pledged by a bank shall at all times equal or exceed
2 the total of the amount by which the public funds
3 deposits in the bank exceeds the total capital of the
4 bank. For purposes of this chapter, unless the
5 context otherwise requires, "total capital of the
6 bank" means its tier one capital plus both of the
7 following components of tier two capital:
8 a. Qualifying subordinated debt and redeemable
9 preferred stock.
10 b. Cumulative perpetual preferred stock.
11 3. The amount of collateral pledged by an out-of-
12 state bank that operates a branch in Iowa shall be
13 calculated in accordance with the following formula:
14 a. Total deposits of the bank.
15 b. Total deposits in Iowa branches of the bank.
16 c. The total of paragraph "b" divided by the total
17 of paragraph "a", in order to establish the deposits
18 of Iowa branches as a percentage of total deposits.
19 d. Total capital of the bank as defined in
20 subsection 2.
21 e. The total of paragraph "d" multiplied by the
22 total of paragraph "c", in order to establish Iowa
23 branch capital.
24 f. Total public funds deposits in the bank.
25 g. The excess of the total of paragraph "f" over
26 the total of paragraph "e", if any.
27 4. The value of the collateral shall be its market
28 value.
29 5. The treasurer of state shall adopt rules
30 pursuant to chapter 17A to administer this section,
31 including rules to do the following:
32 a. Designate not less than four financial
33 institutions that may be custodians of collateral
34 pledged under this chapter and establish regulations
35 for qualification and compliance by the custodians and
36 remedies and sanctions for noncompliance by the
37 custodians.
38 b. Establish requirements for reporting to the
39 treasurer of state by a financial institution of the
40 amount and value of collateral held by the financial
41 institution as custodian of collateral for the
42 uninsured public funds on deposit in a bank.
43 c. Establish procedures for the valuation of

44 collateral that does not have a readily ascertainable
45 market value.
46 d. Establish procedures for substituting different
47 collateral for collateral pledged under this section.
48 e. Establish procedures to determine the amount of
49 the uninsured public funds of each bank or branch of
50 an out-of-state bank as of the date of closing of a

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1 closed bank and the amount of the assessment to be
2 made upon each bank.
3 f. Establish additional procedures necessary to
4 administer this chapter and other rules as may be
5 necessary to accomplish the purposes of this chapter.
6 g. Provide forms and procedures for compliance
7 with this chapter, including electronic compliance.
8 h. Establish amounts and procedures for payment of
9 fees to cover the costs of administration of this
10 chapter.
11 6. The collateral used to secure public deposits
12 shall be in one or more of the following forms
13 acceptable to the treasurer of state:
14 a. Investment securities and shares in which a
15 bank is permitted to invest under section 524.901,
16 subsections 1, 2, and 3.
17 b. Investment securities, as defined in section
18 524.901, subsection 1, paragraph "a", representing
19 general obligations of a state or a political
20 subdivision of a state that is geographically
21 contiguous with the state, provided that such
22 investment securities are rated within the four
23 highest grades according to a reputable rating service
24 or represent unrated issues of equivalent value.
25 c. Investment securities, as defined in section
26 524.901, subsection 1, paragraph "a", representing
27 general obligations of a state or a political
28 subdivision of a state that is not contiguous with the
29 state, provided that such investment securities are
30 rated within the two highest grades according to a
31 reputable rating service.
32 d. Nontransferable letters of credit upon which
33 the payment of principal and interest is fully secured
34 or guaranteed by the United States of America or an
35 agency or instrumentality, including government-
36 sponsored enterprises of the United States of America.
37 e. Private insurance policies or bonds written by
38 companies approved by the superintendent.
39 7. A bank may borrow collateral to be pledged
40 under subsection 2 if the collateral is free of any
41 liens, security interests, claims, or encumbrances."
42 12. Page 6, lines 2 and 3, by striking the words

43 "and the pledging of securities".
44 13. By inserting after page 6, line 4, the
45 following:
46 " . Agreement by the bank to pledge collateral
47 as required by section 12C.22."
48 14. Page 6, line 5, by striking the word
49 "securities" and inserting the following: "the
50 collateral".

Page 5

1 15. Page 6, line 14, by striking the word
2 "certificates" and inserting the following:
3 "certificates certificate".
4 16. Page 6, line 19, by inserting after the word
5 "state" the following: "under subsection 3".
6 17. Page 6, lines 21 and 22, by striking the
7 words "regulatory officials" and inserting the
8 following: "regulatory officials state or federal
9 regulator".
10 18. Page 6, line 32, by striking the word "the"
11 and inserting the following: "a".
12 19. Page 6, line 33, by striking the word
13 "depositors" and inserting the following: "depositors
14 depositor".
15 20. Page 7, by striking lines 31 through 34, and
16 inserting the following: "total of uninsured public
17 funds deposits held by all banks and all branches of
18 out-of-state banks, based upon the average of the
19 uninsured public funds of the assessed bank or branch
20 of an out-of-state bank as of the end of the four
21 calendar quarters prior to the date of closing of the
22 closed bank and the average of the uninsured public
23 funds in all banks and branches of out-of-state banks
24 as of the end of the four calendar quarters prior to
25 the date of closing of the closed bank, excluding the
26 amount of uninsured public funds held by the closed
27 bank at the end of the four calendar quarters held by
28 the closed bank. Each bank".
29 21. Page 8, line 12, by striking the words "that
30 amount" and inserting the following: "the amount".
31 22. Page 8, by inserting after line 14 the
32 following:
33 "f. If the treasurer of state liquidates
34 collateral pledged by a bank, the bank shall within
35 three business days following receipt of notice from
36 the treasurer of state deposit additional collateral
37 to provide the collateral required under section
38 12C.22."
39 23. Page 8, line 15, by striking the letter "f"
40 and inserting the following: "g".
41 24. Page 8, by striking lines 20 and 21 and

42 inserting the following: "failure to pay the
 43 assessment. If the bank that has failed to pay the
 44 assessment is a nationally chartered financial
 45 institution, the superintendent shall immediately
 46 notify the bank's primary federal regulator. If the
 47 assessment is not paid within thirty days after the
 48 bank received the notice of assessment, the treasurer
 49 of state shall initiate a lawsuit to collect the
 50 amount of the assessment. If a bank is found to".

Page 6

1 25. By striking page 8, line 33, through page 9,
 2 line 7, and inserting the following:
 3 "e. h. Following collection of the assessments,
 4 the state treasurer of state shall distribute funds to
 5 the public depositors of the failed closed bank
 6 according to their validated claims unless a public
 7 depositor requests in writing that the claims of other
 8 public depositors be paid prior to payment to the
 9 public depositor making the request. If the assets
 10 available are less than the total deposits, the
 11 treasurer shall prorate the claims. A public
 12 depositor By receiving payment under this section, a
 13 public depositor shall assign be deemed to have
 14 assigned to the treasurer of state any interest claim
 15 the public depositor may have against the closed bank
 16 by reason of the deposit of its public funds and all
 17 rights the public depositor may have in funds that
 18 subsequently become available to depositors of the
 19 defaulting closed bank."

20 26. Page 9, by striking lines 12 through 26, and
 21 inserting the following: "chapter in a financial
 22 institution that is eligible to accept public funds
 23 deposits at the time a deposit of public funds is
 24 made, a public body depositing public funds or its
 25 agents, employees, officers, and board members are,
 26 and any person that is an agent, employee, officer, or
 27 board member of the public funds depositor, is exempt
 28 from liability for any loss resulting from the loss of
 29 a depository public funds in the absence of
 30 negligence, malfeasance, misfeasance, or nonfeasance
 31 on the part of the official public body or such
 32 person. If the treasurer of state sells a
 33 depository's collateral securities, the depository
 34 shall deposit additional collateral to meet required
 35 collateral levels.

36 In making an assessment against depositories
 37 holding public funds as a result of a failure, the
 38 treasurer of state is exempt from any liability for
 39 loss, damage or expense to a depository which has
 40 accepted public funds."

41 27. Page 9, by adding after line 35 the
42 following:
43 "Sec. ____ Section 12C.26, Code 2001, is amended
44 by striking the section and inserting in lieu thereof
45 the following:
46 12C.26 REFUND FROM SINKING FUNDS.
47 1. If at the end of any calendar year the amount
48 in the sinking fund exceeds three million one hundred
49 thousand dollars, then to the extent the amount in the
50 sinking fund exceeds three million dollars, the

Page 7

1 treasurer shall, on or before January 31 of the
2 following year, refund to each bank that paid an
3 assessment after the year 1999 to the sinking fund
4 resulting from the closing of a bank, its pro rata
5 share of the unreimbursed portion of the total
6 assessment paid by all banks. If assessments remain
7 unreimbursed by reason of the closing of more than one
8 bank, the reimbursements shall be made to the banks
9 that paid assessments by reason of the bank which
10 closed first until those banks are reimbursed in full,
11 and then to the banks that paid assessments by reason
12 of the bank which closed next. Such a refund shall
13 not be made to a bank if the refund would exceed the
14 amount of previous assessments paid by the bank.
15 2. Upon recovery of a loss of public funds due to
16 a closed credit union, the treasurer of state may
17 refund all or a portion of the recovered amount to the
18 credit unions that paid an assessment under this
19 chapter as a result of the closing of that credit
20 union."

21 28. Page 10, by striking lines 29 through 32 and
22 inserting the following: "adopt and promulgate such
23 rules and regulations as ~~in the superintendent's~~
24 ~~opinion will be necessary to properly and effectively~~
25 carry out and enforce, properly and effectively, the
26 provisions of this chapter and chapter 12C applicable
27 to banks."

28 29. Page 11, line 34, by inserting after the word
29 "may" the following: "recommend to the committee
30 established under section 12C.6 that the bank be
31 removed from the list of financial institutions
32 eligible to accept public funds under section 12C.6A
33 and may".

34 30. Page 11, line 35, by inserting after the
35 words "quarter and" the following: "up to".

36 31. Page 12, by striking lines 1 through 6, and
37 inserting the following: "the bank do any one or more
38 of the following:

39 a. Not accept public funds deposits.

- 40 b. Return to the depositors some or all uninsured
 41 public funds held in demand deposits and, when deposit
 42 instruments or agreements mature, return to the
 43 depositors some or all deposits representing proceeds
 44 of such instruments or agreements.
 45 c. Pledge collateral to the treasurer of state
 46 having a value at all times up to one hundred ten
 47 percent of the public funds held by the bank.
 48 d. Comply with such other requirements as the
 49 superintendent may impose."
 50 32. By striking page 12, line 18, through page

Page 8

- 1 13, line 10.
 2 33. Page 13, line 12, by striking the figure
 3 "2001" and inserting the following: "2002".
 4 34. Page 13, lines 14 and 15, by striking the
 5 word and figures "February 10, 2002" and inserting the
 6 following: "January 31, 2003".
 7 35. Page 13, line 18, by striking the word and
 8 figures "June 20, 2002" and inserting the following:
 9 "April 30, 2003".
 10 36. Page 13, line 21, by striking the figure
 11 "2002" and inserting the following: "2003".
 12 37. By renumbering, relettering, and
 13 redesignating as necessary.

COMMITTEE ON COMMERCE
 JOHN W. JENSEN, Chair

S-5016

- 1 Amend House File 583, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, line 7, by striking the word and
 4 figures "July 1, 2001", and inserting the following:
 5 "or prior to June 30, 2003".
 6 2. Page 4, line 8, by striking the word and
 7 figures "January 1, 2002", and inserting the
 8 following: "June 30, 2003".
 9 3. Page 4, line 10, by striking the word and
 10 figures "January 1, 2002", and inserting the
 11 following: "July 1, 2003".
 12 4. Page 4, line 16, by striking the word and
 13 figures "July 1, 2001", and inserting the following:
 14 "or prior to June 30, 2003".
 15 5. Page 4, line 17, by striking the word and

16 figures "January 1, 2002", and inserting the
17 following: "June 30, 2003".

COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT
MIKE SEXTON, Chair

S-5017

1 Amend Senate File 2098 as follows:
2 1. Page 1 by inserting before line 1 the
3 following:
4 "Sec. ____ Section 716.1, Code 2001, is amended to
5 read as follows:
6 716.1 CRIMINAL MISCHIEF DEFINED.
7 Any damage, defacing, alteration, or destruction of
8 ~~tangible~~ property is criminal mischief when done
9 intentionally by one who has no right to so act."
10 2. Page 1, line 4, by inserting before the words
11 "A person" the following: "1".
12 3. Page 1, line 7, by striking the figure "1" and
13 inserting the following: "a".
14 4. Page 1, line 10, by inserting after the figure
15 "476.1," the following: "operational or support data
16 of a public airport".
17 5. Page 1, line 12, by striking the figure "2"
18 and inserting the following: "b".
19 6. Page 1, line 14, by striking the figure "3"
20 and inserting the following: "c".
21 7. Page 1, by inserting after line 15 the
22 following:
23 "2. The prosecuting attorney may institute civil
24 proceedings against any person in district court
25 seeking relief from conduct constituting a violation
26 of this section or to prevent, restrain, or remedy
27 such a violation."
28 8. Title page, line 1, by striking the word
29 "offense" and inserting the following: "offenses".
30 9. Title page, line 2, by inserting after the
31 word "access" the following: "and criminal mischief".

JEFF ANGELO

S-5018

1 Amend Senate File 2048 as follows:
2 1. Page 2, by inserting after line 21 the
3 following:
4 "4. STATE REIMBURSEMENT. If a public contracting
5 entity entered into a nonqualifying agreement prior to
6 the effective date of this Act, and the public
7 contracting entity rescinds or modifies that agreement

8 in order to receive moneys from the vision Iowa fund,
 9 the state shall reimburse the public contracting
 10 entity for all costs incurred by the public
 11 contracting entity due to the completion of the public
 12 works project beyond the time period that was
 13 originally specified in the nonqualifying agreement.
 14 For purposes of this subsection, a nonqualifying
 15 agreement is an agreement that does anything specified
 16 in subsection 2."
 17 2. By renumbering as necessary.

MATT McCOY
 JOHNIE HAMMOND
 ROBERT E. DVORSKY
 JACK HOLVECK
 DENNIS H. BLACK
 MARK SHEARER

S-5019

1 Amend Senate File 2048 as follows:
 2 1. Page 2, by striking lines 22 and 23 and
 3 inserting the following:
 4 "Sec. 2. EFFECTIVE DATE. This Act takes effect
 5 thirty days following the date Polk county and the
 6 Polk county board of supervisors prevail in the action
 7 filed in Polk county district court entitled Master
 8 Builders of Iowa, Inc., Associated Building
 9 Contractors of Iowa Inc., The Des Moines Construction
 10 Council and the Associated General Contractors of Iowa
 11 v. Polk County and the Polk County Board of
 12 Supervisors."
 13 2. By renumbering as necessary.

DICK L. DEARDEN
 JACK HOLVECK
 MARK SHEARER

S-5020

1 Amend Senate File 2049 as follows:
 2 1. Page 3, by striking lines 7 and 8 and
 3 inserting the following:
 4 "Sec. 2. EFFECTIVE DATE. This Act takes effect
 5 thirty days following the date Polk county and the
 6 Polk county board of supervisors prevail in the action
 7 filed in Polk county district court entitled Master
 8 Builders of Iowa, Inc., Associated Building
 9 Contractors of Iowa Inc., The Des Moines Construction
 10 Council and the Associated General Contractors of Iowa
 11 v. Polk County and the Polk County Board of

- 12 Supervisors."
13 2. By renumbering as necessary.

DICK L. DEARDEN
JACK HOLVECK
MARK SHEARER
DENNIS H. BLACK
JOHNIE HAMMOND

S-5021

- 1 Amend Senate File 2049 as follows:
2 1. Page 1, line 25, by inserting after the word
3 "section" the following: "and section 72.7".
4 2. Page 3, by inserting after line 6 the
5 following:
6 "Sec. ___. NEW SECTION. 72.7 PUBLIC WORKS
7 PROJECTS — COMPETITIVE BIDDING REQUIREMENTS.
8 Prior to awarding a contract to perform work on a
9 public works project pursuant to a competitive bidding
10 procedure, a public contracting entity shall consider,
11 in determining whether a bidder is responsible, the
12 bidder's record of reliability and timely completion
13 of past projects, the qualifications of the bidder and
14 its employer and subcontractors to properly perform
15 the type of work required by the contract, and the
16 past experience of the bidder and its subcontractors
17 on projects of the same or similar nature. In
18 addition, for a bid to be considered a responsible
19 bid, the bidder and its subcontractors shall possess a
20 documented record of reliability and timely completion
21 of past projects of the same or similar scope of work
22 and a sufficient number of qualified and trained
23 employees to properly perform the type and nature of
24 work required under the contract. Proof of a
25 sufficient number of qualified and trained employees
26 shall not be required if the bidder and its
27 subcontractors can establish its payment of the
28 prevailing wage for the work to be performed as
29 determined by the department of workforce development
30 based upon wage tables established by the United
31 States department of labor for similar work pursuant
32 to 29 C.F.R. § 1.5 and 29 C.F.R. § 1.6(b)."
33 3. Title page, line 1, by inserting after the
34 word "Act" the following: "relating to public works
35 projects, by".
36 4. Title page, line 2, by inserting after the
37 word "projects," the following: "providing for
38 certain competitive bidding procedures for public
39 contracting entities,".
40 5. By renumbering as necessary.

DICK L. DEARDEN
 DENNIS H. BLACK
 MATT McCOY
 MIKE CONNOLLY
 JOHN P. KIBBIE
 MARK SHEARER
 JACK HOLVECK
 THOMAS FIEGEN
 STEVEN D. HANSEN
 MICHAEL E. GRONSTAL
 ROBERT E. DVORSKY
 JOHNIE HAMMOND
 PATRICIA HARPER
 BILL FINK
 JOE BOLKCOM
 WALLY E. HORN
 EUGENE S. FRAISE
 BETTY A. SOUKUP

S-5022

- 1 Amend the amendment, S-5017, to Senate File 2098 as
- 2 follows:
- 3 1. Page 1, line 23, by inserting after the word
- 4 "attorney" the following: "or an aggrieved person".

THOMAS FIEGEN

S-5023

- 1 Amend Senate File 2048 as follows:
- 2 1. Page 1, line 1, by inserting before the word
- 3 "VISION" the following: "NEW SECTION. 12.72A".

MARY LOU FREEMAN

S-5024

- 1 Amend Senate File 2103 as follows:
- 2 1. Page 1, by striking lines 18 through 21 and
- 3 inserting the following: "applying for the financial
- 4 assistance. The department of education shall adopt
- 5 rules pursuant to chapter 17A relating to local match
- 6 issues."

COMMITTEE ON EDUCATION
 NANCY BOETTGER, Chair

S-5025

- 1 Amend Senate File 2048 as follows:
2 1. Page 2, by striking lines 16 through 18 and
3 inserting the following: "this section, including an
4 action for injunctive relief. A person found to have
5 violated this".

MARY LOU FREEMAN

S-5026

- 1 Amend Senate File 2049 as follows:
2 1. Page 2, lines 34 and 35, by striking the words
3 ", which shall include any taxpayer of this state,".
4 2. Page 3, by striking lines 1 through 3 and
5 inserting the following: "section, including an
6 action for injunctive relief. A public contracting
7 entity found to have".
8 3. Page 3, line 6, by inserting after the word
9 "section." the following: "For purposes of this
10 subsection, an aggrieved person shall be a resident of
11 this state."

STEVEN D. HANSEN

S-5027

- 1 Amend Senate File 2135 as follows:
2 1. Page 4, line 13, by inserting after the word
3 "services" the following: ", diagnostic services,
4 restorative services limited to white and silver
5 fillings, and prosthetic services limited to dentures
6 only if the dentures are necessary to establish
7 masticatory function".

KEN VEENSTRA

S-5028

- 1 Amend House File 2245, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 12, by striking the figure
4 "2,500,000" and inserting the following: "6,500,000".
5 2. Page 4, by striking lines 5 through 29.
6 3. By renumbering as necessary.

JOHNIE HAMMOND
BETTY A. SOUKUP
JACK HOLVECK
JOHN P. KIBBIE

DENNIS H. BLACK
ROBERT E. DVORSKY
PATRICIA HARPER
BILL FINK
JOE BOLKCOM
PATRICK J. DELUHERY
MATT McCOY

S-5029

- 1 Amend House File 2245 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 19, by striking the figure
4 "39,000,000" and inserting the following:
5 "29,000,000".
6 2. Page 2, line 12, by striking the figure
7 "2,500,000" and inserting the following:
8 "12,500,000".

MARK SHEARER

S-5030

- 1 Amend Senate File 2032 as follows:
2 1. Page 1, line 5, by inserting after the words
3 "foster parent," the following: "mother-in-law,
4 father-in-law,".

GENE MADDOX

S-5031

- 1 Amend House File 2138, as passed by the House, as
2 follows:
3 1. Page 3, by inserting after line 8 the
4 following:
5 "Sec. ____ RETROACTIVE APPLICABILITY. This Act
6 applies retroactively to September 11, 2001, and is
7 applicable on and after that date."
8 2. Title page, line 4, by inserting after the
9 word "emergency" the following: "and including a
10 retroactive applicability provision".
11 3. By renumbering as necessary.

COMMITTEE ON EDUCATION
NANCY BOETTGER, Chair

S-5032HOUSE AMENDMENT TO
SENATE FILE 335

- 1 Amend Senate File 335, as passed by the Senate, as
2 follows:
- 3 1. Page 1, line 1, by inserting after the word
4 "Code" the following: "Supplement".
- 5 2. Page 1, line 8, by inserting after the word
6 "Code" the following: "Supplement".
- 7 3. Page 1, by inserting after line 12, the
8 following:
9 "Sec. ___. REFUNDS. Refunds of taxes, interest, or
10 penalties which arise from claims resulting from the
11 enactment of section 422.45, subsection 16, in this
12 Act, for sales occurring between April 1, 1995, and
13 the effective date of this Act, shall be limited to
14 fifty thousand dollars in the aggregate and shall not
15 be allowed unless refund claims are filed prior to
16 October 1, 2002, notwithstanding any other provision
17 of law. If the amount of claims totals more than
18 fifty thousand dollars in the aggregate, the
19 department of revenue and finance shall prorate the
20 fifty thousand dollars among all claimants in relation
21 to the amounts of the claimants' valid claims.
22 Sec. ___. EFFECTIVE DATE AND RETROACTIVE
23 APPLICABILITY PROVISION. This Act, being deemed of
24 immediate importance, takes effect upon enactment and
25 applies retroactively to April 1, 1995."
- 26 4. Title page, line 2, by striking the words
27 "livestock and" and inserting the following:
28 "livestock,".
- 29 5. Title page, line 3, by inserting after the
30 word "species" the following: ", providing for
31 refunds, and including an effective date and
32 retroactive applicability provision".

S-5033

- 1 Amend Senate File 2067 as follows:
- 2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Sec. ___. Section 135.37, Code 2001, is amended
5 to read as follows:
6 135.37 TATTOOING AND BODY PIERCING — PERMIT
7 REQUIREMENT PROHIBITIONS — PENALTY.
8 1. For the purposes of this section:
9 a. "Body piercing" means for commercial purposes
10 the act of penetrating the skin to make a hole, mark,
11 or scar. "Body piercing" does not include the use of
12 a mechanized, presterilized, ear-piercing system that

13 penetrates the outer perimeter or lobe of the ear, or
 14 both.
 15 b. "Minor" means an unmarried person who is under
 16 the age of eighteen.
 17 c. "Parent" means a parent, legal guardian, or
 18 legal custodian of a minor.
 19 ~~1. 2.~~ A person shall not own, control and lease,
 20 act as an agent for, conduct, manage, or operate an
 21 establishment to practice the art of tattooing or to
 22 practice body piercing, and a person shall not engage
 23 in the practice of tattooing or body piercing, without
 24 first applying for and receiving a permit from the
 25 Iowa department of public health.
 26 ~~2. 3. a.~~ A minor shall not obtain a tattoo and a
 27 person shall not provide a tattoo to a minor. ~~For the~~
 28 ~~purposes of this section, "minor" means an unmarried~~
 29 ~~person who is under the age of eighteen years.~~
 30 b. A person shall not provide body piercing to a
 31 minor unless the notarized, written consent of a
 32 parent of the minor has been obtained prior to the
 33 provision of any body piercing.
 34 ~~3. 4.~~ A person who fails to meet the requirements
 35 of subsection ~~1 2~~ or a person ~~providing a tattoo to a~~
 36 ~~minor who violates subsection 3~~ is guilty of a serious
 37 misdemeanor.
 38 ~~4. 5.~~ The Iowa department of public health shall:
 39 a. Adopt rules pursuant to chapter 17A and
 40 establish and collect all fees necessary to administer
 41 this section. The provisions of chapter 17A,
 42 including licensing provisions, judicial review, and
 43 appeal, shall apply to this chapter.
 44 b. Establish minimum safety and sanitation
 45 criteria for the operation of ~~tattooing~~
 46 that provide tattooing or body piercing.
 47 c. Prescribe the form used in obtaining the
 48 notarized, written consent from the parent of a minor
 49 under this section.
 50 d. Establish exceptions to the prohibition in

Page 2

1 subsection 3, paragraph "b" for persons who perform or
 2 receive body piercing pursuant to a recognized
 3 religious tenet or cultural practice.
 4 6. It is an affirmative defense to a violation of
 5 subsection 3 that the person providing the body
 6 piercing was presented with a driver's license, as
 7 defined in section 321.1, subsection 20A, or a
 8 nonoperator's identification card issued pursuant to
 9 section 321.190, offered by the individual who wishes
 10 to be provided tattooing or body piercing,
 11 demonstrating that the individual is not a minor, and

12 the person providing the tattooing or body piercing
 13 has a reasonable belief based on factual evidence that
 14 the identification is not altered, falsified, or
 15 belongs to another individual.

16 ~~5. 7.~~ If the Iowa department of public health
 17 determines that a provision of this section has been
 18 or is being violated, the department may order that a
 19 tattooing or body piercing establishment not be
 20 operated until the necessary corrective action has
 21 been taken. If the establishment continues to be
 22 operated in violation of the order of the department,
 23 the department may request that the county attorney or
 24 the attorney general make an application in the name
 25 of the state to the district court of the county in
 26 which the violations have occurred for an order to
 27 enjoin the violations. This remedy is in addition to
 28 any other legal remedy available to the department."

29 2. Title page, line 1, by striking the words
 30 "including requiring a permit for".

31 3. Title page by striking lines 2 and 3, and
 32 inserting the following: "and tattooing including
 33 permit requirements, prohibitions relating to minors,
 34 providing".

NEAL SCHUERER
 EUGENE S. FRAISE

S-5034

1 Amend Senate File 2106 as follows:

2 1. Page 6, by inserting after line 7, the
 3 following:

4 "f. The other party has habitually abused drugs or
 5 alcohol."

JACK HOLVECK
 JOHNIE HAMMOND

S-5035

1 Amend Senate File 2106 as follows:

2 1. Page 6, by inserting after line 7, the
 3 following:

4 "f. The parties both agree to a dissolution of
 5 marriage."

JACK HOLVECK
 JOHNIE HAMMOND

S-5036

1 Amend House File 2153, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 1, line 24, by striking the words "Upon
4 request of the victim" and inserting the following:
5 "Unless requested otherwise by the victim".

GENE MADDOX
ROBERT E. DVORSKY

S-5037

1 Amend Senate File 2139 as follows:

- 2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 915.13, subsection 1,
5 paragraph d, Code 2001, is amended to read as follows:
6 d. The victim's right to make a victim impact
7 statement, in ~~one or both~~ any of the following
8 formats:

9 (1) Written victim impact statement, delivered in
10 court in the presence of the defendant. Notification
11 shall include the procedures for filing such a
12 statement.

13 (2) Oral victim impact statement, delivered in
14 court in the presence of the defendant. The victim
15 shall also be notified of the time and place for such
16 statement.

17 (3) Video victim impact statement, delivered in
18 court in the presence of the defendant. Notification
19 shall include the procedures for making and filing the
20 video recording.

21 (4) Audio victim impact statement, delivered in
22 court in the presence of the defendant. Notification
23 shall include the procedures for making and filing the
24 audio recording.

25 Sec. 2. Section 915.21, subsection 1, paragraph a,
26 Code 2001, is amended to read as follows:

- 27 a. A victim may file a signed victim impact
28 statement with the county attorney, and a filed impact
29 statement shall be included in the presentence
30 investigation report. If a presentence investigation
31 report is not ordered by the court, a filed victim
32 impact statement shall be provided to the court prior
33 to sentencing. Upon request of the victim, the victim
34 impact statement shall be presented at the sentencing
35 hearing in the presence of the defendant, and at any
36 hearing regarding reconsideration of sentence. The
37 victim impact statement may be presented by the victim
38 or the victim's attorney or designated representative.

39 Sec. 3. Section 915.21, subsection 1, Code 2001,

40 is amended by adding the following new paragraphs:
 41 NEW PARAGRAPH. bb. A victim may make a video
 42 recording of a statement or, if available, may make a
 43 statement from a remote location through a video
 44 monitor at the sentencing hearing, in the presence of
 45 the defendant, and at any hearing regarding
 46 reconsideration of sentence.
 47 NEW PARAGRAPH. bc. A victim may make an audio
 48 recording of the statement or appear by audio via a
 49 speakerphone to make a statement, to be delivered in
 50 court in the presence of the defendant, and at any

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1 hearing regarding reconsideration of sentence.
 2 Sec. 4. Section 915.21, Code 2001, is amended by
 3 adding the following new subsection:
 4 NEW SUBSECTION. 3. Nothing in this section shall
 5 be construed to affect the inherent power of the court
 6 to regulate the conduct of persons present in the
 7 courtroom."

GENE MADDOX
 ROBERT E. DVORSKY

S-5038

1 Amend Senate File 2121 as follows:
 2 1. Page 1, line 7, by striking the word
 3 "polishing," and inserting the following:
 4 "polishing".
 5 2. Page 1, line 25, by inserting after the word
 6 "needed" the following: "and provided the person
 7 shall not be employed or permitted to combine the
 8 chemicals which constitute the detergents, cleaners,
 9 or protectants used to wash, clean, or polish motor
 10 vehicles other than to dilute the detergents,
 11 cleaners, and protectants with water. However, use of
 12 a power washer, ladder, scaffold, or their substitutes
 13 by a person employed in work involving motor vehicle
 14 cleaning, washing, and polishing, who is fourteen or
 15 fifteen years of age, is prohibited pursuant to
 16 section 92.6, or rules adopted pursuant to section
 17 92.6".

NEAL SCHUERER
 MATT McCOY

S-5039

1 Amend House File 2153, as amended, passed, and
 2 reprinted by the House, as follows:

- 3 1. Page 1, line 24, by striking the words "Upon
 4 request of the victim" and inserting the following:
 5 "Unless requested otherwise by the victim".
 6 2. Page 2, line 8, by striking the word
 7 "subsection" and inserting the following:
 8 "subsections".
 9 3. Page 2, by inserting after line 8 the
 10 following:
 11 "NEW SUBSECTION. 3. A victim shall not be placed
 12 under oath and subjected to cross examination at the
 13 sentencing hearing."
 14 4. Page 2, line 9, by striking the figure "3."
 15 and inserting the following: "4."

GENE MADDOX

S-5040

- 1 Amend House File 2075, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 21 the
 4 following:
 5 "c. Notwithstanding paragraph "a", any moneys in
 6 excess of the maximum balance in the economic
 7 emergency fund after the distribution of the surplus
 8 in the general fund of the state at the conclusion of
 9 each fiscal year and after the appropriate amount has
 10 been transferred pursuant to paragraph "b", shall not
 11 be transferred to the general fund of the state but
 12 shall be transferred to the senior living trust fund.
 13 The total amount transferred, in the aggregate, under
 14 this paragraph for all fiscal years shall not exceed
 15 thirty-five million five hundred thousand dollars."
 16 2. Title page, line 4, by inserting after the
 17 word "program" the following: "and from the senior
 18 living trust fund for purposes of the medical
 19 assistance program".

NEAL SCHUERER
 TOM FLYNN

S-5041

- 1 Amend House File 2116, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 4 through 7.
 4 2. Page 4, line 16, by striking the figures "4,
 5 6," and inserting the following: "4".
 6 3. Title page, by striking lines 4 and 5, and
 7 inserting the following: "agreements with other
 8 states, providing that".

9 4. By renumbering, redesignating, and correcting
10 internal references as necessary.

COMMITTEE ON WAYS AND MEANS
LARRY MCKIBBEN, Chair

S-5042

HOUSE AMENDMENT TO SENATE FILE 2018

1 Amend Senate File 2018, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 6 the
4 following:
5 "Sec. ____ EFFECTIVE DATE AND APPLICABILITY
6 PROVISIONS. This Act, being deemed of immediate
7 importance, takes effect upon enactment and is
8 retroactively applicable to the ninetieth calendar day
9 of the Second Regular Session of the Seventy-ninth
10 General Assembly convening in 2002."
11 2. Title page, line 3, by inserting after the
12 word "Assembly" the following: "and including
13 effective date and retroactive applicability
14 provisions".
15 3. By renumbering as necessary.

S-5043

1 Amend Senate File 2193 as follows:
2 1. Page 1, line 6, by striking the word "high-
3 skilled", and inserting the following: "high-paid".
4 2. Page 1, line 25, by striking the word "who",
5 and inserting the following: "which".
6 3. Page 3, by inserting after line 27 the
7 following:
8 "7. The board may cooperate with the small
9 business development centers in an effort to
10 disseminate information regarding the availability of
11 tax credits for investments in qualifying businesses
12 under this division. The board may also cooperate
13 with the small business development centers to develop
14 a standard seed capital application form that the
15 small business development centers may submit to the
16 board on behalf of clients seeking seed capital. The
17 board shall distribute copies of the application forms
18 to all community-based seed capital funds and
19 potential individual investors."
20 4. Page 4, line 19, by inserting after the word
21 "business." the following: "In addition, the owner
22 shall receive counseling through a small business
23 development center, including an assessment of the

24 business plan with a determination of the level of any
 25 technical assistance necessary to aid the business in
 26 developing a financially feasible project. A small
 27 business development center may utilize the services
 28 of outside providers for all or part of the business
 29 plan assessment, including strategic marketing
 30 services at the university of northern Iowa for market
 31 assessments. The business shall submit a copy of the
 32 business plan assessment to the board."

PAUL McKINLEY

S-5044

- 1 Amend House File 2271, 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, and inserting the following: "success of the
 5 qualifying business."

PAUL McKINLEY

S-5045

- 1 Amend Senate File 2150 as follows:
 2 1. Page 3, line 17, by striking the words "grants
 3 and".
 4 2. Page 3, line 28, by striking the words "grants
 5 and".
 6 3. Page 4, line 4, by striking the words "GRANT
 7 OR".
 8 4. Page 4, line 7, by striking the words "grant
 9 or".
 10 5. Page 4, line 19, by striking the words "grant
 11 or".
 12 6. Page 4, line 29, by striking the words "grant
 13 or".
 14 7. Page 5, line 7, by striking the words "grant
 15 or".
 16 8. Page 5, line 19, by striking the word "
 17 grant,".
 18 9. Page 5, line 21, by striking the word "
 19 grant,".
 20 10. Page 5, line 22, by striking the word "
 21 grant,".
 22 11. Page 7, line 14, by striking the words
 23 "grants or".

COMMITTEE ON LOCAL GOVERNMENT
 DAVID MILLER, Chair

S-5046

- 1 Amend Senate File 2201 as follows:
2 1. Page 9, line 34, by striking the words "of the
3 department".

JOHNIE HAMMOND

S-5047

- 1 Amend Senate File 2197 as follows:
2 1. Page 1, line 8, by striking the word "two" and
3 inserting the following: "three".
4 2. Page 1, line 14, by striking the word "two"
5 and inserting the following: "three".
6 3. Page 1, line 18, by striking the word "two"
7 and inserting the following: "three".
8 4. Page 1, line 25, by striking the word "two"
9 and inserting the following: "three".

STEVE KING

S-5048

- 1 Amend Senate File 2029 as follows:
2 1. Page 1, line 22, by inserting after the word
3 "physician" the following: ", or a licensed
4 registered nurse who is registered as an advanced
5 registered nurse practitioner pursuant to chapter
6 152".

NEAL SCHUERER

S-5049HOUSE AMENDMENT TO
SENATE FILE 2051

- 1 Amend Senate File 2051, as passed by the Senate, as
2 follows:
3 1. Page 1, line 6, by inserting after the word
4 "designee," the following: "the chairperson of the
5 utilities board or the chairperson's designee,".
6 2. Page 1, line 27, by inserting after the word
7 "departments" the following: "and the chairperson of
8 the utilities board".
9 3. Page 1, line 29, by inserting after the word
10 "directors" the following: "and the chairperson of
11 the utilities board".

S-5050

- 1 Amend Senate File 2198 as follows:
 2 1. Page 2, by striking lines 18 through 31.
 3 2. By renumbering as necessary.

GENE MADDOX

S-5051

- 1 Amend Senate File 2206 as follows:
 2 1. Page 1, line 8, by inserting after the word
 3 "services" the following: "at no charge".
 4 2. Page 1, line 22, by striking the word "both"
 5 and inserting the following: "all".
 6 3. Page 1, by inserting after line 26 the
 7 following:
 8 "c. The organization operates a retail business in
 9 this state."
 10 4. Title page, line 2, by inserting after the
 11 word "permits" the following: ", the certification of
 12 tax-exempt organizations that operate solid waste
 13 diversion and recycling programs, and the retention of
 14 tonnage fees by planning areas".

MARY A. LUNDBY
 JOE BOLKCOM

S-5052

HOUSE AMENDMENT TO
 SENATE FILE 437

- 1 Amend Senate File 437, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 13, by inserting after the word
 4 "Code" the following: "Supplement".
 5 2. Page 1, line 16, by inserting before the word
 6 "Each" the following: "1".
 7 3. Page 1, line 28, by inserting before the word
 8 "A" the following: "2".
 9 4. Page 2, line 7, by inserting after the word
 10 "Code" the following: "Supplement".
 11 5. Page 3, by inserting after line 4 the
 12 following:
 13 "Sec. ____ Section 321G.13, subsection 10, Code
 14 Supplement 2001, is amended by striking the
 15 subsection.
 16 Sec. ____ Section 321G.13, Code Supplement 2001,
 17 is amended by adding the following new unnumbered
 18 paragraph:
 19 NEW UNNUMBERED PARAGRAPH. A person shall not drive

20 or operate a snowmobile on public land without a
 21 measurable snow cover."
 22 6. Title page, line 2, by inserting after the
 23 word "snowmobiles" the following: "and removing the
 24 restriction on the use of an all-terrain vehicle on
 25 public land without a measurable snow cover".
 26 7. By renumbering, relettering, or redesignating
 27 and correcting internal references as necessary.

S-5053

1 Amend Senate File 2231 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. NEW SECTION. 135B.34 SINGLE CONTACT
 5 REPOSITORY — RECORD CHECKS.
 6 A hospital licensed in this state may access the
 7 single contact repository established by the
 8 department pursuant to section 135C.33 as necessary
 9 for the hospital to perform record checks of persons
 10 employed or being considered for employment by the
 11 hospital."
 12 2. By renumbering as necessary.

JOHN REDWINE

S-5054

1 Amend Senate File 2029 as follows:
 2 1. Page 1, line 22, by inserting after the word
 3 "physician" the following: ", or a licensed
 4 registered nurse who is registered as an advanced
 5 registered nurse practitioner pursuant to chapter
 6 152".

COMMITTEE ON COMMERCE
JOHN W. JENSEN, Chair**S-5055**

1 Amend Senate File 2206 as follows:
 2 1. Page 1, line 8, by inserting after the word
 3 "services" the following: "at no charge".
 4 2. Page 1, line 8, by striking the word "tax-
 5 exempt".
 6 3. Page 1, by striking lines 14 through 26 and
 7 inserting the following: "certify organizations that
 8 demonstrate all of the following:
 9 a. The organization has tax-exempt status under
 10 section 501(c)(3) of the Internal Revenue Code.
 11 b. The organization is accredited by the
 12 commission on accreditation of rehabilitation

13 facilities.

14 c. The organization provides an estimated number
15 of tons of solid waste that will be diverted from
16 landfill disposal by the organization during one year.

17 d. The organization operates a solid waste
18 diversion and recycling program.

19 e. The organization diverts from landfill disposal
20 at least two thousand tons of solid waste on an annual
21 basis."

22 4. Page 1, by inserting after line 30 the
23 following:

24 "3. An organization that is certified pursuant to
25 this section shall be required to apply for a renewal
26 of certification on an annual basis."

27 5. Page 1, line 34, by striking the words "a tax-
28 exempt", and inserting the following: "an".

29 6. Page 2, line 13, by striking the word "tax-
30 exempt".

31 7. Page 2, line 16, by striking the word "tax-
32 exempt".

33 8. Title page, line 2, by inserting after the
34 word "permits" the following: ", the certification of
35 certain tax-exempt organizations that operate solid
36 waste diversion and recycling programs, and the
37 retention of tonnage fees by planning areas".

MARY A. LUNDBY
JOE BOLKCOM

S-5056

1 Amend Senate File 2146 as follows:

2 1. Page 1, by striking lines 1 through 13, and
3 inserting the following:

4 "DIVISION I

5 Sec. ____ Section 707.2, Code 2001, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 6. The person kills another
8 person while participating in an act of terrorism as
9 defined in section 708A.1.

10 Sec. ____ NEW SECTION. 708A.1 DEFINITIONS.

11 For purposes of this chapter:

12 1. "Material support or resources" means assisting
13 or providing money, financial securities, financial
14 services, lodging, training, safe houses, false
15 documentation or identification, communication
16 equipment, facilities, weapons, lethal substances,
17 explosives, personnel, transportation, and other
18 physical assets, except medicine or religious
19 materials.

20 2. "Renders criminal assistance" means a person
21 who, with intent to prevent the apprehension or

22 obstruct the prosecution or defense of any person,
23 knowingly does any of the following acts:
24 a. Destroys, alters, conceals, or disguises
25 physical evidence which would be admissible in the
26 trial of another for a public offense, or makes
27 available false evidence or furnishes false
28 information with the intent that it be used in the
29 trial of that case.
30 b. Induces a witness having knowledge material to
31 the subject at issue to leave the state or hide, or to
32 fail to appear when subpoenaed.
33 c. Provides concealment or warns of impending
34 apprehension to any person being sought for the
35 subject at issue.
36 d. Provides a weapon, disguise, transportation, or
37 money to any person being sought for the subject at
38 issue.
39 e. Prevents or obstructs, by means of force,
40 intimidation, or deception, another person from
41 performing an act which might aid in the apprehension
42 or prosecution or defense of any person.
43 f. Profits or provides aid to any person who
44 profits from an advantage derived from the commission
45 of a public offense.
46 3. "Terrorism" means an act intended to intimidate
47 or coerce a civilian population, or to influence the
48 policy of a unit of government by intimidation or
49 coercion, by shooting, throwing, launching,
50 discharging, or otherwise using a dangerous weapon at,

Page 2

1 into, or in a building, vehicle, airplane, railroad
2 engine, railroad car, or boat, occupied by another
3 person, or within an assembly of people.
4 Sec. ____ NEW SECTION. 708A.2 VALUE FOR PURPOSES
5 OF MATERIAL SUPPORT AND RESOURCES.
6 The value of property or services is its highest
7 value by any reasonable standard at the time the
8 material support or resources is given. Any
9 reasonable standard includes but is not limited to
10 market value within the community, actual value, or
11 replacement value.
12 If credit, property, or services are obtained by
13 two or more acts from the same person or location, or
14 from different persons by two or more acts which occur
15 in approximately the same location or time period so
16 that the material support or resources are
17 attributable to a single scheme, plan, or conspiracy,
18 the acts may be considered as a single act of support
19 or resources and the value may be the total value of
20 all credit, property, and services involved.

21 Sec. ____ NEW SECTION. 708A.3 SOLICITING OR
 22 PROVIDING MATERIAL SUPPORT OR RESOURCES FOR TERRORISM.

23 1. A person who provides material support or
 24 resources to a person who commits or attempts to
 25 commit terrorism and the value of the material support
 26 or resources is in excess of one thousand dollars
 27 commits a class "B" felony.

28 2. A person who provides material support or
 29 resources to a person who commits or attempts to
 30 commit terrorism and the value of the material support
 31 or resources does not exceed one thousand dollars
 32 commits a class "C" felony.

33 Sec. ____ NEW SECTION. 708A.4 THREAT OF
 34 TERRORISM.

35 A person who threatens to commit terrorism or
 36 threatens to cause terrorism to be committed and who
 37 causes a reasonable expectation or fear of the
 38 imminent commission of such an act of terrorism
 39 commits a class "D" felony.

40 Sec. ____ NEW SECTION. 708A.5 OBSTRUCTION OF
 41 TERRORISM PROSECUTION.

42 1. A person who renders criminal assistance to
 43 another person who commits terrorism that results in
 44 the murder of a third person while knowing that the
 45 other person was engaged in terrorism commits a class
 46 "B" felony.

47 2. A person who renders criminal assistance to
 48 another person who commits terrorism while knowing
 49 that the other person was engaged in an act of
 50 terrorism commits a class "C" felony."

Page 3

1 2. Page 1, by inserting before line 14, the
 2 following: "DIVISION II".

3 3. Title page, line 1, by striking the words "a
 4 criminal offense for an act" and inserting the
 5 following: "criminal offenses for acts".

GENE MADDOX

S-5057

1 Amend Senate File 2133 as follows:

2 1. Page 1, by striking lines 1 through 9.

3 2. Title page, lines 1 and 2, by striking the
 4 words "defining the activities of a real estate
 5 broker,".

6 3. By renumbering as necessary.

LARRY McKIBBEN

S-5058

- 1 Amend Senate File 2232 as follows:
- 2 1. Page 1, line 17, by inserting after the word
3 "obtained," the following: "or if a child care
4 provider has agreed to entry of a civil judgment or
5 judgment by confession that includes a conclusion of
6 law that the child care provider has obtained."
- 7 2. Page 2, line 30, by striking the words "or in
8 lieu of".

MAGGIE TINSMAN

S-5059

- 1 Amend Senate File 2304 as follows:
- 2 1. By striking page 3, line 30 through page 4,
3 line 2.
- 4 2. Page 10, by inserting before line 1 the
5 following:
- 6 "DIVISION ____
7 Iowa Agricultural Industry Finance Corporation
8 Sec. ____ ACCELERATE REPAYMENTS. Notwithstanding
9 any provision of law to the contrary, the Iowa
10 agricultural industry finance corporation created
11 pursuant to section 15E.206 shall accelerate its
12 repayments to the general fund of the state of moneys
13 appropriated to the corporation from the general fund
14 of the state in the amount of \$2,797,000. The
15 accelerated repayments shall be made to the general
16 fund of the state during the period beginning on the
17 effective date of this Act and ending June 30, 2002."
- 18 3. By renumbering as necessary.

JOHN P. KIBBIE

S-5060

- 1 Amend Senate File 2304 as follows:
- 2 1. Page 9, line 19, by inserting after the word
3 "period." the following: "However, the state board of
4 regents and the institutions governed by the state
5 board of regents may use either a furlough plan or
6 alternative means to implement the regents' portion of
7 the appropriation reduction required by this section."
- 8 2. By renumbering as necessary.

DONALD B. REDFERN

S-5061

1 Amend Senate File 2304 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. IOWA ECONOMIC EMERGENCY FUND.
5 1. There is appropriated from the Iowa economic
6 emergency fund created in section 8.55 to the general
7 fund of the state for the fiscal year beginning July
8 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 For providing necessary funding to the general fund
12 of the state:
13\$ 120,000,000
14 2. The moneys appropriated in this section are
15 declared to be appropriated for emergency expenditures
16 as required in section 8.55, subsection 3, paragraph
17 "a".
18 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
19 immediate importance, takes effect upon enactment."
20 2. Title page, by striking lines 1 through 4 and
21 inserting the following: "An Act making an
22 appropriation to the general fund of the state for the
23 fiscal year beginning July 1, 2001, and providing an
24 effective date."

MIKE CONNOLLY
JOE BOLKCOM
PATRICIA HARPER
JOHNIE HAMMOND
ROBERT E. DVORSKY
MICHAEL E. GRONSTAL
JOHN P. KIBBIE
DENNIS H. BLACK
STEVEN D. HANSEN
JACK HOLVECK
MARK SHEARER
THOMAS FIEGEN
DICK L. DEARDEN
WALLY E. HORN
EUGENE S. FRAISE

S-5062

1 Amend Senate File 2304 as follows:
2 1. Page 1, by inserting after line 14 the
3 following:
4 "Sec. ____ GENERAL FUND. There is appropriated
5 from the Iowa economic emergency fund created in
6 section 8.55 to the general fund of the state 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 providing necessary funding to the general fund
 11 of the state:
 12\$ 2,800,000"
 13 2. Page 5, by striking lines 13 through 18.
 14 3. By renumbering as necessary.

STEVEN D. HANSEN
 DENNIS H. BLACK
 JOHN P. KIBBIE
 MARK SHEARER
 BILL FINK
 ROBERT E. DVORSKY
 JOE BOLKCOM
 BETTY A. SOUKUP
 MIKE CONNOLLY

S-5063

1 Amend Senate File 2304 as follows:
 2 1. Page 1, by inserting after line 14 the
 3 following:
 4 "Sec. ___. GENERAL FUND. There is appropriated
 5 from the Iowa economic emergency fund created in
 6 section 8.55 to the general fund of the state 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 providing necessary funding to the general fund
 11 of the state:
 12\$ 6,472,099"
 13 2. Page 3, by inserting after line 13 the following:
 14 "___ For the state board of regents in 2001 Iowa Acts,
 15 chapter 181, section 8, and 2001 Iowa Acts, Second Extraordinary
 16 Session, chapter 6, section 5."
 17 3. By renumbering as necessary.

DONALD B. REDFERN

S-5064

1 Amend Senate File 2304 as follows:
 2 1. Page 1, by inserting after line 14 the
 3 following:
 4 "Sec. ___. GENERAL FUND. There is appropriated
 5 from the Iowa economic emergency fund created in
 6 section 8.55 to the general fund of the state 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 providing necessary funding to the general fund

11 of the state:
 12\$ 1,000,000"
 13 2. Page 3, by striking lines 6 through 13.
 14 3. By renumbering as necessary.

STEVEN D. HANSEN

S-5065

1 Amend Senate File 2304 as follows:
 2 1. Page 1, by inserting after line 14, the
 3 following:
 4 "Sec. ___. GENERAL FUND. There is appropriated
 5 from the Iowa economic emergency fund created in
 6 section 8.55 to the general fund of the state 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 providing necessary funding to the general fund
 11 of the state:
 12\$ 622,758"
 13 2. Page 3, by inserting after line 13 the
 14 following:
 15 "___ For the department of public safety in 2001
 16 Iowa Acts, chapter 186, section 13, and 2001 Iowa
 17 Acts, Second Extraordinary Session, chapter 6, section
 18 10."
 19 3. By renumbering as necessary.

STEVEN D. HANSEN

S-5066

1 Amend Senate File 2304 as follows:
 2 1. Page 1, by inserting after line 14 the
 3 following:
 4 "Sec. ___. GENERAL FUND. There is appropriated
 5 from the Iowa economic emergency fund created in
 6 section 8.55 to the general fund of the state 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 providing necessary funding to the general fund
 11 of the state:
 12\$ 5,500,000"
 13 2. Page 4, by striking lines 3 through 9.
 14 3. By renumbering as necessary.

DENNIS H. BLACK

S-5067

- 1 Amend Senate File 2304 as follows:
- 2 1. Page 9, line 16, by inserting after the word
- 3 "is" the following: "wholly".
- 4 2. By renumbering as necessary.

BILL FINK

S-5068

- 1 Amend Senate File 2304 as follows:
- 2 1. Page 1, by inserting after line 14 the
- 3 following:
- 4 "Sec. ____ GENERAL FUND. There is appropriated
- 5 from the Iowa economic emergency fund created in
- 6 section 8.55 to the general fund of the state 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 providing necessary funding to the general fund
- 11 of the state:
- 12\$ 3,000,000"
- 13 2. Page 5, by striking lines 19 through 24.
- 14 3. By renumbering as necessary.

BETTY A. SOUKUP
 DENNIS H. BLACK
 JOHNNIE HAMMOND
 BILL FINK

S-5069

- 1 Amend House File 2152, 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 100B.11, subsection 3, Code
- 6 2001, is amended to read as follows:
- 7 3. For purposes of this section, "volunteer
- 8 emergency services provider" means a volunteer fire
- 9 fighter as defined in section 85.61, ~~or~~ a volunteer
- 10 emergency medical care provider or volunteer emergency
- 11 rescue technician defined in section 147A.1 who is not
- 12 covered as a volunteer emergency services provider
- 13 under chapter 97A, 97B, or 411, or a reserve peace
- 14 officer as defined in section 80D.1A."
- 15 2. Title page, by striking lines 1 through 2 and
- 16 inserting the following: "An Act concerning the
- 17 volunteer emergency services provider death benefit by
- 18 providing for the death benefit for reserve peace
- 19 officers, eliminating the prospective repeal of the

20 death benefit, and providing an".
 21 3. By renumbering as necessary.

RICHARD F. DRAKE
 JOHN P. KIBBIE

S-5070

1 Amend Senate File 2195 as follows:
 2 1. Page 4, line 8, by inserting after the word
 3 "hospital," the following: "funeral establishment".
 4 2. Page 4, line 12, by inserting after the word
 5 "provider," the following: "funeral director".

JOHN REDWINE

S-5071

1 Amend Senate File 2304 as follows:
 2 1. Page 3, by inserting after line 13, the
 3 following:
 4 "___ . For the department of human services for the
 5 family investment program in 2001 Iowa Acts, chapter
 6 191, section 4.
 7 ___ . For state unemployment compensation under
 8 chapter 96.
 9 ___ . For legal services to persons in poverty
 10 grants in 2001 Iowa Acts, chapter 186, section 1,
 11 subsection 11, and for the state public defender in
 12 2001 Iowa Acts, chapter 186, section 9, and for
 13 payment of special court costs and attorney fees under
 14 section 815.1.
 15 ___ . For payments authorized in accordance with
 16 law by the state appeal board.
 17 ___ . For the statewide fire and police retirement
 18 system in section 411.20, as limited by section 8.59.
 19 ___ . For the deferred compensation program
 20 established for state employees under section 509A.12.
 21 ___ . For deposit in the school ready children
 22 grants account of the Iowa empowerment fund in 2001
 23 Iowa Acts, chapter 181, section 6, subsection 10."
 24 2. Page 3, line 29, by striking the figure
 25 "4,000,000" and inserting the following: "2,200,000".
 26 3. Page 8, by inserting after line 31, the
 27 following:
 28 "Sec. ___. SALARY ADJUSTMENT FUND. The
 29 appropriation made in section 455G.3, subsection 6,
 30 paragraph "b", to the salary adjustment fund from the
 31 unassigned revenue fund administered by the Iowa
 32 comprehensive tank fund board is reduced by 4.3
 33 percent. That appropriation shall be considered to be
 34 an appropriation made from the general fund of the

35 state for purposes of the uniform reductions to
 36 appropriations made pursuant to this division of this
 37 Act or pursuant to any later enactment of the Seventy-
 38 ninth General Assembly, 2002 Session, making a uniform
 39 reduction to appropriations from the general fund of
 40 the state for the fiscal year beginning July 1, 2001,
 41 or pursuant to an executive order of the governor
 42 issued after the effective date of this Act."
 43 4. By renumbering as necessary.

JEFF LAMBERTI

S-5072

1 Amend Senate File 2304 as follows:
 2 1. Page 1, by inserting after line 14 the
 3 following:
 4 "Sec. ___. GENERAL FUND. There is appropriated
 5 from the Iowa economic emergency fund created in
 6 section 8.55 to the general fund of the state 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 providing necessary funding to the general fund
 11 of the state:
 12\$ 1,000,000"
 13 2. Page 5, by striking lines 6 through 12.
 14 3. By renumbering as necessary.

STEVEN D. HANSEN

S-5073

1 Amend Senate File 2304 as follows:
 2 1. Page 7, line 27, by striking the word
 3 "Notwithstanding" and inserting the following: "As
 4 part of implementing the reduction made in this
 5 subsection 1, notwithstanding".
 6 2. Page 9, line 20, by striking the word
 7 "Notwithstanding" and inserting the following: "As
 8 part of implementing the reduction made in this
 9 section, notwithstanding".
 10 3. Page 9, line 27, by striking the word
 11 "Notwithstanding" and inserting the following: "As
 12 part of implementing the reduction made in this
 13 section, notwithstanding".

JEFF LAMBERTI

S-5074

1 Amend Senate File 2304 as follows:
2 1. Page 1, by inserting after line 14, the
3 following:
4 "Sec. ____ GENERAL FUND. There is appropriated
5 from the Iowa economic emergency fund created in
6 section 8.55 to the general fund of the state 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 providing necessary funding to the general fund
11 of the state:
12\$ 66,156"
13 2. Page 3, by inserting after line 13 the
14 following:
15 "____. For the department of public defense in 2001
16 Iowa Acts, chapter 186, section 12, and 2001 Iowa
17 Acts, Second Extraordinary Session, chapter 6, section
18 9."
19 3. By renumbering as necessary.

STEVEN D. HANSEN

S-5075

1 Amend Senate File 2304 as follows:
2 1. Page 1, by inserting after line 14 the
3 following:
4 "Sec. ____ GENERAL FUND. There is appropriated
5 from the Iowa economic emergency fund created in
6 section 8.55 to the general fund of the state 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 providing necessary funding to the general fund
11 of the state:
12\$ 2,797,000"
13 2. By striking page 3, line 30 through page 4,
14 line 2.
15 3. By renumbering as necessary.

JOHNIE HAMMOND

S-5076

1 Amend Senate File 2304 as follows:
2 1. Page 1, by inserting after line 14 the
3 following:
4 "Sec. ____ GENERAL FUND. There is appropriated
5 from the Iowa economic emergency fund created in
6 section 8.55 to the general fund of the state 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 providing necessary funding to the general fund
11 of the state:
12\$ 360,000"
13 2. Page 4, by striking lines 10 through 17.
14 3. By renumbering as necessary.

MARK SHEARER

S-5077

1 Amend Senate File 2304 as follows:
2 1. Page 2, line 29, by striking the figure
3 "275.16" and inserting the following: "257.16".

JEFF LAMBERTI

S-5078

1 Amend Senate File 2304 as follows:
2 1. Page 1, by inserting after line 14, the
3 following:
4 "Sec. _____. GENERAL FUND. There is appropriated
5 from the Iowa economic emergency fund created in
6 section 8.55 to the general fund of the state 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 providing necessary funding to the general fund
11 of the state:
12\$ 493,852"
13 2. Page 3, by inserting after line 13 the
14 following:
15 "____. For the Iowa veterans home in 2001 Iowa
16 Acts, chapter 182, section 7, subsection 2, and 2001
17 Iowa Acts, Second Extraordinary Session, chapter 6,
18 section 6."
19 3. By renumbering as necessary.

JOHN P. KIBBIE

S-5079

1 Amend Senate File 2304 as follows:
2 1. Page 1, by inserting after line 33 the
3 following:
4 "____. For child and family services in 2001 Iowa
5 Acts, chapter 191, section 14."
6 2. By renumbering as necessary.

MARY A. LUNDBY
JEFF LAMBERTI
MICHAEL E. GRONSTAL

S-5080

1 Amend Senate File 2107 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 524.218A PRODUCTION OF
5 RECORDS.

6 1. A state bank shall provide upon request in
7 writing from a borrower, the authorized agent or
8 trustee of the borrower, or a person holding a power
9 of attorney granted by the borrower, a reasonable
10 number of copies of any loan or credit payoff
11 statement relating to any extension of credit made to
12 the borrower. The loan or credit payoff statement
13 must be provided within thirty business days of the
14 written request. The state bank may charge a
15 reasonable fee for this service which shall not exceed
16 the cost of providing a copy or copies of any or all
17 requested loan or credit payoff statements.

18 2. The superintendent may provide by rule for
19 sanctions for noncompliance, and shall establish a
20 maximum charge for copying which shall not exceed the
21 cost of providing the service, and shall include the
22 labor expended to locate the record and perform the
23 copying, at the rate usual and customary for
24 performing work of a clerical nature.

25 Sec. 2. Section 524.1204, Code Supplement 2001, is
26 amended by adding the following new unnumbered
27 paragraph:

28 NEW UNNUMBERED PARAGRAPH. National banks doing
29 business in this state shall comply with the
30 production of records requirements in section
31 524.218A.

32 Sec. 3. NEW SECTION. 533.40 PRODUCTION OF
33 RECORDS.

34 1. A credit union regulated under this chapter and
35 doing business in this state, including a federal
36 credit union, shall provide upon request in writing
37 from a borrower, the authorized agent or trustee of
38 the borrower, or a person holding a power of attorney
39 granted by the borrower, a reasonable number of copies
40 of any loan or credit payoff statement relating to any
41 extension of credit made to the borrower. The loan or
42 credit payoff statement must be provided within thirty
43 business days of the written request. The credit
44 union may charge a reasonable fee for this service
45 which shall not exceed the cost of providing a copy or
46 copies of any or all requested loan or credit payoff

47 statements.

48 2. The superintendent may provide by rule for
49 sanctions for noncompliance, and shall establish a
50 maximum charge for copying which shall not exceed the

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1 cost of providing the service, and shall include the
2 labor expended to locate the record and perform the
3 copying, at the rate usual and customary for
4 performing work of a clerical nature.

5 Sec. 4. NEW SECTION. 534.410 PRODUCTION OF
6 RECORDS.

7 1. An association or savings bank doing business
8 in this state, including a federal savings and loan
9 association incorporated under the federal Home
10 Owners' Loan Act of 1933, 12 U.S.C. § 1461-1468, as
11 amended, shall provide upon request in writing from a
12 borrower, the authorized agent or trustee of the
13 borrower, or a person holding a power of attorney
14 granted by the borrower, a reasonable number of copies
15 of any loan or credit payoff statement relating to any
16 extension of credit made to the borrower. The loan or
17 credit payoff statement must be provided within thirty
18 business days of the written request. The association
19 or savings bank may charge a reasonable fee for this
20 service which shall not exceed the cost of providing a
21 copy or copies of any or all requested loan or credit
22 payoff statements.

23 2. The superintendent may provide by rule for
24 sanctions for noncompliance and shall establish a
25 maximum charge for copying which shall not exceed the
26 cost of providing the service, and shall include the
27 labor expended to locate the record and perform the
28 copying, at the rate usual and customary for
29 performing work of a clerical nature.

30 Sec. 5. NEW SECTION. 535B.17 PRODUCTION OF
31 RECORDS.

32 1. A licensee or other mortgagee who services
33 mortgages on residential real estate doing business in
34 this state shall provide upon request in writing from
35 a borrower, the authorized agent or trustee of the
36 borrower, or a person holding a power of attorney
37 granted by the borrower a reasonable number of copies
38 of any loan or credit payoff statement relating to any
39 extension of credit made to the borrower. The
40 requested documents must be provided within thirty
41 business days of the written request. The licensee or
42 other mortgagee who services mortgages on residential
43 real estate may charge a reasonable fee for this
44 service which shall not exceed the cost of providing a
45 copy of any or all documents.

46 2. The administrator may provide by rule for
47 sanctions for noncompliance, and shall establish a
48 maximum charge for copying which shall not exceed the
49 cost of providing the service, and shall include the
50 labor expended to locate the record and perform the

Page 3

1 copying, at the rate usual and customary for
2 performing work of a clerical nature.
3 Sec. 6. NEW SECTION. 536.17 PRODUCTION OF
4 RECORDS.

5 1. A licensee doing business in this state shall
6 provide upon request in writing from a borrower, the
7 authorized agent or trustee of the borrower, or a
8 person holding a power of attorney granted by the
9 borrower, a reasonable number of copies of any loan or
10 credit payoff statement relating to any extension of
11 credit made to the borrower. The loan or credit
12 payoff statement must be provided within thirty
13 business days of the written request. The licensee
14 may charge a reasonable fee for this service which
15 shall not exceed the cost of providing a copy or
16 copies of any or all requested loan or credit payoff
17 statements.

18 2. The superintendent may provide by rule for
19 sanctions for noncompliance, and shall establish a
20 maximum charge for copying which shall not exceed the
21 cost of providing the service, and shall include the
22 labor expended to locate the record and perform the
23 copying, at the rate usual and customary for
24 performing work of a clerical nature.

25 Sec. 7. Section 536A.23, Code Supplement 2001, is
26 amended by adding the following new subsection:

27 NEW SUBSECTION. 6. Industrial loan companies
28 licensed under this chapter shall comply with the
29 production of records requirements in section 536.17.

30 Sec. 8. NEW SECTION. 537.1111 PRODUCTION OF
31 RECORDS.

32 1. A person subject to the requirements of this
33 chapter, as provided in section 537.6102, shall
34 provide upon request in writing from a borrower, the
35 authorized agent or trustee of the borrower, or a
36 person holding a power of attorney granted by the
37 borrower, a reasonable number of copies of any loan or
38 credit payoff statement relating to any extension of
39 credit made to the borrower. The loan or credit
40 payoff statement must be provided within thirty
41 business days of the written request. The person may
42 charge a reasonable fee for this service which shall
43 not exceed the cost of providing a copy or copies of
44 any or all requested loan or credit payoff statements.

45 2. The administrator may provide by rule for
46 sanctions for noncompliance, and shall establish a
47 maximum charge for copying which shall not exceed the
48 cost of providing the service, and shall include the
49 labor expended to locate the record and perform the
50 copying, at the rate usual and customary for

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1 performing work of a clerical nature."

JOHN W. JENSEN

S-5081

1 Amend Senate File 2304 as follows:

2 1. Page 1, by inserting after line 14, the
3 following:

4 "Sec. _____. GENERAL FUND. There is appropriated
5 from the Iowa economic emergency fund created in
6 section 8.55 to the general fund of the state 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 providing necessary funding to the general fund
11 of the state:

12\$ 124,064"

13 2. Page 3, by inserting after line 13 the
14 following:

15 "____. For the state school for the deaf and the
16 Iowa braille and sight saving school in 2001 Iowa
17 Acts, chapter 181, section 8, subsections 5 and 6, and
18 2001 Iowa Acts, Second Extraordinary Session, chapter
19 6, section 5, subsections 3 and 4."

20 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5082

1 Amend Senate File 2101 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 633.20, subsection 3, Code
5 2001, is amended to read as follows:

6 3. A person appointed as an associate probate
7 judge shall have jurisdiction to audit accounts of
8 fiduciaries and to perform ministerial duties and
9 judicial functions as the court prescribes. A person
10 appointed as an associate probate judge shall have the
11 authority to punish for contempt of court."

12 2. Page 1, line 10, by inserting after the words

- 13 "associate judges," the following: "associate probate
 14 judges."
 15 3. Title page, by striking line 1 and inserting
 16 the following: "An Act relating to contempt of court
 17 and monetary penalties for contempt."
 18 4. By renumbering as necessary.

JEFF LAMBERTI

S-5083

- 1 Amend Senate File 2169 as follows:
 2 1. Page 1, by striking lines 10 through 16, and
 3 inserting the following:
 4 "Sec. ____ Section 482.12, subsection 1, paragraph
 5 a, Code Supplement 2001, is amended by striking the
 6 paragraph and inserting in lieu thereof the following:
 7 a. A sport fishing license entitles a person to
 8 take and possess an amount of mussels or shells daily
 9 as authorized by rule of the commission. Sale of
 10 mussels or shells is not permitted with a sport
 11 fishing license.
 12 Sec. ____ Section 482.12, subsection 1, paragraph
 13 b, Code Supplement 2001, is amended by striking the
 14 paragraph."
 15 2. Title page, line 2, by striking the word
 16 "prohibiting" and inserting the following:
 17 "restricting".
 18 3. By renumbering as necessary.

DENNIS BLACK

S-5084

- 1 Amend Senate File 2133 as follows:
 2 1. Page 1, by striking lines 5 through 7, and
 3 inserting the following: "and groundwater hazard
 4 statements, including any".

LARRY McKIBBEN

S-5085

HOUSE AMENDMENT TO
 SENATE FILE 2304

- 1 Amend Senate File 2304, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 8, line 16, by inserting after the word
 4 "magistrates" the following: "or other cost
 5 reductions".
 6 2. Page 8, line 19, by striking the word "this".

- 7 3. Page 8, line 26, by inserting after the figure
8 "2002." the following: "Subsection 2 does not apply
9 to justices, judges, and magistrates subject to this
10 subsection."
11 4. Page 8, line 32, by inserting after the figure
12 "1" the following: "and thereby decrease the
13 application of subsections 2 and 3. Any such decrease
14 involving employee furloughs and salary reductions
15 shall be applied proportionately between subsections 2
16 and 3".
17 5. Page 10, line 23, by inserting after the word
18 "state" the following: "or other cost reductions".
19 6. Page 10, line 33, by inserting after the
20 figure "2002." the following: "Subsection 2 does not
21 apply to elective executive branch officials subject
22 to this subsection."
23 7. Page 11, line 5, by inserting after the figure
24 "2002." the following: "Subsection 2 does not apply
25 to appointed executive branch officers subject to this
26 subsection."

S-5086

- 1 Amend Senate File 2286 as follows:
2 1. Page 1, line 25, by striking the words "an
3 appropriate" and inserting the following: "a".
4 2. Page 1, line 25, by striking the word "in" and
5 inserting the following: "into".
6 3. Page 3, line 24, by inserting after the word
7 "person" the following: "who is detained pursuant to
8 section 229A.5 or who is subject to an order of civil
9 commitment under this chapter".
10 4. Page 4, line 26, by inserting after the word
11 "Transportation" the following: "of a committed
12 person".
13 5. Page 4, line 28, by inserting after the word
14 "confined" the following: "if requested by the
15 department of human services".
16 6. Page 5, line 2, by inserting after the word
17 "placement" the following: "or treatment".
18 7. Page 5, by striking lines 5 and 6.
19 8. Page 11, line 16, by inserting after the word
20 "if" the following: "the court finds that".
21 9. Page 11, line 25, by inserting after the word
22 "accepted" the following: "by the treatment
23 provider".
24 10. Page 11, line 28, by striking the words "one
25 year" and inserting the following: "six months".
26 11. Page 14, line 8, by striking the word "state"
27 and inserting the following: "attorney general".
28 12. Page 15, by inserting after line 7 the
29 following:

30 "8. The court shall retain jurisdiction over the
 31 committed person who has been released with or without
 32 supervision until the person is discharged from the
 33 program. The department of human services shall not
 34 be held liable for any acts committed by a committed
 35 person who has been ordered released with or without
 36 supervision."
 37 13. Page 15, line 23, by inserting after the word
 38 "services" the following: "or contracting agency".
 39 14. Page 16, line 10, by inserting after the word
 40 "shall" the following: "receive release
 41 recommendations from the department of human services
 42 and".
 43 15. Page 18, line 16, by striking the word
 44 "persons" and inserting the following: "persons a
 45 person that are incurred after the person is".
 46 16. Page 18, line 34, by inserting after the word
 47 "facility" the following: "within the department of
 48 corrections".
 49 17. Page 19, line 21, by inserting after the word
 50 "committed" the following: "before the filing of a

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1 petition under this chapter".
 2 18. Page 20 by inserting after line 28 the
 3 following:
 4 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
 5 of immediate importance, takes effect upon enactment."
 6 19. Title page, line 2, by inserting after the
 7 word "predators" the following: ", and providing an
 8 effective date".
 9 20. By renumbering as necessary.

JEFF ANGELO

S-5087

1 Amend Senate File 2286 as follows:
 2 1. Page 20, by inserting after line 22 the
 3 following:
 4 "Sec. ____ Section 901A.1, Code Supplement 2001,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 3. As used in this chapter, the
 7 term "sexually violent offense" means the same as
 8 defined in section 229A.2.
 9 Sec. ____ Section 901A.2, Code 2001, is amended by
 10 adding the following new subsection:
 11 NEW SUBSECTION. 5A. A person who has been placed
 12 in a transitional release program, released with or
 13 without supervision, or discharged pursuant to chapter
 14 229A, and who is subsequently convicted of a sexually

15 predatory offense or a sexually violent offense, shall
16 be sentenced to life in prison on the same terms as a
17 class "A" felon under section 902.1, notwithstanding
18 any other provision of the Code to the contrary. The
19 terms and conditions applicable to sentences for class
20 "A" felons under chapters 901 through 909 shall apply
21 to persons sentenced under this subsection."

JEFF ANGELO

S-5088

1 Amend Senate File 2118 as follows:
2 1. Page 1, by striking lines 11 through 17, and
3 inserting the following:
4 "1. "Destructive research" means medical,
5 scientific, or laboratory research, or other kinds of
6 investigation that destroy or injure the subject of
7 the research. "Research" means a systematic
8 investigation, including research development,
9 testing, and evaluation, designed to develop or
10 contribute to generalizable knowledge. "Destructive
11 research" does not include in vitro fertilization and
12 accompanying embryo transfer to a woman's body or any
13 diagnostic test that may assist in the future care of
14 the subject of the research."
15 2. Page 2, by striking line 24, and inserting the
16 following:
17 "c. Transfer or receive a cloned human embryo
18 for".

JOHN REDWINE

S-5089

1 Amend Senate File 2233 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 551.4, Code 2001, is amended
5 to read as follows:
6 551.4 PENALTY.
7 The following shall be guilty of a serious
8 misdemeanor:
9 1. Any A person, firm, company, association, or
10 corporation violating any of the provisions of
11 ~~sections section 551.1 and or 551.2~~, and any officer,
12 agent, or receiver of any firm, company, association,
13 or corporation, or any member of the same, or any
14 individual violating any of ~~such the~~ provisions ~~shall~~
15 ~~be guilty of a serious misdemeanor of section 551.1 or~~
16 551.2.
17 2. A producer, refiner, distributor, jobber,

18 wholesaler, or retailer violating any of the
 19 provisions of section 551.13, or any officer,
 20 director, stockholder, employee, partner, agent, or
 21 any other representative violating any of the
 22 provisions of section 551.13.

23 Sec. 2. Section 551.5, Code 2001, is amended to
 24 read as follows:

25 551.5 CONTRACTS OR AGREEMENTS.

26 All contracts or agreements made in violation of
 27 any of the provisions of ~~sections~~ section 551.1, and
 28 551.2, or 551.13 shall be void.

29 Sec. 3. Section 551.6, Code 2001, is amended to
 30 read as follows:

31 551.6 ENFORCEMENT.

32 It shall be the duty of the county attorneys, in
 33 their counties, and the attorney general, to enforce
 34 the provisions of sections 551.1 ~~to through~~ 551.5,
 35 ~~inclusive, and section 551.13,~~ by appropriate actions
 36 in courts of competent jurisdiction.

37 Sec. 4. Section 551.7, Code 2001, is amended to
 38 read as follows:

39 551.7 COMPLAINT — TO WHOM MADE.

40 If ~~a~~ complaint ~~shall be~~ is made to the secretary of
 41 state that any corporation authorized to do business
 42 in this state is guilty of unfair discrimination,
 43 within the terms of ~~sections~~ section 551.1 and, 551.2,
 44 or 551.13, it ~~shall be the duty of~~ the secretary of
 45 state ~~to shall~~ refer the matter to the attorney
 46 general who may, if the facts justify it in the
 47 attorney general's judgment, institute proceedings in
 48 the courts against ~~such~~ the corporation.

49 Sec. 5. Section 551.8, Code 2001, is amended to
 50 read as follows:

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1 551.8 REVOCATION OF PERMIT.

2 If any corporation, foreign or domestic, authorized
 3 to do business in this state, is found guilty of
 4 unfair discrimination, within the terms of ~~sections~~
 5 section 551.1, and 551.2, or 551.13, it ~~shall be the~~
 6 ~~duty of~~ the secretary of state ~~to shall~~ immediately
 7 revoke the permit of ~~such~~ the corporation to do
 8 business in this state.

9 Sec. 6. Section 551.9, Code 2001, is amended to
 10 read as follows:

11 551.9 CORPORATION TO BE ENJOINED.

12 If after revocation of its permit ~~such a~~
 13 corporation, or any other corporation not having a
 14 permit and found guilty of having violated any of the
 15 provisions of ~~sections~~ section 551.1 and, 551.2, or
 16 551.13, shall continue or attempt to do business in

17 this state, it shall be the duty of the attorney
 18 general, by a proper suit in the name of the state of
 19 Iowa, to ~~shall~~ enjoin ~~such~~ the corporation from
 20 transacting all business of every kind and character
 21 in ~~said~~ this state.

22 Sec. 7. NEW SECTION. 511.13 UNFAIR
 23 DISCRIMINATION — MARKETING OF MOTOR FUEL.

24 1. A producer, refiner, distributor, jobber,
 25 wholesaler, or retailer shall not, either directly or
 26 indirectly, or through a subsidiary, affiliate
 27 corporation, or related business entity, or by any
 28 officer, director, stockholder, employee, partner,
 29 agent, or any other representative, for the purpose or
 30 with the effect of restraining, lessening, or
 31 destroying competition or injuring one or more
 32 competitors or injuring one or more persons dealing in
 33 the marketing of motor fuel, or to impair or prevent
 34 fair competition in the sale of motor fuel in the
 35 state, engage in or threaten to engage in any of the
 36 following trade practices or methods of doing
 37 business:

38 a. Make or offer to make any gift of money,
 39 merchandise, trading stamps, coupons, service,
 40 supplies, or anything of value in connection with the
 41 sale to a jobber, distributor, retailer, or consumer
 42 in this state of motor fuel.

43 b. Charge a combined price for any motor fuel
 44 product together with another commodity or service
 45 that is less or is represented to be less than the
 46 aggregate of the price of the particular motor fuel
 47 product and the price or value of such other commodity
 48 or service when separately sold or offered for sale.

49 c. Acting, applying, or attempting to apply any
 50 method or device in the sale or distribution of a

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1 motor fuel product in any way that is inconsistent
 2 with the intent of this section.

3 2. The penalties and procedures of sections 551.4
 4 through 551.11 shall apply to violations of the
 5 provisions of this section.

6 Sec. 8. EFFECTIVE DATE. This Act, being deemed of
 7 immediate importance, takes effect upon enactment."

8 2. By renumbering as necessary.

MIKE CONNOLLY

S-5090

1 Amend Senate File 2298 as follows:

2 1. Page 1, by striking lines 23 through 26, and

3 inserting the following: "allocated to the fire
 4 service training bureau to assist in funding the
 5 programs and purposes specified in section 100B.6."
 6 2. Page 1, lines 28 and 29, by striking the words
 7 "state fire service and emergency response council"
 8 and inserting the following: "fire service training
 9 bureau".

SHELDON RITTMER

S-5091

1 Amend Senate File 2277 as follows:
 2 1. Page 1, line 8, by inserting after the word
 3 and figure: "subsection 43." the following: "This
 4 subsection is repealed effective June 30, 2007."
 5 2. Page 1, line 15, by striking the word
 6 "jeopardize" and inserting the following: "be a clear
 7 and present danger to".
 8 3. Page 1, line 29, by inserting after the word
 9 and figure "chapter 357A." the following: "This
 10 subsection is repealed effective June 30, 2007."

JEFF ANGELO
 ROBERT E. DVORSKY

S-5092

1 Amend the amendment, S-5056, to Senate File 2146 as
 2 follows:
 3 1. Page 1, line 12, by inserting after the word
 4 "means" the following: "knowingly".
 5 2. Page 1, line 19 by inserting after the word
 6 "materials" the following: ", for the purpose of
 7 assisting a person in the commission of an act of
 8 terrorism".
 9 3. Page 1, by striking lines 43 through 45.

JACK HOLVECK
 GENE MADDOX

S-5093

1 Amend Senate File 2106 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 fifty 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 and fifteen dollars of which shall be
 14 retained by the county recorder.

15 (2) For filing an application for the license to
 16 marry, twenty dollars, if the applicants submit and
 17 the county registrar approves the certificate of
 18 completion of premarital education pursuant to section
 19 595.3B. The fee includes payment for one certified
 20 copy of the original certificate of marriage, to be
 21 issued following filing of the original certificate of
 22 marriage. Four dollars of the fee shall be retained
 23 by the county pursuant to subsection 5.

24 b. ~~For~~ Unless a license becomes valid in
 25 accordance with section 595.4, subsection 3, paragraph
 26 "a", for issuing an application for an order of the
 27 district court authorizing the validation of a license
 28 to marry before the expiration of ~~three~~ thirty days
 29 from the date of issuance of the license, five
 30 dollars. The district court shall authorize the early
 31 validation of a marriage license without the payment
 32 of any fees imposed in this subsection upon showing
 33 that the applicant is unable to pay the fees.

34 **Sec. 2. NEW SECTION. 595.3B APPLICATION —**
 35 **PREMARITAL EDUCATION.**

36 1. An application form for a marriage license
 37 shall have attached a certificate form to be used by
 38 the parties to document completion of premarital
 39 education by the parties. The certificate shall be
 40 completed by the parties and signed by the person who
 41 provided the premarital education. The certificate
 42 shall require provision of all of the following
 43 information:

- 44 a. The name of the person providing the premarital
- 45 education and the person's signature verifying
- 46 completion of the premarital education by the parties.
- 47 b. The number of hours of premarital education
- 48 completed.
- 49 c. Whether the premarital education was provided
- 50 by personal instruction, videotaped instruction,

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1 instruction via other electronic media, or a
 2 combination of these methods.

3 2. Only premarital education provided by the
 4 following persons meets the requirement of provision
 5 of premarital education under this section:

- 6 a. A person ordained or designated as a leader of
- 7 a party's religious faith or the person's designee.
- 8 b. A person licensed to practice psychology

9 pursuant to chapter 154B.
 10 c. A person licensed to practice social work
 11 pursuant to chapter 154C.
 12 d. A person licensed to practice marital and
 13 family therapy pursuant to chapter 154D.
 14 3. If the parties applying for a license to marry
 15 complete the premarital education certificate and the
 16 certificate is approved, the parties shall pay a
 17 license fee of only twenty dollars pursuant to section
 18 331.605, subsection 6.
 19 Sec. 3. Section 595.4, Code 2001, is amended to
 20 read as follows:
 21 595.4 AGE AND QUALIFICATION — VERIFIED
 22 APPLICATION — WAITING PERIOD — EXCEPTION.
 23 1. Previous Prior to the issuance of any license
 24 to marry, the parties desiring the license shall sign
 25 and file a verified application with the county
 26 registrar which application either may be mailed to
 27 the parties at their request or may be signed by them
 28 at the office of the county registrar in the county in
 29 which the license is to be issued. The application
 30 shall include the social security number of each
 31 applicant and shall set forth at least one affidavit
 32 of some competent and disinterested person stating the
 33 facts as to age and qualification of the parties.
 34 Upon the filing of the application for a license to
 35 marry, the county registrar shall file the application
 36 in a record kept for that purpose and shall take all
 37 necessary steps to ensure the confidentiality of the
 38 social security number of each applicant. All
 39 information included on an application may be provided
 40 as mutually agreed upon by the division of records and
 41 statistics and the child support recovery unit,
 42 including by automated exchange.
 43 2. Upon receipt of a verified application, the
 44 county registrar may issue the license ~~which shall not~~
 45 ~~become valid until the expiration of three days after~~
 46 ~~the date of issuance of the license.~~ If the license
 47 has not been issued within six months from the date of
 48 the application, the application is void.
 49 3. A license issued under subsection 2 shall
 50 become valid as follows:

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1 a. If the parties desiring the license have
 2 participated in premarital education and have
 3 documented completion of premarital education in
 4 accordance with section 595.3B, the license shall
 5 become valid upon the expiration of three days after
 6 the date of issuance of the license.
 7 b. If the parties desiring the license have not

8 participated in premarital education and have not
9 documented completion of premarital education in
10 accordance with section 595.3B, the license shall not
11 become valid until the expiration of thirty days after
12 the date of issuance of the license.

13 4. A If the parties are subject to subsection 3,
14 paragraph "b", a license to marry may be validated
15 prior to the expiration of ~~three~~ thirty days from the
16 date of issuance of the license in cases of emergency
17 or extraordinary circumstances. An order authorizing
18 the validation of a license may be granted by a judge
19 of the district court under conditions of emergency or
20 extraordinary circumstances upon application of the
21 parties filed with the county registrar. ~~No~~ An order
22 may ~~shall not~~ be granted unless the parties have filed
23 an application for a marriage license in a county
24 within the judicial district. An application for an
25 order shall be made on forms furnished by the county
26 registrar at the same time the application for the
27 license to marry is made. After examining the
28 application for the marriage license and issuing the
29 license, the county registrar shall refer the parties
30 to a judge of the district court for action on the
31 application for an order authorizing the validation of
32 a marriage license prior to expiration of ~~three~~ thirty
33 days from the date of issuance of the license. The
34 judge shall, if satisfied as to the existence of an
35 emergency or extraordinary circumstances, grant an
36 order authorizing the validation of a license to marry
37 prior to the expiration of ~~three~~ thirty days from the
38 date of issuance of the license to marry. The county
39 registrar shall validate a license to marry upon
40 presentation by the parties of the order authorizing a
41 license to be validated. A fee of five dollars shall
42 be paid to the county registrar at the time the
43 application for the order is made, which fee is in
44 addition to the fee prescribed by law for the issuance
45 of a marriage license.

46 Sec. 4. Section 598.17, Code 2001, is amended by
47 adding the following new unnumbered paragraph:
48 NEW UNNUMBERED PARAGRAPH. A decree dissolving a
49 marriage shall not be entered unless the court finds
50 clear and convincing evidence that dissolution of the

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1 marriage is in the best interests of each minor child
2 of the parties."

3 2. Title page, by striking lines 1 and 2, and
4 inserting the following: "An Act relating to marriage

5 including premarital education, marriage license fees,
6 and continuation of marriage."

NEAL SCHUERER

S-5094

1 Amend Senate File 2118 as follows:

2 1. Page 1, by striking lines 11 through 17, and
3 inserting the following:

4 "1. "Destructive research" means medical,
5 scientific, or laboratory research, or other kinds of
6 investigation that destroy or injure the subject of
7 the research. "Research" means a systematic
8 investigation, including research development,
9 testing, and evaluation, designed to develop or
10 contribute to generalizable knowledge. "Destructive
11 research" does not include in vitro fertilization and
12 accompanying embryo transfer to a woman's body or any
13 diagnostic test that may assist in the future care of
14 the woman."

15 2. Page 2, by striking line 24, and inserting the
16 following:

17 "c. Transfer or receive a cloned human embryo
18 for".

JOHN REDWINE

S-5095

1 Amend Senate File 2169 as follows:

2 1. Page 1, line 6, by striking the word "mountain
3 lion".

STEVE KING
JERRY BEHN

S-5096

1 Amend Senate File 2288 as follows:

2 1. Page 2, by inserting after line 29 the
3 following:

4 "7. Notwithstanding subsections 1 through 6, upon
5 request by a county attorney, the attorney general or
6 an assistant attorney general may act as county
7 attorney in a criminal proceeding, on behalf of the
8 state, without appointment by the board, the chief
9 judge, or the chief judge's designee."

JEFF ANGELO

S-5097

- 1 Amend Senate Joint Resolution 2002 as follows:
- 2 1. Page 1, line 8, by striking the word "male"
- 3 and inserting the following: "male".

MIKE CONNOLLY

S-5098

- 1 Amend Senate File 2275 as follows:
- 2 1. Page 43, by inserting after line 33, the
- 3 following:
- 4 "Sec. ____ Section 692A.1, subsection 4, paragraph
- 5 m, Code Supplement 2001, is amended to read as
- 6 follows:
- 7 m. Sexual exploitation of a minor in violation of
- 8 section 728.12, ~~subsection 2 or 3.~~"
- 9 2. By renumbering as necessary.

KEN VEENSTRA

S-5099

- 1 Amend Senate File 2190 as follows:
- 2 1. Page 2, by striking lines 6 through 19.
- 3 2. By renumbering as necessary.

LARRY McKIBBEN

S-5100

- 1 Amend Senate File 2205 as follows:
- 2 1. Page 5, by striking line 6 and inserting the
- 3 following: "capacity of the three categories. The
- 4 department of human services, in consultation with the
- 5 Iowa department of public health, shall adopt".
- 6 2. Page 5, by striking lines 27 through 29.

MAGGIE TINSMAN

S-5101

- 1 Amend Senate File 2281 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "committee" the following: "as provided by rule.".

RICHARD F. DRAKE
JOHN P. KIBBIE

S-5102

- 1 Amend Senate Joint Resolution 2003 as
 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
 4 "increase" the following: "or decrease".
 - 5 2. Title, page 1, line 4, by inserting after the
 6 word "increase" the following: "or decrease".
 - 7 3. Title, page 1, by striking line 9, and
 8 inserting the following: "judiciary".
 - 9 4. Title, page 2, line 1, by inserting after the
 10 word "increases" the following: "or decreases".
 - 11 5. Title, page 2, line 18, by inserting after the
 12 word "reads" the following: "substantially".
 - 13 6. Title, page 2, line 22, by inserting after the
 14 word "increase" the following: "or decrease".

JACK HOLVECK
 NEAL SCHUERER
 JOHNIE HAMMOND

S-5103

- 1 Amend Senate File 2215 as follows:
- 2 1. Title page, line 4, by inserting after the
 3 word "Act" the following: ", and providing an
 4 effective date".

E. THURMAN GASKILL

S-5104

- 1 Amend Senate File 2144 as follows:
- 2 1. Page 1, line 3, by striking the figure ".08"
 3 and inserting the following: ".05".
 - 4 2. Page 1, line 9, by striking the figure ".08"
 5 and inserting the following: ".05".
 - 6 3. Page 1, line 21, by striking the figure ".08"
 7 and inserting the following: ".05".
 - 8 4. Title page, line 1, by striking the figure
 9 ".08" and inserting the following: ".05".

STEVEN D. HANSEN

S-5105

- 1 Amend Senate File 2278 as follows:
- 2 1. Page 1, lines 10 and 11, by striking the words
 3 ", alternative jails, municipal holding facilities,".
 - 4 2. Page 1, line 15, by inserting after the word
 5 "counts," the following: "and".

- 6 3. Page 1, by striking lines 16 through 19, and
7 inserting the following: "jail or facility. The
8 report shall contain an".
- 9 4. Page 1, line 20, by inserting before the word
10 "jail" the following: "recent".
- 11 5. Page 1, line 23, by striking the word and
12 figure "section 422B.12" and inserting the following:
13 "chapter 422B".
- 14 6. Page 1, line 25, by inserting after the word
15 "planning." the following: "The first submission of
16 the report shall include recommendations on offender
17 data needed to estimate jail space needs in the next
18 two, three, and five years, on a county, geographic
19 region, and statewide basis, which may be based upon
20 information submitted pursuant to section 356.49."

ANDY McKEAN

S-5106

- 1 Amend Senate File 2301 as follows:
- 2 1. Page 2, by inserting after line 33, the
3 following:
4 "Sec. ____ Section 13B.8, subsection 4, Code 2001,
5 is amended to read as follows:
6 4. The state public defender shall provide
7 separate and suitable office space, furniture,
8 equipment, computers, computer networks, support
9 staff, and supplies for the each office of the local
10 public defender out of funds appropriated to the
11 department state public defender for this purpose.
12 Sec. ____ Section 13B.8, Code 2001, is amended by
13 adding the following new subsection:
14 NEW SUBSECTION. 5. An employee of a local public
15 defender office shall not have access to any
16 confidential client information in any other local
17 public defender office, and the state public defender
18 shall not have access to such confidential
19 information."
- 20 2. Page 3, by inserting after line 13, the
21 following:
22 "Sec. ____ Section 13B.9, subsection 3, Code 2001,
23 is amended to read as follows:
24 3. The local public defender shall handle every
25 case to which the local public defender is appointed
26 if the local public defender can reasonably handle the
27 case. The local public defender shall be responsible
28 for assigning cases to individual attorneys within the
29 local public defender office and for making decisions

30 concerning cases in which the local public defender
 31 has been appointed."

JEFF LAMBERTI

S-5107

1 Amend House File 2246, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 7, by striking the word
 4 "business".
 5 2. Page 3, line 32, by inserting before the word
 6 "delinquent" the following: "current or".
 7 3. Page 3, line 34, by striking the words "last
 8 business" and inserting the following: "business
 9 last".

COMMITTEE ON LOCAL GOVERNMENT
 DAVID MILLER, Chair

S-5108

1 Amend Senate File 2144 as follows:
 2 1. Page 1, by inserting after line 27, the
 3 following:
 4 "Sec. ____ EFFECTIVE DATE. This Act takes effect
 5 July 1, 2003."
 6 2. Title page, line 2, by inserting after the
 7 word "offenses" the following: "and providing an
 8 effective date".

STEVEN D. HANSEN

S-5109

1 Amend Senate File 2118 as follows:
 2 1. Page 3, by inserting after line 16, the
 3 following:
 4 "Sec. ____ NEW SECTION. 707B.6 STEM CELL
 5 RESEARCH — EXCEPTION.
 6 Nothing in this chapter shall be interpreted to
 7 prohibit the performance of human stem cell research
 8 in this state utilizing human stem cells that are
 9 derived outside of the state."
 10 2. By renumbering as necessary.

JOHN REDWINE
 ROBERT E. DVORSKY

S-5110

- 1 Amend Senate File 2118 as follows:
 2 1. Page 1, line 3, by striking the words "Embryo
 3 Research and Human".
 4 2. Page 1, line 5, by striking the word "cloning"
 5 and inserting the following: "reproductive cloning."
 6 3. Page 1, by striking lines 6 and 7.
 7 4. Page 1, by striking lines 11 through 17.
 8 5. Page 1, by striking lines 23 and 24.
 9 6. Page 2, by striking lines 3 through 16.
 10 7. Title page, lines 1 and 2, by striking the
 11 words "or destruction".
 12 8. By renumbering as necessary.

JOHNIE HAMMOND
 JACK HOLVECK
 ROBERT E. DVORSKY
 PATRICIA HARPER
 JOE BOLKCOM

S-5111

- 1 Amend House File 2264, as passed by the House, as
 2 follows:
 3 1. Page 5, by striking lines 3 through 29.
 4 2. Title page, line 2, by striking the words "a
 5 criminal penalty, and providing".

DICK L. DEARDEN

S-5112

- 1 Amend Senate File 2265 as follows:
 2 1. Page 1, lines 27 and 28, by striking the words
 3 "weighs more than forty pounds" and inserting the
 4 following: "is taller than fifty-seven inches".

THOMAS FIEGEN
 ROBERT E. DVORSKY
 JOHNIE HAMMOND

S-5113

- 1 Amend House File 2139, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 261.17, subsections 1 and 2,
 6 Code Supplement 2001, are amended to read as follows:
 7 1. A vocational-technical tuition grant may be

8 awarded to any resident of Iowa who is admitted and in
 9 attendance as a full-time or part-time student in a
 10 vocational-technical or career option program at a
 11 community college or at an accredited private
 12 institution, as defined in section 261.9, in the
 13 state, and who establishes financial need.

14 2. All classes, including liberal arts classes,
 15 identified by the community college or accredited
 16 private institution as required for completion of the
 17 student's vocational-technical or career option
 18 program shall be considered a part of the student's
 19 vocational-technical or career option program for the
 20 purpose of determining the student's eligibility for a
 21 grant. Notwithstanding subsection 3, if a student is
 22 making satisfactory academic progress but the student
 23 cannot complete a vocational-technical or career
 24 option program in the time frame allowed for a student
 25 to receive a vocational-technical tuition grant as
 26 provided in subsection 3 because additional classes
 27 are required to complete the program, the student may
 28 continue to receive a vocational-technical tuition
 29 grant for not more than one additional enrollment
 30 period."

31 2. Page 1, by inserting after line 6 the
 32 following:

33 "Sec. ____ . Section 261.17, subsection 7, paragraph
 34 a, Code Supplement 2001, is amended to read as
 35 follows:

36 a. Provide application forms for distribution to
 37 students by Iowa high schools, ~~and~~ community colleges,
 38 and accredited private institutions."

39 3. Title page, line 1, by striking the words "to
 40 increase the" and inserting the following: "relating
 41 to the recipients and".

42 4. By renumbering as necessary.

THOMAS FIEGEN

S-5114

1 Amend House File 2152, 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 100B.11, subsection 3, Code
 6 2001, is amended to read as follows:

7 3. For purposes of this section, "volunteer
 8 emergency services provider" means a volunteer fire
 9 fighter as defined in section 85.61, ~~or~~ a volunteer
 10 emergency medical care provider or volunteer emergency
 11 rescue technician defined in section 147A.1 who is not
 12 covered as a volunteer emergency services provider

- 13 under chapter 97A, 97B, or 411, or a reserve peace
 14 officer as defined in section 80D.1A."
 15 2. Title page, by striking lines 1 through 2 and
 16 inserting the following: "An Act concerning the
 17 volunteer emergency services provider death benefit by
 18 providing for the death benefit for reserve peace
 19 officers, eliminating the prospective repeal of the
 20 death benefit, and providing an".
 21 3. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
 STEVE KING, Chair

S-5115

- 1 Amend Senate File 2197 as follows:
 2 1. Page 1, line 8, by striking the words "two
 3 thousand" and inserting the following: "five
 4 hundred".
 5 2. Page 1, line 14, by striking the words "two
 6 thousand" and inserting the following: "five
 7 hundred".
 8 3. Page 1, line 18, by striking the words "two
 9 thousand" and inserting the following: "five
 10 hundred".
 11 4. Page 1, line 25, by striking the words "two
 12 thousand" and inserting the following: "five
 13 hundred".

MIKE SEXTON

S-5116

- 1 Amend Senate File 2267 as follows:
 2 1. Page 1, line 5, by striking the words "may
 3 from time to time" and inserting the following:
 4 "shall, beginning in the year 2002 and at least every
 5 ten years thereafter."
 6 2. Page 1, line 7, by inserting after the word
 7 "composition" the following: "or the total number".
 8 3. Page 1, line 13, by inserting after the word
 9 "districts," the following: "which may include
 10 expanding or contracting the total number of judicial
 11 districts".
 12 4. Page 1, line 14, by striking the word
 13 "January" and inserting the following: "November".
 14 5. Page 1, line 17, by inserting after the word
 15 "assembly" the following: "amends the plan and".
 16 6. Page 1, by inserting after line 23 the
 17 following:
 18 "4. It is the intent of the general assembly that
 19 the supreme court prior to developing a plan pursuant

20 to this section consult with and receive input from
21 members of the public, attorneys, court employees,
22 judges, members of the general assembly, county
23 officers, and officials from other interested
24 political subdivisions. In submitting a plan pursuant
25 to this section, the supreme court shall also submit
26 to the general assembly a report stating the reasons
27 for developing the plan and describing in detail the
28 process used in developing the plan."

GENE MADDOX

S-5117

1 Amend Senate File 2270 as follows:
2 1. Page 11, by inserting after line 2, the
3 following:
4 "Sec. 100. Section 598.21, subsection 5A, Code
5 Supplement 2001, is amended by adding the following
6 new paragraph:
7 NEW PARAGRAPH. e. A support order, decree, or
8 judgment entered or pending before July 1, 1997, that
9 provides for support of a child for college,
10 university, or community college expenses, may be
11 modified in accordance with this subsection."
12 2. Page 13, line 7, by inserting after the word
13 "to" the following: "section 598.21, subsection 5A,
14 or".
15 3. Page 13, by inserting after line 13, the
16 following:
17 "Sec. ____ EFFECTIVE DATE AND RETROACTIVE
18 APPLICABILITY PROVISION. Section 100 of this Act,
19 relating to the modification of a support order,
20 decree, or judgment pending on or before July 1, 1997,
21 that provides for support of a child for college,
22 university, or community college expenses, being
23 deemed of immediate importance, takes effect upon
24 enactment and is retroactively applicable to support
25 orders, decrees, or judgments as described in section
26 100 of this Act entered or pending before July 1,
27 1997."
28 4. Title page, line 4, by inserting after the
29 word "benefits" the following: ", providing an
30 effective date, and providing for retroactive
31 applicability".
32 5. By renumbering as necessary.

MARK SHEARER

S-5118

- 1 Amend Senate File 2292 as follows:
- 2 1. By striking everything after the enacting
3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 72.6 CONSTRUCTION
5 MANAGEMENT SERVICES.
- 6 1. DEFINITIONS. As used in this section, unless
7 the context otherwise provides:
- 8 a. "Construction management services" means all of
9 the following:
- 10 (1) Services provided in the planning and design
11 phases of a public works project including, but not
12 limited to, the following:
- 13 (a) Consulting with, advising, assisting, and
14 making recommendations to a public owner or architect,
15 engineer, or registered landscape architect employed
16 by the public owner on any aspect of planning for a
17 public works project.
- 18 (b) Reviewing all plans and specifications for the
19 public works project as they are developed and making
20 recommendations concerning construction feasibility,
21 availability of material and labor, time requirements
22 for procurement and construction, and projected costs.
- 23 (c) Making, reviewing, and refining budget
24 estimates for the public works project based on the
25 public owner's plans and specifications and other
26 available information.
- 27 (d) Making recommendations to the public owner or
28 the architect or engineer on the public works project
29 regarding the division of work in the plans and
30 specifications to facilitate bidding on and the award
31 of contracts.
- 32 (e) Soliciting the interest of capable bidders and
33 assisting the public owner in taking bids on the
34 public works project.
- 35 (f) Analyzing the bids received from contractors
36 and awarding contracts for the public works project.
- 37 (g) Preparing and monitoring a progress schedule
38 during the design phase of the project.
- 39 (h) Preparing a proposed construction schedule for
40 the public works project.
- 41 (2) Services provided in the construction phase of
42 the public works project including, but not limited
43 to, the following:
- 44 (a) Maintaining competent supervisory staff to
45 coordinate and provide general direction of the work
46 and progress of the contractors on the public works
47 project.
- 48 (b) Observing work on the public works project as
49 it is performed for general conformity with working
50 drawings and specifications.

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- 1 (c) Establishing procedures for coordinating the
2 work of the public owner, architect, engineer,
3 contractors, and the construction manager on all
4 aspects of the public works project and implementing
5 such procedures.
- 6 (d) Maintaining job site records and making
7 appropriate progress reports.
- 8 (e) Reviewing the safety programs of each
9 contractor on the public works project for conformity
10 with the public owner's safety policies and making
11 recommendations regarding such programs.
- 12 (f) Reviewing and processing all applications for
13 payment by contractors and material suppliers on the
14 public works project in accordance with the terms of
15 the contract.
- 16 (g) Making recommendations for and processing
17 requests for changes in work on the public works
18 project and maintaining records of change orders.
- 19 (h) Scheduling and conducting job meetings to
20 ensure orderly progress of work on the public works
21 project.
- 22 (i) Developing and monitoring a progress schedule
23 for the public works project, coordinating and
24 expediting the work of all contractors on the project,
25 and providing periodic status reports to the public
26 owner and the architect or engineer.
- 27 (j) Establishing and maintaining a cost control
28 system for the public works project and conducting
29 meetings to review costs.
- 30 "Construction management services" does not include
31 architectural services provided within the practice of
32 architecture as defined in section 544A.16 or
33 engineering services provided within the practice of
34 engineering as defined in section 542B.2.
- 35 b. "Construction manager" means any person, firm,
36 or corporation that provides construction management
37 services to a public owner. For purposes of this
38 section, a construction manager is not a "contractor"
39 as defined in section 91C.1.
- 40 c. "General conditions work" means work that is
41 not permanently incorporated into a public works
42 project.
- 43 d. "Public owner" means a public body including
44 the state of Iowa, an officer, official, agency,
45 authority, board, or commission of the state or of a
46 political subdivision or an institution supported in
47 whole or in part by public funds.
- 48 e. "Public works" means a permanent building or
49 other construction work constructed for public use or
50 benefit and paid for in whole or in part with public

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1 funds, including a public improvement as defined in
2 section 73A.1, 331.341, 384.37, or 384.95, and
3 including any work performed directly by a public
4 utility as defined in section 368.1 when performed by
5 a public utility pursuant to an order of a public
6 authority or commission whether or not the work is
7 performed under public supervision or direction or
8 paid for in whole or in part with public funds.
9 "Public works" does not include any work done by or on
10 behalf of a drainage or levee district.

11 f. "Public works project" or "project" means the
12 construction, maintenance, or repair of public works.
13 2. USE OF CONSTRUCTION MANAGER. A public owner
14 may engage a construction manager when planning,
15 designing, or constructing a public works, or when
16 improving, altering, or repairing a public works. A
17 public owner may engage a construction manager in the
18 preconstruction phase of a public works project or in
19 both the preconstruction and construction phases of
20 the project.

21 3. SOLICITATION OF CONSTRUCTION MANAGEMENT

22 SERVICES. When the estimated cost of construction
23 management services for a public works project exceeds
24 twenty-five thousand dollars, a public owner shall
25 solicit a proposed construction management services
26 contract by publishing an advertisement in a newspaper
27 published at least once weekly and having general
28 circulation in the city or county where the public
29 works project is located. The notice must be
30 published at least once, not less than twenty nor more
31 than forty-five days before the date set by the public
32 owner for submission of proposals. The public owner
33 may publish an advertisement in an electronic format
34 as an additional method of soliciting proposals under
35 this subsection.

36 4. CONSTRUCTION MANAGEMENT CONTRACT. A
37 construction manager shall not bid on or perform
38 actual construction on a public works project for
39 which the construction manager is performing
40 construction management services.

41 5. CONFLICTS PROHIBITED. A construction
42 management services contract for a public works
43 project shall not be awarded by a public owner to a
44 construction manager that controls, is controlled by,
45 or shares common ownership or control with another
46 contractor on the public works project; that assumes
47 financial responsibility for the work of others on the
48 project; that guarantees a maximum price for the work
49 of others on the project; or that furnishes or
50 guarantees a performance or payment bond for another

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1 contractor on the project.
2 A public owner shall not accept a bid from or award
3 a contract on a public works project to a contractor
4 that controls, is controlled by, or shares common
5 ownership with or control of the construction manager
6 on the public works project.
7 6. APPLICABILITY. This section does not apply to
8 the planning, design, construction, maintenance,
9 repair, or other work done for or on behalf of a
10 public owner by employees of a public owner.
11 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2,
12 subsection 3, shall not apply to this Act."

JOHN W. JENSEN
MICHAEL E. GRONSTAL

S-5119

1 Amend Senate File 2279 as follows:
2 1. Page 4, line 16, by striking the word "three"
3 and inserting the following: "~~three~~ one and one-
4 half".
5 2. Page 4, by striking lines 21 through 29.
6 3. Page 7, by inserting after line 7, the
7 following:
8 "Sec. ___. Section 513C.3, subsection 14, Code
9 2001, is amended by adding the following new
10 paragraph:
11 NEW PARAGRAPH. d. Loss of eligibility for the
12 hawk-i program authorized in chapter 514L."
13 4. Page 7, by inserting after line 20, the
14 following:
15 "Sec. ___. Section 514E.1, subsection 6, Code
16 Supplement 2001, is amended by adding the following
17 new paragraph:
18 NEW PARAGRAPH. 1. The hawk-i program authorized
19 by chapter 514L."
20 5. Page 9, line 23, by adding after the word
21 "contractor" the following: "but who is not an
22 exclusive insurance producer as defined in section
23 522B.1".
24 6. Page 11, line 3, by striking the words
25 "~~requested by the named insured~~" and inserting the
26 following: "agreed upon by both the named insured and
27 the insurer".
28 7. Page 13, line 8, by adding after the word
29 "contractor" the following: "but who is not an
30 exclusive insurance producer as defined in section
31 522B.1".
32 8. Page 14, line 24, by adding after the word

33 "contractor" the following: "but who is not an
 34 exclusive insurance producer as defined in section
 35 522B.1".
 36 9. Page 15, by inserting after line 27 the
 37 following:
 38 "Sec. _____. Section 519A.9, subsection 2,
 39 unnumbered paragraph 1, Code 2001, is amended to read
 40 as follows:
 41 ~~Within fifteen days after July 1, 1975 the~~ The
 42 commissioner shall designate a time and place for a
 43 meeting of the members of the association at which the
 44 eight elected members serving on the ~~first~~ board shall
 45 be elected. The commissioner shall appoint the
 46 appointive members of the board on or before the date
 47 of ~~such~~ the meeting.
 48 Sec. _____. Section 522B.1, Code Supplement 2001, is
 49 amended by adding the following new subsection:
 50 NEW SUBSECTION. 2A. "Exclusive insurance

Page 2

1 producer" means a licensed insurance producer whose
 2 contract with an insurer requires the insurance
 3 producer to act as an agent only for that insurer or a
 4 group of insurers under common ownership or control or
 5 other insurers authorized by that insurer."
 6 10. Page 15, line 30, by striking the figure
 7 "2003" and inserting the following: "2004".
 8 11. By renumbering, redesignating, and correcting
 9 internal references as necessary.

MICHAEL E. GRONSTAL
 JOHN W. JENSEN

S-5120

1 Amend Senate File 2205 as follows:
 2 1. Page 2, line 16, by striking the word "three"
 3 and inserting the following: "five".
 4 2. Page 2, line 23, by striking the word "four"
 5 and inserting the following: "six".
 6 3. Page 3, line 26, by striking the word "three"
 7 and inserting the following: "five".
 8 4. Page 5, lines 33 and 34, by striking the words
 9 "to be" and inserting the following: "as being".
 10 5. Page 6, line 4, by striking the word "from"
 11 and inserting the following: "by".

- 12 6. Page 6, line 8, by striking the word "from"
13 and inserting the following: "by".

MAGGIE TINSMAN
NANCY BOETTGER
KITTY REHBERG

S-5121

- 1 Amend the amendment, S-5093 to Senate File 2106 as
2 follows:
3 1. Page 3, line 50, by striking the words "clear
4 and convincing" and inserting the following: "by a
5 preponderance of the".

NEAL SCHUERER

S-5122

- 1 Amend the amendment, S-5093, to Senate File 2106 as
2 follows:
3 1. Page 4, line 1, by striking the words "each
4 minor child" and inserting the following: "the
5 majority of the minor children".

NEAL SCHUERER

S-5123

- 1 Amend the amendment, S-5093, to Senate File 2106 as
2 follows:
3 1. Page 4, line 2, by inserting after the word
4 "parties." the following: "If the court finds that
5 dissolution is not in the best interests of the
6 majority of the children of the parties as prescribed
7 in this paragraph, the court shall order the parties
8 to participate in mediation and the parties shall
9 participate in mediation prior to the court entering a
10 final decree dissolving the marriage."

NEAL SCHUERER

S-5124

- 1 Amend the amendment, S-5093, to Senate File 2106,
2 as follows:
3 1. By striking page 3, line 46 through page 4,
4 line 2.

MAGGIE TINSMAN

S-5125

1 Amend Senate File 2144 as follows:

2 1. Page 1, by inserting before line 1 the

3 following:

4 "Section 1. NEW SECTION. 123.49A BREATHALYZER

5 TESTS.

6 An establishment that holds a class "A", class "B",

7 or class "C" liquor control license shall provide a

8 breathalyzer test for public use at a charge not to

9 exceed three dollars per test. A licensee shall be

10 immune from liability in any civil or criminal action

11 arising out of the results of a test provided pursuant

12 to this section and such results shall not be

13 admissible in a court of law.

14 Sec. 2. Section 307.44, Code 2001, is amended to

15 read as follows:

16 307.44 USE OF FEDERAL MONEYS —~~COOPERATION.~~

17 1. If funds are allotted or appropriated by the

18 government of the United States for the improvement of

19 transportation facilities and services in this state,

20 the department may cooperate with the government of

21 the United States, and any agency or department

22 thereof, in the planning, acquisition, contract

23 letting, construction, improvement, maintenance, and

24 operation of transportation facilities and services in

25 this state; may comply with the federal statutes and

26 rules; and may cooperate with the federal government

27 in the expenditure of the federal funds.

28 In order to avoid delays, payment for the street

29 and highway projects or improvements constructed in

30 cooperation with the federal government may be

31 advanced from the primary road fund.

32 2. If any portion of the funds allotted or

33 appropriated as described in subsection 1 are

34 available for public safety purposes, the department

35 shall use a portion of such funds to subsidize costs

36 related to the purchase, use, and maintenance of

37 breathalyzer testing equipment in establishments that

38 hold a class "A", class "B", or class "C" liquor

39 control license pursuant to chapter 123."

40 2. Title page, line 2, by inserting after the

41 word "offenses" the following: "and providing for

42 breathalyzer tests in certain drinking

43 establishments".

44 3. By renumbering as necessary.

DAVID MILLER

S-5126

- 1 Amend the amendment, S-5116, to Senate File 2267 as
- 2 follows:
- 3 1. Page 1, by inserting after line 13 the
- 4 following:
- 5 "___ Page 1, by striking lines 15 and 16 and
- 6 inserting the following: "judicial districts. The
- 7 plan shall not take effect".
- 8 2. Page 1, line 15, by inserting before the word
- 9 "amends" the following: "accepts or".

ANDY McKEAN
DAVID MILLER
LARRY McKIBBEN
NANCY BOETTGER

S-5127

- 1 Amend the amendment, S-5093, to Senate File 2106,
- 2 as follows:
- 3 1. By striking page 3, line 46 through page 4,
- 4 line 2.
- 5 2. Page 4, by striking lines 5 and 6 and
- 6 inserting the following: "including premarital
- 7 education and marriage license fees."

MAGGIE TINSMAN

S-5128

- 1 Amend the amendment, S-5087, to Senate File 2286 as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 8.
- 4 2. Page 1, lines 14 and 15, by striking the words
- 5 "a sexually predatory offense or a sexually violent
- 6 offense" and inserting the following: "any felony
- 7 offense under chapter 709".

ROBERT E. DVORSKY

S-5129

- 1 Amend the amendment, S-5093, to Senate File 2106 as
- 2 follows:
- 3 1. By striking page 1, line 4, through page 4,
- 4 line 6, and inserting the following:
- 5 "Section 1. Section 256.11, subsection 5,
- 6 paragraph j, Code Supplement 2001, is amended to read
- 7 as follows:
- 8 j. One unit of health education which shall

9 include personal health; food and nutrition;
 10 environmental health; safety and survival skills;
 11 consumer health; family life; human growth and
 12 development; substance abuse and nonuse; emotional and
 13 social health; health resources; and prevention and
 14 control of disease, including sexually transmitted
 15 diseases and acquired immune deficiency syndrome. The
 16 family life component in grades eleven and twelve
 17 shall include instruction regarding marriage and the
 18 family."

19 2. Title page, lines 1 and 2, by striking the
 20 words "covenant marriages and providing an effective
 21 date" and inserting the following: "an educational
 22 standards requirement relating to marriage and
 23 family".

MATT McCOY

S-5130

1 Amend the amendment, S-5116, to Senate File 2267 as
 2 follows:

3 1. Page 1, line 22, by inserting after the word
 4 "assembly," the following: "the eight judicial
 5 district departments of correctional services,".

6 2. Page 1, line 28, by inserting after the word
 7 "plan." the following: "In addition, the report shall
 8 detail the effect of the plan on the judicial district
 9 departments of correctional services and other
 10 governmental agencies located within the boundaries of
 11 each judicial district."

ROBERT E. DVORSKY

S-5131

HOUSE AMENDMENT TO SENATE FILE 2141

1 Amend Senate File 2141, as passed by the Senate, as
 2 follows:

3 1. Page 1, by striking lines 18 through 21.

S-5132

1 Amend Senate File 2212 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. Section 554.9322, subsection 7, Code
 5 Supplement 2001, is amended to read as follows:

6 7. PRIORITY UNDER AGRICULTURAL LIEN STATUTE. A
 7 perfected agricultural lien on collateral has priority

8 over a conflicting security interest in or
 9 agricultural lien on the same collateral if the
 10 statute creating the agricultural lien so provides.
 11 Notwithstanding any provision of this section to the
 12 contrary, an agricultural lien created in chapter 570
 13 as a landlord's lien on farm products has priority
 14 over a conflicting security interest or lien,
 15 including a security interest or lien that was
 16 perfected prior to the effectiveness of the landlord's
 17 lien, in the same manner as provided in section 570.1.

18 Sec. 2. Section 554.9515, Code Supplement 2001, is
 19 amended by adding the following new subsection:

20 NEW SUBSECTION. 8. This section does not apply to
 21 a financing statement perfecting an agricultural lien
 22 created under chapter 570.

23 Sec. 3. Section 570.1, subsection 2, Code
 24 Supplement 2001, is amended to read as follows:

25 2. a. The lien on the farm products is an
 26 agricultural lien as provided in section 554.9302. In
 27 order to perfect a lien in farm products as defined in
 28 section 554.9102, which is created under this section,
 29 a landlord must file a financing statement as required
 30 by section 554.9308, subsection 2. Except as provided
 31 in chapters 571, 572, 579A, 579B, and 581, a perfected
 32 lien in the farm products has priority over a
 33 conflicting security interest or lien, including a
 34 security interest or lien that was perfected prior to
 35 the creation of the lien under this section, if the
 36 lien created in this section is perfected on either of
 37 the following dates:

38 a. (1) Prior to July 1, ~~2001~~ 2002.

39 b. (2) When the debtor takes possession of the
 40 leased premises or within twenty days after the debtor
 41 takes possession of the leased premises.

42 b. The financing statement must meet the
 43 requirements of section 554.9502, subsection 1, and
 44 include all applicable information described in
 45 section 554.9516. ~~A~~ The financing statement filed to
 46 perfect a lien in the farm products must also include
 47 a statement that it is filed for the purpose of
 48 perfecting a landlord's lien. Filing a financing
 49 statement as provided in this subsection satisfies all
 50 requirements for perfection of an agricultural lien as

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1 provided in chapter 554, article 9.
 2 c. For as long as the landlord and the tenant are
 3 parties to a lease for the same leased premises,
 4 including under the terms of the original lease or the
 5 renewal of a lease, the landlord's lien shall continue
 6 without the filing of a continuation statement as

7 otherwise required in section 554.9515. Within twenty
 8 days after a landlord who has filed a financing
 9 statement receives a written demand, authenticated as
 10 provided in ~~article 9~~ of chapter 554, article 9, from
 11 a tenant, the landlord shall file a termination
 12 statement, if the lien in the farm products has
 13 expired or if the tenant is no longer in possession of
 14 the leased premises and has performed all obligations
 15 under the lease."

THOMAS FIEGEN

S-5133

1 Amend House File 2191, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 5 through 10, and
 4 inserting the following: "chapter. However, this
 5 section shall not apply to a ~~person performing a~~
 6 ~~notarial act under performed by a judicial officer as~~
 7 defined in section 602.1101, if the notarial act is
 8 performed in accordance with state or federal
 9 statutory authority."

COMMITTEE ON JUDICIARY
 GENE MADDOX, Chair

S-5134

1 Amend Senate File 2212 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 554.9322, subsection 7, Code
 5 Supplement 2001, is amended to read as follows:
 6 7. PRIORITY UNDER AGRICULTURAL LIEN STATUTE. A
 7 perfected agricultural lien on collateral has priority
 8 over a conflicting security interest in or
 9 agricultural lien on the same collateral if the
 10 statute creating the agricultural lien so provides.
 11 Notwithstanding any provision of this section to the
 12 contrary, an agricultural lien created in chapter 570.1
 13 as a landlord's lien on farm products has priority
 14 over a conflicting security interest or lien,
 15 including a security interest or lien that was
 16 perfected prior to the effectiveness of the landlord's
 17 lien, in the same manner as provided in section 570.1.
 18 Sec. 2. Section 554.9515, Code Supplement 2001, is
 19 amended by adding the following new subsection:
 20 NEW SUBSECTION. 8. This section does not apply to
 21 a financing statement perfecting an agricultural lien
 22 created under chapter 570.
 23 Sec. 3. Section 570.1, subsection 2, Code

24 Supplement 2001, is amended to read as follows:
 25 2. a. In order to perfect a lien in farm products
 26 as defined in section 554.9102, which is created under
 27 this section, a landlord must file a financing
 28 statement as required by section 554.9308, subsection
 29 2. The lien on the farm products is an agricultural
 30 lien as provided in section 554.9302. Except as
 31 provided in chapters 571, 572, 579A, 579B, and 581, a
 32 perfected lien in the farm products has priority over
 33 a conflicting security interest or lien, including a
 34 security interest or lien that was perfected prior to
 35 the creation of the lien under this section, if the
 36 lien created in this section is perfected on either of
 37 the following dates:
 38 a. (1) Prior to July 1, 2001 2002.
 39 b. (2) When the debtor takes possession of the
 40 leased premises or within twenty days after the debtor
 41 takes possession of the leased premises.
 42 b. The financing statement must meet the
 43 requirements of section 554.9502, subsection 1, and
 44 include all applicable information described in
 45 section 554.9516. A The financing statement filed to
 46 perfect a lien in the farm products must also include
 47 a statement that it is filed for the purpose of
 48 perfecting a landlord's lien. Filing a financing
 49 statement as provided in this subsection satisfies all
 50 requirements for perfection of an agricultural lien as

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1 provided in chapter 554, article 9.
 2 c. For as long as the landlord and the tenant are
 3 parties to a lease for the same leased premises,
 4 including under the terms of the original lease or the
 5 renewal of a lease, the landlord's lien shall continue
 6 without the filing of a continuation statement as
 7 otherwise required in section 554.9515. Within twenty
 8 days after a landlord who has filed a financing
 9 statement receives a written demand, authenticated as
 10 provided in ~~article 9~~ of chapter 554, article 9, from
 11 a tenant, the landlord shall file a termination
 12 statement, if the lien in the farm products has
 13 expired or if the tenant is no longer in possession of
 14 the leased premises and has performed all obligations
 15 under the lease."

THOMAS FIEGEN

S-5135

- 1 Amend Senate File 2268 as follows:
 2 1. Page 1, line 4, by striking the word "may" and

3 inserting the following: "shall".
 4 2. Page 1, by striking lines 11 through 19 and
 5 inserting the following:
 6 "~~When such dog has been apprehended and impounded,~~
 7 ~~the The local board of health or law enforcement~~
 8 official shall ~~give~~ provide written notice ~~in not less~~
 9 ~~than two days~~ to the owner, if ~~known~~ the local board
 10 of health or law enforcement official can reasonably
 11 determine the owner's name and current address by
 12 accessing a tag or other device that is on or a part
 13 of the dog. If The notice shall be sent within two
 14 days after the dog has been impounded. The notice
 15 shall provide that if the owner does not redeem the
 16 dog within seven days ~~of~~ from the date ~~of~~ that the
 17 notice ~~is delivered~~, the dog may be humanely destroyed
 18 or otherwise disposed of in accordance with law. For
 19 purposes of this section, notice is delivered when the
 20 local board of health or law enforcement official
 21 mails the notice which may be by regular mail. An
 22 owner may redeem a dog by having it".
 23 3. Page 1, line 23, by striking the words "~~that~~
 24 ~~the dog is impounded~~" and inserting the following:
 25 "of the delivery of the notice to the dog's owner as
 26 provided in this section.".

DONALD B. REDFERN

S-5136

1 Amend Senate amendment, S-5087, to Senate File 2286
 2 as follows:
 3 1. Page 1, line 21, by inserting after the word
 4 "subsection." the following: "However, if the person
 5 commits a sexually violent offense which is a
 6 misdemeanor offense under chapter 709, the person
 7 shall be sentenced to life in prison, with eligibility
 8 for parole as provided in chapter 906."

ROBERT E. DVORSKY

S-5137

1 Amend Senate File 2095 as follows:
 2 1. Page 1, line 3, by inserting before the words
 3 "In addition" the following: "1. REGISTRATION IN
 4 COUNTY OTHER THAN COUNTY OF RESIDENCE."
 5 2. Page 1, line 9, by inserting after the word
 6 "located" the following: ", and provide the sheriff
 7 with the name of the institution".
 8 3. Page 1, by inserting after line 11 the
 9 following:
 10 "2. REGISTRATION IN A COUNTY OF RESIDENCE. In

11 addition to the registration requirements in section
 12 692A.3, a person required to register under this
 13 chapter, who is a full-time or part-time student or is
 14 employed or engaged in a vocation on a full-time or
 15 part-time basis at an institution of higher education
 16 in the county of residence, shall notify the sheriff
 17 of the name of the institution. The person must
 18 notify the sheriff within five days of becoming a
 19 student, being employed, or engaging in a vocation at
 20 the institution.

21 3. CHANGE IN STATUS. A person required to
 22 register under this chapter, within five days of the
 23 person's change in status as a student, or in
 24 employment or vocation, shall notify the sheriff of
 25 the county in which the information was provided of
 26 the changes. The sheriff shall send a copy of the
 27 information regarding the change to the department
 28 within three working days of receipt of the notice of
 29 the change."

30 4. Page 1, line 15, by inserting before the words
 31 "a nonresident" the following: "a resident or".

32 5. Page 1, line 19, by inserting after the word
 33 "located" the following: "and notify the sheriff of
 34 the name of the institution,".

35 6. Page 1, line 20, by inserting after the word
 36 "institution." the following: "Inform the person that
 37 if the person changes status as a student, or in
 38 employment or vocation, the person shall notify the
 39 sheriff of the county in which the information was
 40 provided of the change within five days of the
 41 change."

42 7. Page 1, by inserting after line 20 the
 43 following:

44 "Sec. ____ Section 692A.7, subsection 1, Code
 45 2001, is amended to read as follows:

46 1. A person required to register under this
 47 chapter who ~~knowingly~~ violates any requirements
 48 specified under sections 692A.2 ~~through, 692A.3, and~~
 49 692A.4 commits an aggravated misdemeanor for a first
 50 offense and a class "D" felony for a second or

Page 2

1 subsequent offense. A person required to register
 2 under this chapter who violates any requirements
 3 specified under section 692A.3A commits a serious
 4 misdemeanor for a first offense and a class "D" felony
 5 for a second or subsequent offense. However, a person
 6 required to register under this chapter who ~~knowingly~~
 7 violates any of the requirements specified under
 8 ~~sections section~~ section 692A.2 through, 692A.3, 692A.3A, or
 9 692A.4 and who commits a criminal offense against a

10 minor, sexual exploitation, an other relevant offense,
 11 or a sexually violent offense is guilty of a class "C"
 12 felony. Any fine imposed for a second or subsequent
 13 violation shall not be suspended. The court shall not
 14 defer judgment or sentence for any violation of any
 15 requirements specified under ~~sections~~ section 692A.2
 16 through, 692A.3, 692A.3A, or 692A.4. A knowing
 17 violation of a person who is on probation, parole,
 18 work release, or any other form of release to comply
 19 with any requirements specified under ~~sections~~ section
 20 692A.2 through, 692A.3, 692A.3A, or 692A.4 shall
 21 result in the automatic revocation of the person's
 22 probation, parole, or work release. For purposes of
 23 this subsection, a violation occurs when a person
 24 knows or reasonably should know of the duty to fulfill
 25 a requirement specified in the offense charged."
 26 8. Title page, line 1, by striking the word
 27 "nonresident" and inserting the following: "person".
 28 9. Title page, line 2, by inserting after the
 29 word "located" the following: ", and providing
 30 penalties".
 31 10. By renumbering as necessary.

DONALD B. REDFERN

S-5138

1 Amend Senate File 2282 as follows:
 2 1. Page 1, by striking lines 3 and 4 and
 3 inserting the following:
 4 "1. A person selected by the legislative council
 5 pursuant to a request for proposals process shall
 6 conduct a study of all economic-".
 7 2. Page 1, line 9, by striking the words
 8 "department of economics" and inserting the following:
 9 "entity conducting the study".
 10 3. Page 1, line 13, by striking the words
 11 "department of economics" and inserting the following:
 12 "entity conducting the study".
 13 4. Page 2, by striking lines 9 and 10 and
 14 inserting the following: "submit information to the
 15 entity conducting the study regarding the".
 16 5. Page 2, by striking lines 17 and 18 and
 17 inserting the following: "report filed by the entity
 18 conducting the study in order to determine any".

KITTY REHBERG

S-5139HOUSE AMENDMENT TO
SENATE FILE 2146

- 1 Amend Senate File 2146, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 4, by inserting after the word
 4 "coercion," the following: "or to affect the conduct
 5 of a unit of government,".
- 6 2. Page 2, by inserting after line 8 the
 7 following:
 8 "Sec. ____ NEW SECTION. 708A.1A TERRORISM.
 9 A person who commits or attempts to commit an act
 10 of terrorism commits a class "B" felony. However,
 11 notwithstanding section 902.9, subsection 2, the
 12 maximum sentence for a person convicted under this
 13 section shall be a period of confinement of not more
 14 than fifty years."
- 15 3. Page 3, line 18, by striking the letters ""C"
 16 "B"" and inserting the following: ""C"".
- 17 4. Page 3, line 27, by striking the letters ""D"
 18 "C"" and inserting the following: ""D"".

S-5140HOUSE AMENDMENT TO
SENATE FILE 374

- 1 Amend Senate File 374, 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 154.1, unnumbered paragraph 3,
 6 Code 2001, is amended to read as follows:
 7 Therapeutically certified optometrists may employ
 8 ~~the following pharmaceuticals: topical pharmaceutical~~
 9 ~~agents, oral antimicrobial agents, oral~~
 10 ~~antihistamines, oral antiglaucoma agents, and oral~~
 11 ~~analgesic agents; all diagnostic and therapeutic~~
 12 pharmaceutical agents for the purpose of diagnosis and
 13 treatment of conditions of the human eye and adnexa,
 14 pursuant to this paragraph, excluding the use of
 15 injections other than to counteract an anaphylactic
 16 reaction, and notwithstanding section 147.107, may
 17 without charge supply any of the above ~~listed~~
 18 pharmaceuticals to commence a course of therapy.
 19 Therapeutically certified optometrists may prescribe
 20 oral steroids for a period not to exceed fourteen days
 21 without consultation with a primary care physician.
 22 Therapeutically certified optometrists shall not
 23 prescribe oral Imuran or oral Methotrexate.

24 Therapeutically certified optometrists may be
 25 authorized, where reasonable and appropriate, by rule
 26 of the board, to employ new diagnostic and therapeutic
 27 pharmaceutical agents approved by the United States
 28 food and drug administration on or after July 1, 2002,
 29 for the diagnosis and treatment of the human eye and
 30 adnexa. The board shall not be required to adopt
 31 rules relating to topical pharmaceutical agents, oral
 32 antimicrobial agents, oral antihistamines, oral
 33 antiglaucoma agents, and oral analgesic agents.
 34 Superficial foreign bodies may be removed from the
 35 human eye and adnexa. ~~These~~ The therapeutic efforts
 36 of a therapeutically certified optometrist are
 37 intended for the purpose of examination, diagnosis,
 38 and treatment of visual defects, abnormal conditions
 39 and diseases of the human eye and adnexa, for proper
 40 optometric practice or referral for consultation or
 41 treatment to persons licensed under chapter 148 or
 42 150A. A therapeutically certified optometrist is an
 43 optometrist who is licensed to practice optometry in
 44 this state and who is certified by the board of
 45 optometry examiners to use the agents and procedures
 46 ~~listed in authorized pursuant to~~ this paragraph. A
 47 therapeutically certified optometrist shall be
 48 provided with a distinctive certificate by the board
 49 which shall be displayed for viewing by the patients
 50 of the optometrist.

Page 2

1 Sec. 2. EMERGENCY RULES. The board of optometry
 2 examiners may adopt emergency rules under section
 3 17A.4, subsection 2, and section 17A.5, subsection 2,
 4 paragraph "b", to implement the provisions of this
 5 Act, and the rules shall become effective immediately
 6 upon filing, unless a later effective date is
 7 specified in the rules. Any rules adopted in
 8 accordance with the provisions of this section shall
 9 also be published as notice of intended action as
 10 provided in section 17A.4.

11 Sec. 3. EFFECTIVE DATE. Section 2 of this Act,
 12 relating to the adoption of emergency rules, being
 13 deemed of immediate importance, takes effect upon
 14 enactment."

15 2. Title page, line 3, by inserting after the
 16 word "optometry" the following: ", and providing an
 17 effective date".

S-5141

- 1 Amend Senate File 2267 as follows:
- 2 1. Page 1, line 5, by striking the words "may

3 from time to time" and inserting the following:
4 "shall, beginning in the year 2002 and at least every
5 ten years thereafter,".
6 2. Page 1, line 7, by inserting after the word
7 "composition" the following: "or the total number".
8 3. Page 1, line 13, by inserting after the word
9 "districts," the following: "which may include
10 expanding or contracting the total number of judicial
11 districts,".
12 4. Page 1, line 14, by striking the word
13 "January" and inserting the following: "November".
14 5. Page 1, by striking lines 15 through 18 and
15 inserting the following: "judicial districts. The
16 legislative service bureau shall draft a bill
17 embodying the plan for submission by the supreme court
18 to the general assembly. The bill shall take effect
19 upon the general assembly passing legislation which is
20 approved by the governor including an effective date
21 for the reorganization of the judicial districts. The
22 general assembly shall bring the bill to a vote in
23 either the senate or the house of representatives
24 within thirty days of the bill's submission by the
25 supreme court to the general assembly, under a
26 procedure or rule permitting no amendments by either
27 house except those of a purely corrective nature. If
28 both houses pass the bill, the bill shall be presented
29 as any other bill to the governor for approval."
30 6. Page 1, by inserting after line 23 the
31 following:
32 "4. It is the intent of the general assembly that
33 the supreme court prior to developing a plan pursuant
34 to this section consult with and receive input from
35 members of the general public, court employees,
36 judges, members of the general assembly, the eight
37 judicial departments of correctional services, county
38 officers, officials from other interested political
39 subdivisions, and attorneys. In submitting a plan
40 pursuant to this section, the supreme court shall also
41 submit to the general assembly a report stating the
42 reasons for developing the plan and describing in
43 detail the process used in developing the plan."

GENE MADDOX

S-5142

1 Amend the House amendment, S-5052, to Senate File
2 437, as passed by the Senate, as follows:
3 1. Page 1, by striking lines 11 through 25.

MIKE SEXTON

S-5143

1 Amend House File 2467, as passed by the House, as
2 follows:
3 1. Page 1, line 22, by inserting after the word
4 "program." the following: "The provisions of this
5 subsection relating to board authority to act in
6 response to notification of default shall apply not
7 only to a licensing board, as defined in section
8 272C.1, but also to any other licensing board or
9 authority regulating a license authorized by the laws
10 of this state."

JOHN REDWINE

S-5144

1 Amend Senate File 2310 as follows:
2 1. Page 1, line 12, by striking the word "by".
3 2. Page 1, by striking lines 13 and 14, and
4 inserting the following: "as provided by the county
5 board of supervisors as having at least sixty-five".
6 3. Page 2, by striking lines 16 and 17, and
7 inserting the following: "and certified as provided
8 by the county board of supervisors as having at".
9 4. Page 3, lines 2 through 4, by striking the
10 words "from the soil conservation division of the
11 department of agriculture and land stewardship" and
12 inserting the following: "as provided by the county
13 board of supervisors".
14 5. Page 3, lines 16 through 18, by striking the
15 words "by the soil conservation division of the
16 department of agriculture and land stewardship" and
17 inserting the following: "as provided by the county
18 board of supervisors".
19 6. Page 3, by striking lines 33 and 34, and
20 inserting the following: "certification as provided
21 by the county board of supervisors as it relates".

MIKE SEXTON

S-5145

1 Amend Senate File 2280 as follows:
2 1. Page 1, by striking lines 1 through 26 and
3 inserting the following:
4 "Section 1. REHABILITATIVE TREATMENT CHILD WELFARE
5 SERVICES PROVIDERS.
6 1. The department of human services shall act in
7 accordance with this section to implement the high
8 priority recommendation items identified by the
9 department's rehabilitative treatment services

10 provider regulation and continuous quality improvement
11 work group and listed in this section. In order to
12 implement a listed item, the department must determine
13 that the item can be implemented without additional
14 cost to the state and implementation of the item,
15 including any necessary state medical assistance
16 program plan amendment, must be approved by the
17 federal center for Medicare and Medicaid services. If
18 administrative rules are required for implementation
19 of an item, the department shall adopt rules utilizing
20 the emergency procedures provided in subsection 4.

21 2. If the implementation conditions in subsection
22 1 are met, the following items shall be implemented on
23 or before January 2, 2003:

24 a. Permitting deemed status for those providers of
25 residential treatment services that are certified,
26 accredited, or determined by the department to be in
27 compliance with the standards of a nationally
28 recognized body.

29 b. Utilizing a calculation of the number of hours
30 per week for therapy and counseling in lieu of a
31 monthly billing calculation.

32 c. Accepting, for deemed status providers, staff
33 qualifications that meet minimum standards established
34 by the applicable nationally recognized body and
35 requiring a clinical supervisory plan for those staff
36 who do not meet the minimum standards.

37 d. Utilizing a weekly documentation requirement
38 for group care skill development services in lieu of
39 daily documentation.

40 e. Eliminating the requirements that a case
41 permanency plan be included in the provider's records,
42 that the setting in which the service was provided be
43 documented, and that correspondence with the referral
44 worker be included in the provider's records.

45 f. Eliminating the care plan requirements
46 regarding licensing and treatment plan review;
47 accepting a change in the treatment plan in lieu of
48 requiring the plan to be rewritten; and permitting the
49 provider to determine the author of the treatment
50 plan.

Page 2

1 g. Establishing an hourly rate and reimbursement
2 category for day treatment.

3 h. Eliminating staff supervision requirements from
4 licensure rules.

5 3. If the department determines the items can be
6 implemented without additional cost to the state, the
7 following items shall be submitted on or before June
8 30, 2003, to the federal center for Medicare and

- 9 Medicaid services for approval:
- 10 a. Modifying retroactive audit requirements to
 11 include an explanation for the possible overpayment
 12 due from the provider; waiving of a provider
 13 overpayment of less than a certain dollar threshold;
 14 increasing training for financial and service
 15 transaction documentation; and recategorizing the
 16 group care provider service reimbursements.
- 17 b. Permitting providers to determine staff-to-
 18 client ratios for licensure purposes.
- 19 c. Utilizing electronic record checks for staff
 20 employment.
- 21 d. Permitting providers to determine staffing
 22 requirements for family preservation services.
- 23 e. Creating reimbursement classifications for
 24 additional services including transportation, home
 25 study, missed appointment, age differentiation of
 26 children, crisis intervention, and planning time for
 27 court hearings, staffing meetings, and school
 28 conferences.
- 29 f. Requiring that the Iowa plan for behavioral
 30 health contractor provide reimbursement for substance
 31 abuse evaluations of children who are eligible for the
 32 medical assistance program.
- 33 g. Combining all services offered by a single
 34 provider within one contract.
- 35 h. Collecting provider overpayments as few times
 36 as is practicable.
- 37 i. Permitting the provider and the department to
 38 communicate with the contractor that provides the
 39 service authorization for a child.
- 40 j. Eliminating the reimbursement report
 41 requirement for documentation of the specific amount
 42 of time a service is provided.
- 43 k. Eliminating reimbursement rate limitations on
 44 staff and administrative salary costs."
- 45 2. Page 1, line 27, by striking the figure "2"
 46 and inserting the following: "4".

KEN VEENSTRA

S-5146

- 1 Amend Senate File 2229 as follows:
- 2 1. Page 1, line 8, by inserting after the word
 3 "institution." the following: "However, if a child
 4 abuse report is made concerning a resident or a person
 5 employed by a psychiatric institution, the department
 6 of human services shall respond as provided in section
 7 232.71B."
- 8 2. By striking page 1, line 19 through page 3,
 9 line 27.

10 3. Title page, lines 2 and 3, by striking the
11 words "and behavioral health care coverage".

KEN VEENSTRA

S-5147

1 Amend Senate File 2200 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Sec. ____ Section 85.34, subsection 2, paragraph
5 u, unnumbered paragraph 1, Code 2001, is amended to
6 read as follows:

7 In all cases of permanent partial disability other
8 than those ~~hereinafter~~ described or referred to in
9 paragraphs "a" through "t" ~~hereof~~, the compensation
10 shall be paid during the number of weeks in relation
11 to ~~five hundred~~ the life expectancy of the injured
12 employee in weeks as the disability bears to the body
13 of the injured employee as a whole. For purposes of
14 this paragraph, "life expectancy of the injured
15 employee" shall be determined pursuant to the life
16 expectancy table adopted by the workers' compensation
17 division for use in commutation proceedings.

18 Sec. ____ Section 85.34, Code 2001, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 7. PERMANENT PARTIAL DISABILITY
21 — REDUCTION FOR PREVIOUS BENEFIT PAYMENTS.

22 If an employee receives a personal injury for which
23 permanent partial disability benefits are payable, and
24 that employee has already received permanent partial
25 disability benefits as a result of a previous personal
26 injury, the extent of that employee's entitlement to
27 permanent partial disability benefits may be subject
28 to a reduction as follows:

29 a. If the employee was previously paid permanent
30 partial disability benefits for a functional
31 disability confined to a scheduled member pursuant to
32 subsection 2, paragraphs "a" through "t", and that
33 employee sustains a subsequent injury to the same
34 scheduled member, the extent of that employee's
35 entitlement to permanent partial disability benefits
36 may be reduced as a result of the previous payment if,
37 at the time of the employee's most recent injury, the
38 previous injury was still independently causing an
39 ascertainable percentage of functional disability.

40 b. If the employee was previously paid permanent
41 partial disability benefits for an industrial
42 disability pursuant to subsection 2, paragraph "u",
43 and that employee sustains a subsequent injury which
44 would entitle that employee to permanent partial
45 disability benefits pursuant to subsection 2,

46 paragraph "u", the extent of that employee's
 47 entitlement to permanent partial disability benefits
 48 may be reduced as a result of the previous payment if,
 49 at the time of the employee's most recent injury, the
 50 previous injury was still independently causing an

Page 2

1 ascertainable percentage of industrial disability.
 2 The reduction permitted by this paragraph shall not
 3 exceed the percentage of industrial disability
 4 previously paid which can be independently attributed
 5 to the previous injury.
 6 c. The employer shall have the burden of proving
 7 any reduction permitted by this subsection."
 8 2. Title page, by striking lines 3 and 4 and
 9 inserting the following: "partial disability."
 10 3. By renumbering as necessary.

THOMAS FIEGEN

S-5148

1 Amend Senate File 2200 as follows:
 2 1. Page 1, line 4, by striking the words "or a
 3 permanent total disability".
 4 2. Page 1, lines 9 and 10, by striking the words
 5 "which is medically quantifiable".
 6 3. Page 1, line 29, by striking the words "or a
 7 permanent total disability".
 8 4. Title page, line 3, by striking the words "or
 9 a permanent total disability".

JERRY BEHN

S-5149

1 Amend Senate File 2200 as follows:
 2 1. Page 2, by inserting after line 1 the
 3 following:
 4 "If compensation is reduced pursuant to an
 5 apportionment as provided in this subsection, any
 6 reduction in liability to an employer shall be passed
 7 on to the employer and not the workers' compensation
 8 insurer for the employer."

DICK L. DEARDEN

S-5150

1 Amend House File 2472, as amended, passed, and
 2 reprinted by the House, as follows:

- 3 1. Page 1, by striking lines 26 through 28.
- 4 2. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
STEVE KING, Chair

S-5151

- 1 Amend Senate File 2306 as follows:
- 2 1. Page 1, line 2, by inserting after the word
- 3 "issued" the following: "on or after July 1, 2002".

KITTY REHBERG

S-5152

- 1 Amend Senate File 2250 as follows:
- 2 1. By striking page 1, line 10, through page 2,
- 3 line 11, and inserting the following:
- 4 "Sec. ____ Section 462A.12, subsection 6, Code
- 5 Supplement 2001, is amended by striking the subsection
- 6 and inserting in lieu thereof the following:
- 7 6. An owner or operator shall not permit any
- 8 person under twelve years of age to operate the
- 9 personal watercraft unless accompanied in or on the
- 10 same personal watercraft by a responsible person of at
- 11 least eighteen years of age. However, commencing
- 12 January 1, 2003, a person who is twelve years of age
- 13 or older but less than eighteen years of age shall not
- 14 operate any personal watercraft unless the person has
- 15 successfully completed a department-approved
- 16 watercraft safety course. A person required to have a
- 17 watercraft safety certificate shall carry and shall
- 18 exhibit or make available the certificate upon request
- 19 of an officer of the department. A violation of this
- 20 subsection is a simple misdemeanor as provided in
- 21 section 462A.13. However, a person charged with
- 22 violating this subsection shall not be convicted if
- 23 the person produces in court, within a reasonable
- 24 time, a department-approved certificate. The cost of
- 25 a department certificate, or any duplicate, shall not
- 26 exceed five dollars.
- 27 Sec. ____ Section 462A.12, Code Supplement 2001,
- 28 is amended by adding the following new subsections:
- 29 NEW SUBSECTION. 12. A person shall not operate a
- 30 personal watercraft at any time between sundown and
- 31 sunup.
- 32 NEW SUBSECTION. 13. A person shall not chase or
- 33 harass animals while operating a personal watercraft
- 34 or motorboat."
- 35 2. Title page, line 2, by striking the words "or

36 motorboats".

37 3. By renumbering as necessary.

BILL FINK
MIKE SEXTON

S-5153

1 Amend Senate File 2229 as follows:

- 2 1. Page 1, line 8, by inserting after the word
3 "institution." the following: "However, if a child
4 abuse report is made concerning a resident of or a
5 person employed by a psychiatric institution, the
6 department of human services shall be the sole agency
7 responding to the report and the response shall be as
8 provided in section 232.71B."
9 2. Page 1, by striking lines 10 through 12 and
10 inserting the following: "other investigation or
11 assessment activity in response to a complaint or
12 report, the department addressing or responding to the
13 complaint or report may disclose any information
14 obtained to another department, a designated
15 protection and".
16 3. By striking page 1, line 19 through page 3,
17 line 27.
18 4. Title page, lines 2 and 3, by striking the
19 words "and behavioral health care coverage".

KEN VEENSTRA

S-5154

- 1 Amend House File 2190, 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 144.23, subsection 3,
6 unnumbered paragraph 2, Code 2001, is amended by
7 striking the unnumbered paragraph."
8 2. Page 1, by inserting after line 5, the
9 following:
10 "Sec. ___. Section 600.13, subsection 5, Code
11 Supplement 2001, is amended to read as follows:
12 5. An interlocutory or a final adoption decree
13 shall be entered with the clerk of court. Such decree
14 shall set forth any facts of the adoption petition
15 which have been proven to the satisfaction of the
16 juvenile court or court and any other facts considered
17 to be relevant by the juvenile court or court and
18 shall grant the adoption petition. If so designated
19 in the adoption decree, the name of the adopted person
20 shall be changed by issuance of that decree. The

21 clerk of the court shall, within thirty days of
 22 issuance, deliver one certified copy of any adoption
 23 decree to the petitioner, one copy of any adoption
 24 decree to the department and any agency or person
 25 making an independent placement who placed a minor
 26 person for adoption, and one certification of adoption
 27 as prescribed in section 144.19 to the state registrar
 28 of vital statistics. Upon receipt of the
 29 certification, the state registrar shall prepare a new
 30 birth certificate pursuant to section 144.23 and
 31 deliver to the parents named in the decree and any
 32 adult person adopted by the decree a copy of the new
 33 birth certificate. The parents shall pay the fee
 34 prescribed in section 144.46. If the person adopted
 35 was born outside ~~the~~ this state but in the United
 36 States, the state registrar shall forward the
 37 certification of adoption to the appropriate agency in
 38 the state ~~or foreign nation~~ of birth. A copy of any
 39 interlocutory adoption decree vacation shall be
 40 delivered and another birth certificate shall be
 41 prepared in the same manner as a certification of
 42 adoption is delivered and the birth certificate was
 43 originally prepared."
 44 3. By renumbering as necessary.

JERRY BEHN
 JOHNIE HAMMOND

S-5155

1 Amend House File 2192, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 2, by striking the words "AGENCY
 4 WORK GROUP" and inserting the following: "TASK
 5 FORCE".
 6 2. Page 1, by striking lines 3 through 8, and
 7 inserting the following:
 8 "1. The Iowa department of public health shall
 9 convene a task force to determine the feasibility of
 10 establishing an interstate prescription drug
 11 purchasing cooperative with other midwestern states.
 12 2. The task force shall consist of all of the
 13 following members:
 14 a. The director of public health, or the
 15 director's designee.
 16 b. The director of human services, or the
 17 director's designee.
 18 c. The director of the department of elder
 19 affairs, or the director's designee.
 20 d. The director of the department of management,
 21 or the director's designee.
 22 e. The director of the department of personnel, or

23 the director's designee.
24 f. The chairperson of the board of pharmacy
25 examiners, or the chairperson's designee.
26 g. The chairperson of the board of medical
27 examiners, or the chairperson's designee.
28 h. One person who is a representative of the
29 pharmaceutical manufacturers, selected by the
30 pharmaceutical research and manufacturers of America.
31 i. Four members of the general assembly.
32 3. a. The legislative members of the task force
33 shall be appointed by the majority leader of the
34 senate, after consultation with the president of the
35 senate and the minority leader of the senate, and by
36 the speaker of the house, after consultation with the
37 majority leader and the minority leader of the house
38 of representatives. The legislative appointments
39 shall comply with sections 69.16 and 69.16A.
40 b. Vacancies on the task force shall be filled by
41 the original appointing authority and in the manner of
42 the original appointments.
43 4. The task force shall elect a chairperson. A
44 majority of the members of the task force shall
45 constitute a quorum. A majority vote of those members
46 present shall be required for any action of the task
47 force. The Iowa department of public health and the
48 department of human services shall cooperate in
49 providing staffing for the task force."
50 3. Page 1, line 9, by striking the words "work

Page 2

1 group" and inserting the following: "task force".
2 4. Page 1, lines 18 and 19, by striking the words
3 "and the northeast legislative association on
4 prescription drug prices" and inserting the following:
5 "the southern states coalition purchasing pool, and
6 other interstate cooperatives".
7 5. Page 1, by inserting after line 19, the
8 following:
9 "c. Contacting industry trade associations whose
10 members are involved in the delivery and reimbursement
11 of state-funded pharmaceutical care, including but not
12 limited to the federation of Iowa insurers, the Iowa
13 pharmacy association, and the pharmaceutical research
14 and manufacturers of America."
15 6. Page 1, line 20, by striking the words "work
16 group" and inserting the following: "task force".
17 7. Page 1, line 24, by striking the words "work
18 group" and inserting the following: "task force".
19 8. Title page, line 1, by striking the words
20 "state agency work group" and inserting the following:
21 "task force".

22 9. By renumbering, redesignating, and correcting
23 internal references as necessary.

COMMITTEE ON HUMAN RESOURCES
JOHN REDWINE, Chair

S-5156

1 Amend House File 2247, as passed by the House, as
2 follows:
3 1. By striking page 1, line 1, through page 3,
4 line 12.
5 2. By striking page 4, line 3, through page 8,
6 line 14 and inserting the following:
7 "Sec. ____ SUBSTITUTE DECISION-MAKERS TASK FORCE —
8 REPORT. The interagency substitute decision-makers
9 task force shall submit a report to the general
10 assembly by December 1, 2002, regarding the
11 continuation of resident advocate committees for
12 residential care facilities licensed to serve persons
13 with mental illness or mental retardation and
14 recommendations regarding resident advocacy
15 alternatives."
16 3. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
JOHN REDWINE, Chair

S-5157

1 Amend House File 2201, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 9 through 16 and
4 inserting the following: "condition of parole or work
5 release, if appropriate. ~~In determining the~~
6 ~~appropriateness of ordering DNA profiling, the board~~
7 ~~shall consider the deterrent effect of DNA profiling,~~
8 ~~the likelihood of repeated offenses by the defendant,~~
9 ~~and the seriousness of the offense unless the~~
10 defendant has previously provided a physical specimen
11 for DNA profiling pursuant to section 901.5 or 902.13
12 and the DNA profile developed from the previously
13 submitted specimen remains available for use."
14 2. Page 2, by striking lines 18 through 25, and
15 inserting the following:
16 "Sec. ____ CONTINGENT EFFECTIVE DATE. The
17 effective date of this Act shall be the later of July
18 1, 2002, or on the date when sufficient funds have
19 been appropriated or are first received to pay the
20 costs of complying with this Act. The commissioner of
21 public safety shall notify the Code editor when
22 sufficient funds have been appropriated or are first

23 received to pay the costs of complying with this Act.
 24 The department of public safety, the department of
 25 corrections, and the counties shall comply with
 26 section 13.10 until the effective date of this Act."
 27 3. Title page, line 2, by inserting after the
 28 word "profiling" the following: ", and providing a
 29 contingent effective date."

COMMITTEE ON JUDICIARY
 GENE MADDOX, Chair

S-5158

1 Amend House File 678, as passed by the House, as
 2 follows:
 3 1. Page 1, line 1, by inserting after the word
 4 "Code" the following: "Supplement".

COMMITTEE ON JUDICIARY
 GENE MADDOX, Chair

S-5159

1 Amend House File 518, as passed by the House, as
 2 follows:
 3 1. Page 1, line 2, by inserting after the word
 4 "Code" the following: "Supplement".
 5 2. Page 1, line 7, by striking the figure "2001"
 6 and inserting the following: "2002".
 7 3. Page 1, line 8, by striking the figure "2001"
 8 and inserting the following: "2002".
 9 4. Page 1, line 10, by inserting after the word
 10 "Code" the following: "Supplement".
 11 5. Page 1, line 17, by striking the figure "2001"
 12 and inserting the following: "2002".
 13 6. Page 1, line 19, by striking the figure "2001"
 14 and inserting the following: "2002".
 15 7. Page 1, line 28, by striking the figure "2001"
 16 and inserting the following: "2002".
 17 8. Page 1, line 29, by striking the figure "2001"
 18 and inserting the following: "2002".
 19 9. Page 1, line 32, by inserting before the word
 20 "mobile" the following: "manufactured or".
 21 10. Page 1, line 35, by striking the figure
 22 "2001" and inserting the following: "2002".
 23 11. Page 2, line 1, by striking the figure "2001"
 24 and inserting the following: "2002".

COMMITTEE ON JUDICIARY
 GENE MADDOX, Chair

S-5160

1 Amend House File 2341, 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 478.1, Code 2001, is amended
6 to read as follows:

7 478.1 FRANCHISE.

8 1. A person shall not construct, erect, maintain,
9 or operate a transmission line, wire, or cable ~~which~~
10 that is capable of operating at an electric voltage of
11 ~~thirty-four and one-half~~ sixty-nine kilovolts or more
12 along, over, or across any public highway or grounds
13 outside of cities for the transmission, distribution,
14 or sale of electric current, without first procuring
15 from the utilities board within the utilities division
16 of the department of commerce a franchise granting
17 authority as provided in this chapter. ~~However, a~~

18 2. A franchise shall not be required for electric
19 lines constructed entirely within the boundaries of
20 property owned by a person primarily engaged in the
21 transmission or distribution of electric power or
22 entirely within the boundaries of property owned by
23 the end user of the electric power.

24 3. If the transmission line, wire, or cable is
25 capable of operating only at an electric voltage of
26 less than ~~thirty-four and one-half~~ sixty-nine
27 kilovolts, no franchise is required. However, the
28 utilities board shall retain jurisdiction over all
29 such lines, wires, or cables.

30 4. A person who seeks to construct, erect,
31 maintain, or operate a transmission line, wire, or
32 cable ~~which that~~ will operate at an electric voltage
33 of less than ~~thirty-four and one-half~~ sixty-nine
34 kilovolts outside of cities and ~~which that~~ cannot
35 secure the necessary voluntary easements to do so may
36 petition the board pursuant to section 478.3,
37 subsection 1, for a franchise granting authority for
38 such construction, erection, maintenance, or
39 operation, and for the use of the right of eminent
40 domain."

41 2. Page 2, by striking line 13, and inserting the
42 following: "retired from operation at ~~thirty-four and~~
43 ~~one-half~~ sixty-nine kilovolts".

44 3. Page 2, by inserting after line 15 the
45 following:

46 "Sec. . Section 478.2, Code 2001, is amended to
47 read as follows:

48 478.2 PETITION FOR FRANCHISE — INFORMATIONAL
49 MEETINGS HELD.

50 1. Any person, ~~corporation, or company~~ authorized

Page 2

1 to transact business in the state including cities may
2 file a verified petition asking for a franchise to
3 erect, maintain, and operate a line or lines for the
4 transmission, distribution, use, and sale of electric
5 current outside cities and for such purpose to erect,
6 use, and maintain poles, wires, guy wires, towers,
7 cables, conduits, and other fixtures and appliances
8 necessary for conducting electric current for light,
9 heat, or power over, along, and across any public
10 lands, highways, streams, or the lands of any person,
11 company, or corporation, and to acquire necessary
12 interests in real estate for such purposes.

13 2. As conditions precedent to the filing of a
14 petition with the utilities board requesting a
15 franchise for a new transmission line, and not less
16 than thirty days prior to the filing of such petition,
17 the person, ~~company, or corporation~~ shall hold
18 informational meetings in each county in which real
19 property or rights ~~therein~~ will be affected.

20 a. A member of the board, the counsel of the
21 board, or a hearing examiner designated by the board
22 shall serve as the presiding officer at each meeting,
23 shall present an agenda for such meeting which shall
24 include a summary of the legal rights of the affected
25 landowners, and shall distribute and review the
26 statement of individual rights required under section
27 6B.2A, subsection 1. A formal record of the meeting
28 shall not be required.

29 b. The meeting shall be held at a location
30 reasonably accessible to all persons, ~~companies, or~~
31 ~~corporations which~~ that may be affected by the
32 granting of the franchise.

33 3. The person, ~~company, or corporation~~ seeking the
34 franchise for a new transmission line shall give
35 notice of the informational meeting to each person,
36 company, or corporation determined to be the landowner
37 affected by the proposed project and any person,
38 company, or corporation in possession of or residing
39 on the property.

40 a. For the purposes of this section, "~~landowner~~"
41 unless the context otherwise requires:

42 (1) "Landowner" means a person, ~~company, or~~
43 ~~corporation~~ listed on the tax assessment rolls as
44 responsible for the payment of real estate taxes
45 imposed on the property and "~~transmission~~;

46 (2) "Transmission line" means any line capable of
47 operating at ~~thirty-four and one-half~~ sixty-nine
48 kilovolts or more and extending a distance of not less
49 than one mile across privately owned real estate.

50 b. The notice shall ~~set forth~~ contain the

Page 3

1 following:

2 (1) The name of the applicant; state the

3 (2) The applicant's principal place of business;
4 state the

5 (3) A general description and purpose of the
6 proposed project; state the

7 (4) The general nature of the right-of-way
8 desired; state the

9 (5) The possibility that the right-of-way may be
10 acquired by condemnation if approved by the utilities
11 board; provide a

12 (6) A map showing the route of the proposed
13 project; provide a

14 (7) A description of the process used by the
15 utilities board in making a decision on whether to
16 approve a franchise or grant the right to take
17 property by eminent domain; advise

18 (8) A statement that the landowner has the right
19 to be present at such meetings and to file objections
20 with the utilities board; designate the

21 (9) The place and time of the meeting;
22 c. The notice shall be served not less than thirty
23 days prior to the time set for the meeting by
24 certified mail with return receipt requested; and
25 shall be published once in a newspaper of general
26 circulation in the county at least one week and not
27 more than three weeks before the time of the meeting
28 and such publication shall be considered notice to
29 landowners whose residence is not known.

30 4. No A person, company, or corporation seeking
31 rights under this chapter shall not negotiate or
32 purchase any easements or other interests in land in
33 any county known to be affected by the proposed
34 project prior to the informational meeting.

35 Sec. ____. Section 478.3, subsection 2, unnumbered
36 paragraph 1, Code Supplement 2001, is amended to read
37 as follows:

38 Petitions for transmission lines capable of
39 operating at ~~thirty-four and one-half~~ sixty-nine
40 kilovolts or more and extending a distance of not less
41 than one mile across privately owned real estate shall
42 also set forth an allegation that the proposed
43 construction represents a reasonable relationship to
44 an overall plan of transmitting electricity in the
45 public interest and substantiation of such
46 allegations, including but not limited to, a showing
47 of the following:"

48 4. Page 3, by inserting after line 12 the
49 following:

50 "Sec. ____. EFFECTIVE DATE. This Act, being deemed

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- 1 of immediate importance, takes effect upon enactment."
 2 5. Title page, line 1, by inserting after the
 3 word "lines" the following: "and providing an
 4 effective date".
 5 6. By renumbering, redesignating, and correcting
 6 internal references as necessary.

COMMITTEE ON COMMERCE
 JOHN W. JENSEN, Chair

S-5161

- 1 Amend House File 2571, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 30 through 32 and
 4 inserting the following: "sustainability of a
 5 qualified organization."

COMMITTEE ON EDUCATION
 NANCY BOETTGER, Chair

S-5162

- 1 Amend House File 2516, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 4, by striking the words "shall
 4 cause a" and inserting the following: "may cause an".
 5 2. Page 1, line 7, by inserting after the word
 6 "district." the following: "Each school district is
 7 encouraged to seek the assistance of veterans'
 8 organizations and other community groups in obtaining
 9 flags for classrooms."
 10 3. Title page, lines 3 and 4, by striking the
 11 words ", and providing an effective date".

COMMITTEE ON EDUCATION
 NANCY BOETTGER, Chair

S-5163

- 1 Amend Senate File 2292 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. NEW SECTION. 72.6 CONSTRUCTION
 5 MANAGEMENT SERVICES.
 6 1. DEFINITIONS. As used in this section, unless
 7 the context otherwise provides:
 8 a. "Construction management services" means all of
 9 the following:
 10 (1) Services provided in the planning and design

11 phases of a public works project may include, but are
12 not limited to, the following:

13 (a) Consulting with, advising, assisting, and
14 making recommendations to a public owner or architect,
15 engineer, or registered landscape architect employed
16 by the public owner.

17 (b) Reviewing all plans and specifications for the
18 public works project as they are developed and making
19 recommendations concerning construction feasibility,
20 availability of material and labor, time requirements,
21 for procurement and construction, and projected costs.

22 (c) Making, reviewing, and refining budget
23 estimates for the public works project based on the
24 public owner's plans and specifications and other
25 available information.

26 (d) Soliciting the interest of capable bidders and
27 assisting the public owner in receiving proposals for
28 the public works project.

29 (e) Analyzing the proposals received from
30 contractors and recommending contracts for the public
31 works project.

32 (f) Preparing and monitoring a progress schedule
33 during the design phase of the project.

34 (2) Services provided in the construction phase of
35 the public works project may include, but are not
36 limited to, the following:

37 (a) Maintaining competent supervisory staff to
38 coordinate and provide general direction of the work
39 and progress of the contractors on the public works
40 project.

41 (b) Establishing procedures for coordinating the
42 work of the public owner, architect, engineer,
43 contractors, and the construction manager on all
44 aspects of the public works project and implementing
45 such procedures.

46 (c) Maintaining job site records.

47 (d) Reviewing the safety programs of each
48 contractor on the public works project for conformity
49 with the public owner's safety policies and making
50 recommendations regarding such programs.

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1 (e) Scheduling and conducting job meetings to
2 ensure orderly progress of work on the public works
3 project.

4 (f) Developing and monitoring a progress schedule
5 for the public works project, coordinating and
6 expediting the work of all contractors on the project,
7 and providing periodic status reports to the public
8 owner and the architect or engineer.

9 "Construction management services" does not include

10 architectural services provided within the practice of
11 architecture as defined in section 544A.16 or
12 engineering services provided within the practice of
13 engineering as defined in section 542B.2.

14 b. "Construction manager" means any person, firm,
15 or corporation that provides construction management
16 services to a public owner. For purposes of this
17 section, a construction manager shall not perform the
18 duties of the architect or engineer of record.

19 c. "Public owner" means a public body including
20 the state of Iowa, an officer, official, agency,
21 authority, board, or commission of the state or of a
22 political subdivision or an institution supported in
23 whole or in part by public funds.

24 d. "Public works" means a permanent building or
25 other construction work constructed for public use or
26 benefit and paid for in whole or in part with public
27 funds, including a public improvement as defined in
28 section 73A.1, 331.341, 384.37, or 384.95, and
29 including any work performed directly by a public
30 utility as defined in section 368.1 when performed by
31 a public utility pursuant to an order of a public
32 authority or commission whether or not the work is
33 performed under public supervision or direction or
34 paid for in whole or in part with public funds.

35 "Public works" does not include any work done by or on
36 behalf of a drainage or levee district.

37 e. "Public works project" or "project" means the
38 construction, maintenance, or repair of public works.

39 2. USE OF CONSTRUCTION MANAGER. A public owner
40 may engage a construction manager when planning,
41 designing, or constructing a public works, or when
42 improving, altering, or repairing a public works. A
43 public owner may engage a construction manager in the
44 preconstruction phase of a public works project or in
45 both the preconstruction and construction phases of
46 the project.

47 3. SOLICITATION OF CONSTRUCTION MANAGEMENT

48 SERVICES. When the estimated cost of construction
49 management services for a public works project exceeds
50 twenty-five thousand dollars, a public owner shall

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1 solicit a proposed construction management services
2 contract by publishing an advertisement in a newspaper
3 published at least once weekly and having general
4 circulation in the city or county where the public
5 works project is located. The notice must be
6 published at least once, not less than twenty nor more
7 than forty-five days before the date set by the public
8 owner for submission of proposals. The notice shall

9 contain a statement that the public owner reserves the
10 right to reject any or all proposals and seek
11 additional proposals or may in its discretion not seek
12 additional proposals. The public owner may publish an
13 advertisement in an electronic format as an additional
14 method of soliciting proposals under this subsection.

15 4. SELECTION CRITERIA. In a request for proposals
16 for construction management services, a public owner
17 shall include a description of the scope of
18 construction management services desired and the
19 selection criteria to be used in evaluating proposals
20 for construction management services and shall require
21 a construction manager making a proposal to propose
22 significant efficiencies or improvements in the
23 quality of the public works project, as determined by
24 the public owner.

25 5. CONSTRUCTION MANAGEMENT SERVICES CONTRACT. A
26 construction management services contract for a public
27 works project shall provide that the construction
28 manager shall do all of the following:

29 a. Furnish skill and judgment in cooperation with,
30 and in reliance on, the services of the public works
31 project architect, engineer, and general contractor.

32 b. Furnish business administration services,
33 management of the construction process, and other
34 specified services in an economical and expeditious
35 manner consistent with the interests of the public
36 owner.

37 c. Refrain from bidding on or perform actual
38 construction or general conditions work on a public
39 works project on which the construction manager is
40 performing construction management services.

41 d. Obtain professional liability insurance at the
42 public owner's request. A construction manager shall
43 also be required to obtain a performance bond as
44 required pursuant to chapter 573 for services
45 performed. A professional engineer licensed pursuant
46 to chapter 542B, or a registered architect licensed
47 pursuant to chapter 544A, who performs construction
48 management services, is not required to obtain a
49 performance bond as required pursuant to chapter 573
50 for services performed.

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1 e. Recommend contracts or change orders to a
2 public owner but a construction manager shall not
3 authorize contracts or change orders.

4 A contract for construction management services
5 shall be a public document and shall be available to
6 the public for the reasonable cost of reproduction of
7 the contract.

8 6. CONFLICTS PROHIBITED. A construction
9 management services contract for a public works
10 project shall not be awarded by a public owner to a
11 construction manager that controls, is controlled by,
12 or shares common ownership or control with another
13 contractor, subcontractor, or supplier on the public
14 works project; that assumes financial responsibility
15 for the work of others on the project; that guarantees
16 a maximum price for the work of others on the project;
17 or that furnishes or guarantees a performance or
18 payment bond for another contractor on the project.

19 7. APPLICABILITY. This section does not apply to
20 the planning, design, construction, maintenance,
21 repair, or other work done for or on behalf of a
22 public owner by employees of a public owner.

23 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2,
24 subsection 3, shall not apply to this Act.

25 Sec. 3. APPLICABILITY. This Act does not apply to
26 construction management contracts entered into prior
27 to the effective date of this Act.

28 Sec. 4. PUBLIC WORKS PROJECTS INTERIM STUDY. The
29 legislative council is requested to authorize an
30 interim study committee to study the professional
31 relationships between public owners, contractors,
32 construction managers, architects, engineers, and
33 landscape architects and to review issues concerning
34 bid comparisons on multiple contracts, the merits of
35 limiting the number of contracts, the professional
36 responsibilities of a public owner, contractor,
37 construction manager, architect, engineer, and
38 landscape architect on a public works project, and any
39 other issue raised by the members of the interim study
40 committee. The interim study shall include making
41 recommendations for a clear chain of command on public
42 works projects and proposing guidelines for the
43 interrelationship of public owners, contractors,
44 construction managers, architects, engineers, and
45 landscape architects on public works projects. The
46 study committee shall be composed of representatives
47 of organizations including but not limited to
48 associated builders and contractors of Iowa, master
49 builders of Iowa, and organizations representing
50 construction managers, Iowa general contractors for

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1 competitive bidding, architects, engineers, rural
2 water, and landscape architects. Appointments to the
3 committee shall be made no later than August 1, 2002.
4 Staffing for the committee shall be provided by the
5 legislative service bureau. The study committee shall
6 submit a report of its findings and recommendations,

7 including proposed legislation, if any, to the general
8 assembly on or before January 13, 2003."

STEVE KING
TOM FLYNN
JOHN W. JENSEN

S-5164

1 Amend the amendment, S-5163, to Senate File 2292,
2 as follows:
3 1. Page 2, by striking lines 35 and 36.

THOMAS FIEGEN

S-5165

1 Amend the amendment, S-5163, to Senate File 2292,
2 as follows:
3 1. Page 4, by inserting after line 22 the
4 following:
5 "___ ALTERNATIVE PROCESS. Institutions governed
6 under chapter 262 may adopt and use an alternative
7 solicitation, selection, and award process than that
8 set forth in this section provided that the
9 alternative solicitation, selection, and award process
10 is adopted by the governing body of such institutions
11 in administrative rules adopted pursuant to chapter
12 17A or in other published formal documents available
13 to the general public."

ROBERT E. DVORSKY

S-5166

1 Amend the amendment, S-5163, to Senate File 2292,
2 as follows:
3 1. Page 4, line 22 by inserting after the word
4 "owner." the following: "This section does not apply
5 to any public works project that receives any funding
6 from sources other than state funds."
7 2. Page 4, line 22, by inserting after the word
8 "owner." the following: "This section does not apply
9 to school districts, community colleges governed under
10 chapter 260C, or board of regents institutions
11 governed under chapter 262."
12 3. Page 4, by inserting after line 22 the
13 following:
14 "Sec. ___. Section 73A.2, Code 2001, is amended to
15 read as follows:
16 73A.2 NOTICE OF HEARING.
17 Before any municipality shall enter into any

18 contract for any public improvement to cost ~~twenty-~~
 19 ~~five~~ one hundred thousand dollars or more, the
 20 governing body proposing to make the contract shall
 21 adopt proposed plans and specifications and proposed
 22 form of contract, fix a time and place for hearing at
 23 the municipality affected or other nearby convenient
 24 place, and give notice by publication in at least one
 25 newspaper of general circulation in the municipality
 26 at least ten days before the hearing.

27 Sec. ____ Section 262.34, unnumbered paragraph 1,
 28 Code 2001, is amended to read as follows:

29 When the estimated cost of construction, repairs,
 30 or improvement of buildings or grounds under charge of
 31 the state board of regents exceeds ~~twenty-five~~ one
 32 hundred thousand dollars, the board shall advertise
 33 for bids for the contemplated improvement or
 34 construction and shall let the work to the lowest
 35 responsible bidder. However, if in the judgment of
 36 the board bids received are not acceptable, the board
 37 may reject all bids and proceed with the construction,
 38 repair, or improvement by a method as the board may
 39 determine. All plans and specifications for repairs
 40 or construction, together with bids on the plans or
 41 specifications, shall be filed by the board and be
 42 open for public inspection. All bids submitted under
 43 this section shall be accompanied by a deposit of
 44 money, a certified check or a credit union certified
 45 share draft in an amount as the board may prescribe."

46 4. Page 5, line 2, by striking the words "and
 47 landscape architects" and inserting the following:
 48 "landscape architects, and representatives of public
 49 owners subject to this Act".

JOE BOLKCOM

S-5167

1 Amend House File 2554, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the
 4 following:

5 "Section 1. Section 321.52A, subsection 2, Code
 6 Supplement 2001, is amended to read as follows:

7 2. ~~For the fiscal year beginning July 1, 1996, the~~
 8 ~~treasurer of state shall deposit one million five~~
 9 ~~hundred thousand dollars of moneys received under~~
 10 ~~subsection 1 in the waste tire management fund created~~
 11 ~~in section 455D.11C, and deposit the remainder in the~~
 12 ~~general fund of the state. For the fiscal year~~
 13 ~~beginning July 1, 1997, the treasurer of state shall~~
 14 ~~deposit two million five hundred thousand dollars of~~
 15 ~~moneys received under subsection 1 in the waste tire~~

16 management fund, and deposit the remainder in the
 17 general fund of the state. For the fiscal year
 18 beginning July 1, 1998, and the fiscal year beginning
 19 July 1, 1999, the treasurer of state shall deposit
 20 three million five hundred thousand dollars of moneys
 21 received under subsection 1 in the waste tire
 22 management fund, and deposit the remainder in the
 23 general fund of the state. For the fiscal year
 24 beginning July 1, 2000, the treasurer of state shall
 25 deposit two million five hundred thousand dollars of
 26 the moneys received under subsection 1 in the waste
 27 tire management fund, and one million dollars in the
 28 road use tax fund, with the remainder deposited in the
 29 general fund of the state. For the fiscal year
 30 beginning July 1, 2001, the treasurer of state shall
 31 deposit one million five hundred thousand dollars of
 32 moneys received under subsection 1 in the waste tire
 33 management fund, with the remainder deposited in the
 34 general fund of the state. For the fiscal year
 35 beginning July 1, 2002, and each subsequent fiscal
 36 year, the treasurer of state shall deposit the entire
 37 amount of moneys received under subsection 1 in the
 38 road use tax fund through the fiscal year beginning
 39 July 1, 2006, the treasurer of state shall deposit
 40 twenty percent of the moneys received under subsection
 41 1 in the waste tire management fund and deposit the
 42 remainder in the road use tax fund. For the fiscal
 43 year beginning July 1, 2008, and each subsequent
 44 fiscal year, the treasurer of state shall deposit the
 45 entire amount of moneys received under subsection 1 in
 46 the road use tax fund."
 47 2. Page 1, line 14, by striking the figure
 48 "455D.11G" and inserting the following: "455D.11G".
 49 3. Page 1, line 15, by striking the figure "2002"
 50 and inserting the following: "2002 2007".

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- 1 4. By renumbering as necessary.

COMMITTEE ON NATURAL
 RESOURCES AND ENVIRONMENT
 MIKE SEXTON, Chair

S-5168

- 1 Amend House File 2539, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 14 through 28.
- 4 2. Page 2, line 25, by inserting after the word
- 5 "disclaimant" the following: "~~and may disclaim on~~
- 6 ~~behalf of the personal representative's decedent~~".

- 7 3. Page 9, by striking lines 9 through 23, and
 8 inserting the following:
 9 "2. Shall allocate an amount to trust income, not
 10 in excess of the annual unitrust payout amount, in the
 11 following order:
 12 a. The amount derived from net income, as
 13 determined if the trust were other than a total return
 14 unitrust.
 15 b. The amount derived from other ordinary income
 16 as determined for federal income tax purposes.
 17 c. The amount derived from net realized short-term
 18 capital gains as determined for federal income tax
 19 purposes.
 20 d. The amount derived from net realized long-term
 21 capital gains as determined for federal income tax
 22 purposes.
 23 e. The amount derived from trust principal."
 24 4. Page 11, by striking line 25.
 25 5. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 GENE MADDOX, Chair

S-5169

- 1 Amend House File 2507, as passed by the House, as
 2 follows:
 3 1. Page 1, line 2, by inserting after the word
 4 "who" the following: "knowingly".
 5 2. Page 1, line 5, by inserting after the word
 6 "who" the following: "knowingly".

COMMITTEE ON JUDICIARY
 GENE MADDOX, Chair

S-5170

- 1 Amend House File 2515, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by striking lines 20 through 32.
 4 2. By renumbering as necessary.

COMMITTEE ON EDUCATION
 NANCY BOETTGER, Chair

S-5171

- 1 Amend House File 2517, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 30 the
 4 following:
 5 "Sec. ____ Section 256.7, subsection 21, Code

6 Supplement 2001, is amended by adding the following
 7 new paragraph:
 8 NEW PARAGRAPH. d. A requirement that all school
 9 districts and accredited nonpublic schools that
 10 administer the Iowa test of basic skills or the Iowa
 11 test of educational development annually submit to the
 12 department and make available to the local community a
 13 summary report that contains statistical information
 14 about the test scores for reading, math, language, and
 15 science. The report is to be produced for each grade
 16 group in a building and for each entire grade group in
 17 the school district or accredited nonpublic school.
 18 The report shall at a minimum include the percentage
 19 of students in each grade who scored in each of the
 20 four national percentile rankings, one to twenty-four,
 21 twenty-five to forty-nine, fifty to seventy-four, and
 22 seventy-five to ninety-nine. The department shall
 23 develop and publish a standardized reporting mechanism
 24 that school districts and accredited nonpublic schools
 25 shall utilize in submitting the reports in accordance
 26 with this paragraph."

27 2. Page 2, by striking lines 18 through 33.

28 3. Page 4, by inserting after line 35 the
 29 following:

30 "Sec. ____ . Section 280.12, subsection 2, paragraph
 31 e, Code Supplement 2001, is amended to read as
 32 follows:

33 e. Progress toward meeting the goals set out in
 34 paragraphs "b" through "d". For purposes of meeting
 35 the requirements of this paragraph, the advisory
 36 committee shall develop and maintain a longitudinal
 37 analysis chart that uses data from the Iowa test of
 38 basic skills or the Iowa test of educational
 39 development and is based on grade-equivalent scores
 40 resulting from tests administered during the same time
 41 period each year. The analysis shall review reading,
 42 math, and science scores and include average gain
 43 scores."

44 4. By renumbering as necessary.

COMMITTEE ON EDUCATION
 NANCY BOETTGER, Chair

S-5172

HOUSE AMENDMENT TO SENATE FILE 429

1 Amend Senate File 429, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
 4 clause and inserting the following:

5 "Section 1. Section 476.97, subsection 11,
6 paragraph e, subparagraph (1), Code 2001, is amended
7 by striking the subparagraph and inserting in lieu
8 thereof the following:

9 (1) A price-regulated local exchange carrier shall
10 not increase its rates for basic communications
11 services, for a period of twelve months after electing
12 to become price regulated. To the extent necessary,
13 rates for basic services may be increased to carry out
14 the purpose of any rules that may be adopted by the
15 board relating to the terms and conditions of
16 unbundled services and interconnection. A price-
17 regulated local exchange carrier may increase its
18 rates for basic communications services following the
19 initial twelve-month period, to the extent that the
20 change in its aggregate revenue weighted prices does
21 not exceed the most recent annual change in the gross
22 domestic product price index, as published by the
23 federal government. If application of that formula
24 achieves a negative result, prices shall be reduced so
25 that the cumulative price change for basic services,
26 including prior price reductions in these services,
27 achieves the negative result. The board by rule may
28 adopt different measures of inflation if they are
29 found to be more reflective of the individual price-
30 regulated carriers.

31 Sec. 2. Section 476.97, subsection 11, paragraph
32 g, subparagraph (4), Code 2001, is amended by striking
33 the subparagraph and inserting in lieu thereof the
34 following:

35 (4) Rates may be adjusted by the board to reflect
36 any changes in revenues, expenses, and investment due
37 to exogenous factors beyond the control of the local
38 exchange carrier, including, but not limited to, the
39 effects of local competition. The board shall have
40 ninety days to consider rate changes proposed under
41 this subparagraph, but for good cause may grant one or
42 more extensions in thirty-day increments, not to
43 exceed a total of one hundred eighty days.

44 Sec. 3. Section 476.97, subsection 11, paragraph
45 h, Code 2001, is amended to read as follows:

46 h. The board may review a local exchange carrier's
47 operation under this subsection, with notice and an
48 opportunity for hearing, after four years of the
49 carrier's election to be price-regulated. The local
50 exchange carrier, consumer advocate, or any person may

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1 propose, and the board may approve, any reasonable
2 modifications to the price-regulation requirements in
3 this subsection as a result of the specific carrier

4 review, ~~except that such with the following~~
5 limitations:
6 (1) Such modifications shall not require a
7 reduction in the rates for any basic communications
8 service or a return to rate-base, rate-of-return
9 regulation.
10 (2) Such proposals for modifications under this
11 paragraph "h" are limited to no more than one every
12 three years.
13 The board shall approve, or approve subject to
14 modification, a proposal for modification within one
15 hundred eighty days of filing, but for good cause may
16 grant one extension of sixty days, not to exceed a
17 total of two hundred forty days. Reasonable
18 modifications may include increases without offsetting
19 decreases in any rate for basic and nonbasic
20 communications service of the carrier. In reviewing
21 the carrier's proposal, the board shall consider, but
22 not be limited to, potential rate consolidations, the
23 impact of competition or other external factors since
24 election of price regulation, the impact of the
25 proposal on the carrier's ability to attract capital,
26 and the impact of the proposal on the ability of the
27 carrier to deploy advanced telecommunications
28 services.
29 Sec. 4. Section 476.97, subsection 11, Code 2001,
30 is amended by adding the following new paragraphs:
31 NEW PARAGRAPH. j. Upon the request of a local
32 exchange carrier, the board shall, when required by
33 this subsection, grant the carrier temporary authority
34 to place in effect seventy-five percent, or such
35 lesser amount as the carrier may request, of the
36 requested increases in rates, charges, schedules, or
37 regulations by filing with the board a bond
38 conditioned upon the refund in a manner to be
39 prescribed by the board of any amounts collected from
40 any customer class in excess of the amounts which
41 would have been collected under rates, charges,
42 schedules, or regulations finally approved by the
43 board. The board shall approve a request for
44 temporary authority within thirty days after the date
45 of filing of the request. The decision shall be
46 effective immediately.
47 The board shall determine the rate of interest to
48 be paid by a public utility to persons receiving
49 refunds. The interest rate to be applied to refunds
50 of moneys collected subject to refund under this

Page 3

1 subsection is one percent per annum plus the average
2 quarterly interest rate at commercial banks for

3 twenty-four-month loans for personal expenditures, as
 4 determined by the board, compounded annually. The
 5 board shall consider federal reserve statistical
 6 release G.19 or its equivalent when determining
 7 interest to be paid under this subsection.
 8 NEW PARAGRAPH. k. The board and the consumer
 9 advocate may employ additional temporary staff, or may
 10 contract for professional services with persons who
 11 are not state employees, as the board and consumer
 12 advocate deem necessary to review a local exchange
 13 carrier's operations, proposal for modifications, rate
 14 change proposal, or proposed changes in aggregate
 15 revenue weighted prices pursuant to this subsection.
 16 Beginning July 1, 2002, there is appropriated out of
 17 any funds in the state treasury not otherwise
 18 appropriated, such sums as may be necessary to enable
 19 the board to hire additional staff and contract for
 20 services under this subsection. The costs of the
 21 additional staff and services shall be assessed to the
 22 local exchange carrier pursuant to the procedures in
 23 sections 475A.6 and 476.10.
 24 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
 25 immediate importance, takes effect upon enactment."
 26 2. Title page, by striking lines 2 through 4 and
 27 inserting the following: "including the modification
 28 or adjustment of certain rates, making an
 29 appropriation, and providing an effective date."

S-5173

1 Amend House File 2430, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 5, by inserting before the word
 4 "association" the following: "Iowa".
 5 2. Page 2, line 21, by inserting after the word
 6 "consumer" the following: "and at least one member
 7 who is a parent or other family member of a person
 8 admitted to and living at a state resource center".
 9 3. Page 3, by inserting after line 2 the
 10 following:
 11 "Sec. ____ Section 225C.6, Code Supplement 2001,
 12 is amended by adding the following new subsection:
 13 NEW SUBSECTION. 3. If the executive branch
 14 creates a committee, task force, council, or other
 15 advisory body to consider mental health and
 16 developmental disabilities policy, services, or
 17 program options involving children or adult consumers,
 18 the commission is designated to receive and consider
 19 any report, findings, recommendations, or other work
 20 product issued by such body. The commission may
 21 address the report, findings, recommendations, or
 22 other work product in fulfilling the commission's

23 functions and to advise the department, council on
 24 human services, governor, and general assembly
 25 concerning disability services."

26 4. Page 11, line 30, by inserting after the word
 27 "official," the following: "a representative of a
 28 provider of mental health or developmental
 29 disabilities services selected from nominees submitted
 30 by the Iowa association of community providers."

31 5. Page 12, by inserting after line 30 the
 32 following:
 33 "Sec. ____ . APPLICABILITY. The requirements of
 34 section 225C.6, subsection 3, as enacted by this Act,
 35 apply to the findings, report, recommendations, or
 36 other work product issued by a committee, task force,
 37 council, or other advisory body created prior to July
 38 1, 2002."

39 6. Title page, line 3, by striking the word
 40 "provides" and inserting the following: "providing".

41 7. Title page, line 4, by inserting after the
 42 word "duties" the following: "and including an
 43 applicability provision".

44 8. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT
 DAVID MILLER, Chair

S-5174

1 Amend House File 2459, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, line 28, by striking the word "final".

4 2. Page 1, by inserting after line 29 the
 5 following:

6 "____. A resolution approved by the board of
 7 trustees under subsection 2 must be affirmed by vote
 8 of a majority of the membership of the city council in
 9 order to be final."

COMMITTEE ON LOCAL GOVERNMENT
 DAVID MILLER, Chair

S-5175

1 Amend the amendment, S-5016, to House File 583, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, line 5, by striking the figure "2003",
 5 and inserting the following: "2004".

6 2. Page 1, line 8, by striking the figure "2003",
 7 and inserting the following: "2004".

8 3. Page 1, line 11, by striking the figure
 9 "2003", and inserting the following: "2004".

- 10 4. Page 1, line 14, by striking the figure
 11 "2003", and inserting the following: "2004".
 12 5. Page 1, line 17, by striking the figure
 13 "2003", and inserting the following: "2004".

SANDRA GREINER

S-5176

- 1 Amend House File 2530, as passed by the House, as
 2 follows:
 3 1. Page 3, by inserting after line 17, the
 4 following:
 5 "Sec ___. EFFECTIVE DATE. This Act, being deemed
 6 of immediate importance, takes effect upon enactment."
 7 2. Title page, line 1, by striking the words "and
 8 making" and inserting the following: "making".
 9 3. Title page, line 2, by inserting after the
 10 word "applicable" the following: ", and providing an
 11 effective date".

SANDRA GREINER
 JOHN P. KIBBIE

S-5177

- 1 Amend House File 2109, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 20 the
 4 following:
 5 "Sec. ___. Section 99B.7, subsection 1, paragraph
 6 c, unnumbered paragraph 1, Code 2001, is amended to
 7 read as follows:
 8 Cash or merchandise prizes may be awarded in the
 9 game of bingo and, except as otherwise provided in
 10 this paragraph, shall not exceed one hundred dollars.
 11 Merchandise prizes may be awarded in the game of
 12 bingo, but the actual retail value of the prize, or if
 13 the prize consists of more than one item, unit or
 14 part, the aggregate retail value of all items, units
 15 or parts, shall not exceed the maximum provided by
 16 this paragraph. A bingo licensee may conduct one
 17 jackpot game per bingo occasion and may only conduct
 18 one jackpot game at a time. In a jackpot bingo game,
 19 may be conducted once during any twenty-four hour
 20 period in which the prize may begin at not more than
 21 three hundred dollars in cash or actual retail value
 22 of merchandise prizes and may be increased by not more
 23 than one hundred dollars after each bingo occasion.
 24 However, the cost of play in a jackpot bingo game
 25 shall not be increased and the jackpot shall not
 26 amount to more than ~~eight~~ one thousand two hundred

27 dollars in cash or actual retail value of merchandise
 28 prizes. A jackpot bingo game is not prohibited by
 29 paragraph "h". A bingo occasion shall not last for
 30 longer than four consecutive hours. A qualified
 31 organization shall not hold more than fourteen bingo
 32 occasions per month. Bingo occasions held under a
 33 limited license shall not be counted in determining
 34 whether a qualified organization has conducted more
 35 than fourteen bingo occasions per month, nor shall
 36 bingo occasions held under a limited license be
 37 limited to four consecutive hours. With the exception
 38 of a limited license bingo, no more than three bingo
 39 occasions per week shall be held within a structure or
 40 building and only one person licensed to conduct games
 41 under this section may hold bingo occasions within a
 42 structure or building. A licensed qualified
 43 organization shall not conduct free games."
 44 2. By renumbering as necessary.

JOHN P. KIBBIE

S-5178

1 Amend House File 2532, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 11, by inserting after line 31 the
 4 following:
 5 "Sec. ___. NEW SECTION. 97B.42C RETIREMENT
 6 SYSTEM MERGER — MUNICIPAL UTILITY RETIREMENT SYSTEM.
 7 A municipal water utility or waterworks that has
 8 established a pension and annuity retirement system
 9 for its employees pursuant to chapter 412 may adopt a
 10 resolution to authorize the merger of its pension and
 11 annuity retirement system with and into the Iowa
 12 public employees' retirement system. The system is
 13 authorized, but is not required, to accept such a
 14 proposal. The governing body of the municipal water
 15 utility or waterworks and the Iowa public employees'
 16 retirement system shall, acting in their fiduciary
 17 capacities, mutually determine the terms and
 18 conditions of such a merger, including any additional
 19 funds necessary to fund the service credits being
 20 transferred to the Iowa public employees' retirement
 21 system, and either party may decline the merger if
 22 they cannot agree on such terms and conditions. The
 23 system shall adopt such rules as it deems necessary
 24 and prudent to effectuate mergers as provided by this
 25 section."
 26 2. Page 13, line 35, by striking the word "forty"

27 and inserting the following: "twenty-five".

28 3. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
STEVE KING, Chair

S-5179

1 Amend House File 2404, 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 257.31, subsection 17, Code
6 2001, is amended by adding the following new
7 paragraph:

8 NEW PARAGRAPH. e. There is appropriated each year
9 from the general fund of the state to the committee,
10 in addition to any other funding which may be
11 appropriated, the sum of one million two hundred
12 thousand dollars for transportation assistance aid to
13 school districts as provided in this subsection.
14 Notwithstanding section 8.33, moneys appropriated in
15 this paragraph that remain unencumbered and
16 unobligated shall not revert but shall remain
17 available for the purposes designated for the next
18 fiscal year."

19 2. Title page, by striking lines 1 and 2 and
20 inserting the following: "An Act providing additional
21 funding for transportation assistance aid to certain
22 school districts, and making an appropriation."

KITTY REHBERG

S-5180

1 Amend Senate File 2283 as follows:

2 1. Page 17, by inserting after line 23 the
3 following:

4 "Sec. ___. Section 602.6105, Code 2001, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 2A. The court shall maintain a
7 magistrate court in a city that is not the county seat
8 if a magistrate court existed in that city as of July
9 1, 2001, and if the city requests a magistrate. Any
10 additional costs to the judicial branch for
11 maintaining a magistrate in a city other than the
12 county seat shall be paid by the city requesting the
13 magistrate."

14 2. Page 19, by inserting after line 31, the
15 following:

16 "Sec. ___. Section 602.6401, subsection 2, Code
17 2001, is amended by adding the following new

18 paragraph:

19 NEW PARAGRAPH. f. The existence of a city in the
20 county other than the county seat that maintained a
21 magistrate court as of July 1, 2001."

22 3. By renumbering as necessary.

KITTY REHBERG

S-5181

1 Amend House File 2109, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, by inserting after line 11, the
4 following:
5 "Section 1. Section 99F.11, unnumbered paragraph
6 1, Code 2001, is amended to read as follows:
7 A tax is imposed on the adjusted gross receipts
8 received annually from gambling games authorized under
9 this chapter at the rate of five percent on the first
10 one million dollars of adjusted gross receipts, at the
11 rate of ten percent on the next two million dollars of
12 adjusted gross receipts, and at the rate of twenty
13 percent on any amount of adjusted gross receipts over
14 three million dollars. However, beginning January 1,
15 1997, the rate on any amount of adjusted gross
16 receipts over three million dollars from gambling
17 games at racetrack enclosures is twenty-two percent
18 and shall increase by two percent each succeeding
19 calendar year until the rate is thirty-six percent.
20 However, at racetrack enclosures at which the total
21 amount of adjusted gross receipts from gambling games
22 annually is not more than seventy million dollars, the
23 tax rate on the amount of adjusted gross receipts over
24 three million dollars from gambling games is the rate
25 which was in effect on December 31, 2001. The taxes
26 imposed by this section shall be paid by the licensee
27 to the treasurer of state within ten days after the
28 close of the day when the wagers were made and shall
29 be distributed as follows:"

30 2. Title page, line 4, by inserting after the
31 word "individuals" the following: "and providing for
32 a tax rate on the adjusted gross receipts from
33 gambling games at certain racetrack enclosures".

MIKE CONNOLLY

S-5182

1 Amend House File 2109, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 20, the
4 following:

- 5 "Sec. _____. Section 99B.6, Code 2001, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. 7A. With the exception of
 8 backgammon or other similar board game, any game
 9 involving dice is prohibited, if the wager exceeds
 10 five dollars."
 11 2. By renumbering as necessary.

MIKE SEXTON
 BILL FINK

S-5183

- 1 Amend House File 2109, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by inserting after line 19, the
 4 following:
 5 "Sec. _____. Section 99B.7, subsection 3, Code 2001,
 6 is amended by adding the following new paragraph:
 7 NEW PARAGRAPH. d. The department may issue a
 8 limited license without fee to a qualified
 9 organization if the total cost of the prizes to be
 10 distributed at a raffle conducted by the qualified
 11 organization is one thousand dollars or less. If a
 12 prize consists of more than one item, unit, or part,
 13 the aggregate cost of all items, units, or parts shall
 14 not exceed one thousand dollars. If the prize is
 15 merchandise, its cost shall be determined by the
 16 purchase price paid by the organization. If the prize
 17 was donated to the organization, its cost shall be
 18 determined by the purchase price paid by the donor."
 19 2. By renumbering as necessary.

MIKE SEXTON
 BILL FINK

S-5184

HOUSE AMENDMENT TO SENATE FILE 2277

- 1 Amend Senate File 2277, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 8, by striking the words "This
 4 subsection" and inserting the following: "This
 5 paragraph".

S-5185

- 1 Amend the amendment, S-5162, to House File 2516, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 1, by striking lines 3 and 4 and
 5 inserting the following:
 6 "____. Page 1, line 4, by striking the word "a"
 7 and inserting the following: "an"."
 8 2. By renumbering as necessary.

STEVE KING

S-5186

HOUSE AMENDMENT TO
 SENATE FILE 2192

- 1 Amend Senate File 2192, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 18, the
 4 following:
 5 "Sec. _____. Section 6B.18, Code 2001, is amended to
 6 read as follows:
 7 6B.18 NOTICE OF APPRAISEMENT — APPEAL OF AWARD ==
 8 NOTICE OF APPEAL.
 9 1. After the appraisal of damages has been
 10 delivered to the sheriff by the compensation
 11 commission, the sheriff shall give written notice, by
 12 ordinary mail, to the condemner and the condemnee of
 13 the date on which the appraisal of damages was
 14 made, the amount of the appraisal, and that any
 15 interested party may, within thirty days from the date
 16 of mailing the notice of the appraisal of damages,
 17 appeal to the district court by filing notice of
 18 appeal with the district court of the county in which
 19 the real estate is located and by giving written
 20 notice to the sheriff that the appeal has been taken.
 21 The sheriff shall endorse the date of mailing of
 22 notice upon the original appraisal of damages. ~~At~~
 23 ~~the time of appeal, the appellant shall give written~~
 24 ~~notice that the appeal has been taken to the adverse~~
 25 ~~party, or the adverse party's agent or attorney,~~
 26 ~~lienholders, and the sheriff.~~
 27 2. An appeal of appraisal of damages is deemed
 28 to be perfected upon filing of a notice of appeal with
 29 the district court within thirty days from the date of
 30 mailing the notice of appraisal of damages. The
 31 notice of appeal shall be served on the adverse party,
 32 or the adverse party's agent or attorney, any
 33 lienholders and encumbrancers of the property in the
 34 same manner as an original notice within thirty days
 35 from the date of filing the notice of appeal unless,
 36 for good cause shown, the court grants more than
 37 thirty days. If after reasonable diligence, the
 38 notice cannot be personally served, the court may
 39 prescribe an alternative method of service consistent

40 with due process of law.

41 3. In case of condemnation proceedings instituted
42 by the state department of transportation, when the
43 owner appeals from the assessment made, such notice of
44 appeal shall be served upon the attorney general, or
45 the department general counsel to the state department
46 of transportation, or the chief highway engineer for
47 the department.

48 Sec. ____ Section 6B.22, Code 2001, is amended to
49 read as follows:

50 6B.22 PLEADINGS ON APPEAL.

Page 2

1 A written petition shall be filed by the plaintiff
2 within ~~twenty~~ thirty days after perfection of the
3 appeal, stating specifically the items of damage and
4 the amount thereof. The court may for good cause
5 shown grant additional time for the filing of the
6 petition. The defendant shall file a written answer
7 to plaintiff's petition, or such other pleadings as
8 may be proper."

9 2. Page 1, by inserting after line 34, the
10 following:

11 "Sec. ____ Section 6B.33, Code 2001, is amended to
12 read as follows:

13 6B.33 COSTS AND ATTORNEY FEES.

14 The applicant shall pay all costs of the assessment
15 made by the commissioners and reasonable attorney fees
16 and costs incurred by the condemnee as determined by
17 the commissioners if the award of the commissioners
18 exceeds one hundred ten percent of the final offer of
19 the applicant prior to condemnation. The condemnee
20 shall submit an application for fees and costs prior
21 to adjournment of the final meeting of the
22 compensation commission held on the matter. The
23 applicant shall file with the sheriff an affidavit
24 setting forth the most recent offer made to the person
25 whose property is sought to be condemned. Members of
26 such commissions shall receive a per diem of two
27 hundred dollars and actual and necessary expenses
28 incurred in the performance of their official duties.
29 The applicant shall reimburse the county sheriff for
30 the per diem and expense amounts paid by the sheriff
31 to the members. The applicant shall reimburse the
32 owner for the expenses the owner incurred for
33 recording fees, penalty costs for full or partial
34 prepayment of any preexisting recorded mortgage
35 entered into in good faith encumbering the property,
36 and for similar expenses incidental to conveying the
37 property to the applicant. The applicant shall also
38 pay all costs occasioned by the appeal, including

39 reasonable attorney fees to be taxed by the court,
 40 unless on the trial thereof the same or a lesser
 41 amount of damages is awarded than was allowed by the
 42 tribunal from which the appeal was taken."

43 3. Page 6, by inserting after line 2, the
 44 following:

45 "Sec. ____ Section 6B.19, Code 2001, is repealed."

46 4. Page 26, by inserting after line 21 the
 47 following:

48 "Sec. ____ EFFECTIVE DATE. The following
 49 provisions of this division of this Act, being deemed
 50 of immediate importance, take effect upon enactment:

Page 3

- 1 1. The provisions amending sections 321.182,
 2 321.190, and 321.196, relating solely to the issuance
 3 of a driver's license or nonoperator's identification
 4 card to foreign nationals.
- 5 2. The provision amending section 321.463,
 6 relating to the maximum gross weight allowed to be
 7 carried on a noninterstate highway by certain
 8 livestock vehicles.
- 9 3. The provision amending section 321E.8, relating
 10 to annual permits."
- 11 5. Title page, line 1, by striking the word
 12 "vehicles," and inserting the following: "vehicles
 13 and condemnation,".
- 14 6. By renumbering, relettering, or redesignating
 15 and correcting internal references as necessary.

S-5187

1 Amend House File 2454, as passed by the House, as
 2 follows:

- 3 1. Page 1, line 22, by inserting after the word
 4 "giving," the following: "honesty, self-discipline,
 5 respect for and obedience to the law, citizenship,
 6 courage, initiative, commitment, perseverance,
 7 kindness, compassion, service, loyalty, patience, the
 8 dignity and necessity of hard work,".
- 9 2. Page 2, by striking lines 5 and 6 and
 10 inserting the following:
 11 "3. The department of education shall report to
 12 the state board and to the general assembly regarding
 13 the success of any".
- 14 3. Page 2, line 8, by striking the word "~~program~~"
 15 and inserting the following: "program character
 16 education initiative".

NANCY BOETTGER
STEVE KING
THOMAS FIEGEN

S-5188

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 4, lines 2 and 3, by striking the words
4 "the possible detrimental psychological effects of
5 abortion,".

PATRICIA HARPER

S-5189

1 Amend Senate File 2315 as follows:
2 1. Page 2, by inserting after line 18, the
3 following:
4 "Sec. ____ Section 280.4, subsection 3, Code 2001,
5 is amended to read as follows:
6 3. ~~In For the school budget year beginning July 1,~~
7 ~~2002, and succeeding budget years, in~~ order to provide
8 funds for the excess costs of instruction of limited
9 English proficient students above the costs of
10 instruction of pupils in a regular curriculum,
11 students identified as limited English proficient
12 shall be assigned an additional weighting of ~~twenty-~~
13 ~~two hundredths, and~~ that ~~weighting~~ shall be included
14 in the weighted enrollment of the school district of
15 residence for a period not exceeding three years.
16 However, the school budget review committee may grant
17 supplemental aid or modified allowable growth to a
18 school district to continue funding a program for
19 students after the expiration of the three-year
20 period. ~~The school budget review committee shall~~
21 ~~calculate the additional amount for the weighting to~~
22 ~~the nearest one-hundredth of one percent so that to~~
23 ~~the extent possible the moneys generated by the~~
24 ~~weighting will be equivalent to the moneys generated~~
25 ~~by the two-tenths weighting provided prior to July 2,~~
26 ~~1991."~~
27 2. Title page, line 3, by inserting after the
28 word "agencies," the following: "providing additional
29 weighting for limited English proficient students,".

MIKE CONNOLLY
MICHAEL E. GRONSTAL
THOMAS FIEGEN
WALLY E. HORN
JOHN P. KIBBIE
DENNIS H. BLACK

JOHNIE HAMMOND
 JOE BOLKCOM
 AMANDA RAGAN
 ROBERT E. DVORSKY
 JACK HOLVECK
 STEVEN D. HANSEN
 PATRICIA HARPER
 BILL FINK
 MARK SHEARER
 MATT McCOY
 EUGENE S. FRAISE

S-5190

1 Amend Senate File 2315 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 256D.5, subsection 2, Code
 5 2001, is amended by striking the subsection and
 6 inserting in lieu thereof the following:
 7 2. There is appropriated from the general fund of
 8 the state to the department of education for the
 9 fiscal year beginning July 1, 2001, and ending June
 10 30, 2002, the sum of thirty million dollars for the
 11 school improvement technology block grant program.
 12 There is appropriated from the general fund of the
 13 state to the department of education for the fiscal
 14 year beginning July 1, 2002, and ending June 30, 2003,
 15 the sum of ten million dollars for the school
 16 improvement technology block grant program."
 17 2. Page 2, by inserting after line 18 the
 18 following:
 19 "Sec. ___. Section 294A.25, subsection 1, Code
 20 Supplement 2001, is amended to read as follows:
 21 1. For the fiscal year beginning July 1, ~~2000~~
 22 2002, and for each succeeding year, there is
 23 appropriated from the general fund of the state to the
 24 department of education the amount of ~~eighty eighty-~~
 25 one million eight hundred ninety-one thousand three
 26 ~~hundred thirty-six~~ dollars to be used to improve
 27 teacher salaries. The moneys shall be distributed as
 28 provided in this section."
 29 3. Page 4, by inserting after line 19 the
 30 following:
 31 "Sec. ___. STUDENT ACHIEVEMENT AND TEACHER QUALITY
 32 PROGRAM. There is appropriated from the general fund
 33 of the state to the department of education for the
 34 fiscal year beginning July 1, 2002, and ending June
 35 30, 2003, the following amount, or so much thereof as
 36 is necessary, to be used for the purposes designated:
 37 For purposes of the student achievement and teacher
 38 quality program pursuant to chapter 284:

39\$ 40,000,000
 40 Notwithstanding section 8.33, any moneys remaining
 41 unencumbered or unobligated from the appropriation
 42 made in this section shall not revert but shall remain
 43 available in the succeeding fiscal year for
 44 expenditure for the purposes designated. The
 45 provisions of section 8.39 shall not apply to the
 46 funds appropriated pursuant to this section."
 47 4. Title page, line 3, by inserting after the
 48 word "agencies," the following: "making additional
 49 education funding appropriations,".

MIKE CONNOLLY
 MICHAEL E. GRONSTAL
 THOMAS FIEGEN
 WALLY E. HORN
 JOHN P. KIBBIE
 DENNIS H. BLACK
 JOHNIE HAMMOND
 JACK HOLVECK
 DICK L. DEARDEN
 PATRICIA HARPER
 BILL FINK
 MARK SHEARER
 AMANDA RAGAN
 MATT McCOY
 STEVEN D. HANSEN
 JOE BOLKCOM
 ROBERT E. DVORSKY
 EUGENE S. FRAISE

S-5191

1 Amend the amendment, S-5162, to House File 2516, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 3 through 11 and
 5 inserting the following:
 6 " _____. Page 1, by striking lines 1 through 7.
 7 _____. Title page, by striking lines 1 through 4
 8 and inserting the following: "An Act relating to the
 9 daily observance of a minute of silence in a school
 10 district."
 11 2. By renumbering as necessary.

MIKE CONNOLLY

S-5192

1 Amend House File 2264, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking line 3 and inserting the

- 4 following: ""State Mandated Information Act"."
5 2. Title page, line 1, by striking the words
6 "informed consent to" and inserting the following:
7 "state mandated information for".

PATRICIA HARPER

S-5193

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. By striking page 1, line 3, and inserting the
4 following: ""State Mandated Information for Abortion
5 Act".
6 2. Title page, line 1, by striking the words
7 "informed consent to" and inserting the following:
8 "state mandated information for".

PATRICIA HARPER

S-5194

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 1, by striking line 3 and inserting the
4 following: ""Woman's Right to Know Selective
5 Information Act".
6 2. Title page, line 1, by striking the words
7 "informed consent to" and inserting the following:
8 "mandating a woman to know and receive selected
9 information for".

PATRICIA HARPER

S-5195

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 3, line 6, by inserting after the word
4 "including" the following: "provisions regarding the
5 surrendering of a newborn infant and".

PATRICIA HARPER

S-5196

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 12 the
4 following:
5 "___ Information that contraceptives are

- 6 available to the woman and that medical assistance
7 benefits may be available to the woman for coverage of
8 the costs of contraceptives."
9 2. By renumbering as necessary.

PATRICIA HARPER

S-5197

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 1, line 34, by striking the word "shall"
4 and inserting the following: "may".
5 2. Page 2, line 13, by striking the words "has
6 the right to" and inserting the following: "may, upon
7 request,".
8 3. Page 2, line 15, by striking the words "of the
9 woman's right to" and inserting the following: "that
10 the woman may".
11 4. Page 4, by striking lines 8 and 9, and
12 inserting the following: "information pursuant to
13 subsection 2 was provided to the woman, upon the
14 woman's request. The physician shall retain a copy of
15 the".
16 5. Page 5, by striking lines 13 and 14, and
17 inserting the following: "the woman requests that the
18 physician or the physician's agent provide the
19 information to the woman."

ROBERT E. DVORSKY

S-5198

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 12, the
4 following:
5 "___ Information that medical assistance benefits
6 may be available to the woman for an abortion under
7 certain circumstances."
8 2. By renumbering, redesignating, and correcting
9 internal references as necessary.

ROBERT E. DVORSKY

S-5199

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. By striking page 3, line 21, through page 4,

- 4 line 5.
5 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5200

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 3, line 13, by striking the word
4 "orally," and inserting the following: "from a live
5 person any relevant information, including but not
6 limited to".

ROBERT E. DVORSKY

S-5201

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 1, line 35, by inserting after the words
4 "by telephone," the following: "by electronic mail,".

ROBERT E. DVORSKY

S-5202

- 1 Amend House File 2515, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting before line 33, the
4 following:
5 "Sec. ____ Section 257.6, subsection 3, unnumbered
6 paragraph 1, Code Supplement 2001, is amended to read
7 as follows:
8 A school district shall determine its additional
9 enrollment because of special education, as defined in
10 this section, by ~~November~~ December 1 of each year and
11 shall certify its additional enrollment because of
12 special education to the department of education by
13 ~~November~~ December 15 of each year, and the department
14 shall promptly forward the information to the
15 department of management.
16 Sec. ____ Section 257.6, subsection 5, unnumbered
17 paragraph 1, Code Supplement 2001, is amended to read
18 as follows:
19 Weighted enrollment is the budget enrollment plus
20 the district's additional enrollment because of
21 special education calculated by ~~November~~ December 1 of
22 the base year plus additional pupils added due to the
23 application of the supplementary weighting."

- 24 2. Title page, line 2, by inserting after the
 25 word "education" the following: ", providing for
 26 related matters,".
 27 3. By renumbering as necessary.

ROBERT E. DVORSKY

S-5203

- 1 Amend House File 2248, as passed by the House, as
 2 follows:
 3 1. Page 1, line 1, by striking the words "BILL OF
 4 RIGHTS" and inserting the following: "CONSTITUTIONAL
 5 FREEDOMS".
 6 2. Page 1, line 4, by striking the words "Bill of
 7 Rights" and inserting the following: "Constitutional
 8 Freedoms".
 9 3. Title page, line 1, by striking the words
 10 "Bill of Rights" and inserting the following:
 11 "Constitutional Freedoms".

STEVEN D. HANSEN

S-5204

- 1 Amend House File 2248, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 10 the
 4 following:
 5 "Sec. ____ Section 256.18, Code 2001, is amended
 6 to read as follows:
 7 256.18 CHARACTER EDUCATION POLICY —~~PILOT~~
 8 ~~PROGRAM.~~
 9 1. It is the policy of the general assembly that
 10 Iowa's schools be the best and safest possible. To
 11 that end, each school is encouraged to instill the
 12 highest character and academic excellence in each
 13 student, in close cooperation with the student's
 14 parents, and with input from the community and
 15 educators.
 16 Schools should make every effort, formally and
 17 informally, to stress character qualities that will
 18 maintain a safe and orderly learning environment, and
 19 that will ultimately equip students to be model
 20 citizens. These qualities may include ~~but are not~~
 21 ~~limited to~~ honesty; responsibility; respect and care
 22 ~~for the person and property of others; self-~~
 23 ~~discipline; understanding of, respect for, and~~
 24 ~~obedience to law and citizenship; courage, initiative,~~
 25 ~~commitment, and perseverance; kindness, compassion,~~
 26 ~~service, and loyalty; fairness, moderation, and~~
 27 ~~patience; and the dignity and necessity of hard work~~

28 caring, civic virtue and citizenship, justice and
 29 fairness, respect, responsibility, trustworthiness,
 30 giving, and any other qualities deemed appropriate by
 31 a school.

32 2. The department of education shall assist
 33 schools in accessing financial and curricular
 34 resources to implement programs stressing these
 35 character qualities. Schools are encouraged to use
 36 their existing resources to implement programs
 37 stressing these qualities. Whenever possible, the
 38 department shall develop partnerships with schools,
 39 nonprofit organizations, or an institution of higher
 40 education, or with a consortium of two or more of
 41 those entities, to design and implement character
 42 education programs that may be integrated into
 43 classroom instruction and may be carried out with
 44 other educational reforms.

45 ~~2. The department of education shall establish a~~
 46 ~~character education pilot program to evaluate methods~~
 47 ~~for incorporating positive character qualities into~~
 48 ~~all levels of the existing educational program.~~
 49 ~~Schools involved in the pilot program may use phase~~
 50 ~~III funds in the establishment of the program.~~

Page 2

1 ~~3. The department of education shall report to the~~
 2 ~~state board and to the general assembly regarding the~~
 3 ~~success of any pilot programs prior to the completion~~
 4 ~~of the third year of a program.~~

5 Sec. __. NEW SECTION. 279.60 DISPLAY OF UNITED
 6 STATES FLAG IN CLASSROOMS.

7 In addition to the requirements of section 280.5,
 8 the board of directors of each school district shall
 9 cause an American-made United States flag in good
 10 condition to be displayed during school hours in each
 11 public school classroom in the district.

12 Sec. __. NEW SECTION. 280.6A OBSERVANCE —
 13 MOMENT OF SILENCE.

14 The board of directors of a school district may
 15 establish a daily observance of one minute of silence
 16 in each classroom. A teacher employed by a school
 17 district may also establish a daily observance of one
 18 minute of silence in the teacher's classroom. During
 19 any daily observance of the one-minute period of
 20 silence, each teacher responsible for a classroom
 21 shall ensure that students remain attentive so that
 22 each student may reflect or engage in any silent
 23 activity that does not interfere with other students
 24 in their exercise of their choice."

25 2. Title page, by striking line 1 and inserting
 26 the following: "An Act relating to patriotic and

27 educational activities in schools, government
28 meetings, and courtrooms."
29 3. By renumbering as necessary.

STEVEN D. HANSEN

S-5205

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 4, by inserting after 5, the following:
4 "____. The information and materials provided under
5 this chapter shall contain the most recent medically
6 accepted standards and scientifically accurate
7 information published by the American college of
8 obstetricians and gynecologists, the American medical
9 association, or the centers for disease control and
10 prevention of the United States department of health
11 and human services."
12 2. By renumbering as necessary.

JACK HOLVECK

S-5206

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Title page, by striking lines 1 and 2 and
4 inserting the following: "An Act relating to state
5 mandated information relating to an abortion,
6 providing criminal penalties, and providing an
7 effective date."

JACK HOLVECK

S-5207

1 Amend House File 2248, as passed by the House, as
2 follows:
3 1. Page 1, line 10, by inserting after the word
4 "date." the following: "The state of Iowa, through
5 its agencies, offices, and courts, shall provide a
6 copy of the Constitution of the United States,
7 including the Bill of Rights and other amendments to
8 the Constitution, upon request, to any local
9 government, as defined in section 405A.1."
10 2. By renumbering as necessary.

STEVEN D. HANSEN

S-5208

- 1 Amend House File 2339, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 19, by striking the word
- 4 "district" and inserting the following: "supreme".

JEFF ANGELO

S-5209

- 1 Amend House File 2264 as passed by the House, as
- 2 follows:
- 3 1. Page 5, by striking lines 3 through 14.
- 4 2. Page 5, line 16, by striking the word "COURT".
- 5 3. Page 5, line 17, by striking the word
- 6 "criminal".
- 7 4. Page 5, line 18, by striking the word "court".
- 8 5. Page 5, line 19, by striking the word "court".
- 9 6. Page 5, by striking lines 21 and 22 and
- 10 inserting the following: "confidential and shall be
- 11 sealed. Individuals shall be excluded from the
- 12 proceedings to".
- 13 7. Page 5, line 26, by striking the word
- 14 "defendant" and inserting the following:
- 15 "respondent".
- 16 8. Page 5, line 28, by striking the word "court".
- 17 9. By renumbering as necessary.

JACK HOLVECK

S-5210

- 1 Amend House File 2264, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 25, the
- 4 following:
- 5 "Sec. __. NEW SECTION. 146A.2A MANDATORY
- 6 INFORMATION — REPRODUCTIVE HEALTH SERVICES.
- 7 An individual seeking reproductive health services
- 8 in this state shall be provided with all of the
- 9 following information:
- 10 1. The policy or practice of the hospital,
- 11 ambulatory treatment center, or other person from whom
- 12 the individual is seeking reproductive health services
- 13 relating to any restrictions in the provision of
- 14 services regarding contraceptive services including
- 15 but not limited to emergency contraception, surgical
- 16 sterilization, infertility treatments, and abortions.
- 17 2. The policy or practice of the physician or
- 18 other licensed practitioner from whom the individual
- 19 is seeking reproductive health services relating to

20 any restrictions in the provision of services
21 regarding contraceptive services including but not
22 limited to emergency contraception, surgical
23 sterilization, infertility treatments, and abortions."
24 2. Title page, line 1, by inserting after the
25 words "relating to" the following: "reproductive
26 health including the provision of information
27 regarding the reproductive health services provided by
28 a specific person and including".
29 3. By renumbering as necessary.

JOE BOLKCOM

S-5211

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 5, line 30, by inserting after the word
4 "DATE" the following: "— CONTINGENCY".
5 2. Page 5, line 31, by inserting after the figure
6 "2002" the following: ", only if the general assembly
7 appropriates and the governor approves funding
8 specifically for the purpose of providing the written
9 information and acquiring the data required under this
10 Act".
11 3. Title page, line 2, by striking the word "an"
12 and inserting the following: "a contingent".

JOE BOLKCOM

S-5212

1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 1, line 18, by inserting after the word
4 "abortion" the following: "to avert the endangerment
5 of the pregnant woman's health or".
6 2. Page 4, line 34, by inserting after the word
7 "necessary" the following: "to avert the endangerment
8 of the woman's health or".

JOE BOLKCOM

S-5213

1 Amend House File 2264, as passed by the House, as
2 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 5, by striking lines 1 and 2 and

7 inserting the following: "abortion will create a
8 serious health risk."

JOE BOLKCOM

S-5214

1 Amend the House amendment, S-5139 to Senate File
2 2146, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 5 the
5 following:
6 "____. Page 2, line 8, by inserting after the word
7 "people." the following: ""Terrorism" does not mean
8 or include acts done in furtherance of any objective
9 that is legal under the laws of the United States or
10 of the state of Iowa. The terms "intimidate",
11 "coerce", "intimidation", and "coercion", as used in
12 this definition, are not to be construed to prohibit
13 picketing, public demonstrations, and similar forms of
14 expressing ideas or views regarding legitimate matters
15 of public interest protected by the United States and
16 Iowa constitutions.""

ROBERT E. DVORSKY
JOHN REDWINE
JACK HOLVECK
STEVE KING

S-5215

1 Amend House File 2559, as passed by the House, as
2 follows:
3 1. Page 3, by striking lines 9 through 12, and
4 inserting the following:
5 "8. Upon the request of the governor or a member
6 of the general assembly, the department shall disclose
7 child abuse information to the governor, the
8 governor's designee, or the member of the general
9 assembly relating to a specific case of child abuse
10 reported to the department. If more than one member
11 of the general assembly has received child abuse
12 information relating to a specific case of child abuse
13 as authorized under this chapter, those members may
14 discuss the information received. The discussion
15 shall not be considered to be a dissemination of
16 information otherwise prohibited under section 235A.17
17 and the discussion shall not be subject to chapter
18 21."

STEVE KING

S-5216

- 1 Amend House File 2264, as passed by the House, as
2 follows:
- 3 1. Page 2, lines 34 and 35, by striking the words
4 "unborn child" and inserting the following: "fetus".
 - 5 2. Page 3, lines 22 and 23, by striking the words
6 "unborn child" and inserting the following: "fetus".
 - 7 3. Page 3, line 27 by striking the words "unborn
8 child" and inserting the following: "fetus".
 - 9 4. Page 3, line 28, by striking the words "unborn
10 child" and inserting the following: "fetus".
 - 11 5. Page 3, line 30, by striking the words
12 "unborn child" and inserting the following: "fetus".
 - 13 6. Page 3, line 34 by striking the words "unborn
14 child" and inserting the following: "fetus".
 - 15 7. Page 4, lines 4 and 5, by striking the words
16 "unborn child" and inserting the following: "fetus".

MARK SHEARER

S-5217

- 1 Amend House File 2264, 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. 146A.1 INFORMED CONSENT
6 — MEDICAL PROCEDURES.
7 1. Written consent shall be obtained prior to the
8 performance of any medical or surgical procedure or
9 course of procedures related to patient care.
10 2. Written consent obtained in accordance with all
11 of the following creates a presumption that informed
12 consent has been obtained:
13 a. Information has been provided in general terms
14 describing the nature and purpose of the procedure or
15 procedures, together with the known risks, if any, of
16 death, brain damage, quadriplegia, paraplegia, the
17 loss or loss of function of any organ or limb, or
18 disfiguring scars associated with the procedure or
19 procedures, with the probability of each such risk, if
20 reasonably determinable.
21 b. The written consent acknowledges that the
22 information outlined in paragraph "a" has been
23 provided and that all questions asked by the patient
24 regarding the procedure or procedures have been
25 answered satisfactorily.
26 c. The written consent is signed by the patient
27 upon whom the procedure or procedures are to be
28 performed, or by the patient's legal representative."
29 2. Title page, lines 1 and 2, by striking the

30 following: "to an abortion and providing a criminal
31 penalty, and providing an effective date".

MARK SHEARER

S-5218

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 1, by striking line 3, and inserting the
4 following: "'Lesser Standard of Informed Consent for
5 Abortions Act'."
6 2. Title page, line 1, by striking the words
7 "informed consent to" and inserting the following:
8 "the lesser standard of informed consent for".

MARK SHEARER

S-5219

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 2, line 13, by striking the word "review"
4 and inserting the following: "be offered".
5 2. Page 2, line 15, by striking the word "review"
6 and inserting the following: "be offered".
7 3. Page 5, line 14, by striking the word "review"
8 and inserting the following: "be offered".

MARK SHEARER

S-5220

- 1 Amend House File 2365, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 17, the
4 following:
5 "Sec. ___. NEW SECTION. 331.606A DOCUMENT
6 CONTENT — PROHIBITION OF INCLUDING SOCIAL SECURITY
7 NUMBER.
8 The preparer of a document shall not include an
9 individual's federal social security number in a
10 document that is prepared for recording in the office
11 of county recorder. This section does not apply to a
12 preparer of a state or federal tax lien or a military
13 separation or discharge record that is prepared for
14 recording in the office of county recorder. If a
15 military separation or discharge record is recorded in
16 the office of the county recorder, the military
17 separation or discharge record shall not be accessible
18 through the internet.
19 Sec. ___. Section 331.602, subsection 4, Code

20 Supplement 2001, is amended by striking the
21 subsection."
22 2. By renumbering as necessary.

E. THURMAN GASKILL

S-5221

1 Amend the Senate amendment, S-5162, to House File
2 2516, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 2, the
5 following:

6 "___ Page 1, by inserting before line 1 the
7 following:

8 "Section 1. Section 256.11, unnumbered paragraph
9 1, Code Supplement 2001, is amended to read as
10 follows:

11 The state board shall adopt rules under chapter 17A
12 and a procedure for accrediting all public and
13 nonpublic schools in Iowa offering instruction at any
14 or all levels from the prekindergarten level through
15 grade twelve. ~~The rules of the state board shall~~
16 ~~require that a multicultural, gender fair approach is~~
17 ~~used by schools and school districts. The educational~~
18 ~~program shall be taught from a multicultural, gender~~
19 ~~fair approach. Global perspectives shall be~~
20 ~~incorporated into all levels of the educational~~
21 ~~program.~~

22 Sec. 2. Section 256A.4, subsection 1, unnumbered
23 paragraph 2, Code Supplement 2001, is amended to read
24 as follows:

25 A family support program ~~shall meet multicultural~~
26 ~~gender fair guidelines. The program shall encourage~~
27 parents to be aware of practices that may affect
28 equitable development of children. The program shall
29 include parents in the planning, implementation, and
30 evaluation of the program. A program shall be
31 designed to meet the needs of the residents of the
32 participating district and may use unique approaches
33 to provide for those needs. The goals of a family
34 support program shall include, but are not limited to,
35 the following:

36 Sec. 3. Section 262.81, Code 2001, is amended to
37 read as follows:

38 262.81 LEGISLATIVE INTENT.

39 The general assembly recognizes that educational
40 programs designed to enhance the interrelation and
41 cooperation among cultural, racial, and ethnic groups
42 in society require the contribution and active
43 participation of all ethnic and racial groups. The
44 general assembly also recognizes that failure to

45 include minority representation at the faculty level
 46 at the state universities contributes to cultural,
 47 racial, and ethnic isolation of minority students and
 48 does not reflect the realities of a multicultural and
 49 diverse Iowa society. Therefore, the "Regents'
 50 Minority and Women Educators Enhancement" program is

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1 established to assist in the recruitment and retention
 2 of faculty that more adequately represents the diverse
 3 cultural, racial, and ethnic makeup of ~~society~~ Iowa
 4 and to improve the education of all students.""
 5 2. Page 1, by striking lines 10 and 11 and
 6 inserting the following:
 7 "___ Title page, by striking lines 1 through 4,
 8 and inserting the following: "An Act relating to the
 9 educational program approaches and the daily
 10 operations of school classrooms."
 11 3. By renumbering as necessary.

STEVE KING
 JERRY BEHN
 KITTY REHBERG

S-5222

1 Amend House File 2516, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking line 5 and inserting the
 4 following: "made United States or state of Iowa flag,
 5 or a flag honoring prisoners of war, in good
 6 condition, to be displayed".
 7 2. Title page, by striking line 1 and inserting
 8 the following: "An Act relating to the display of a
 9 United States or state of Iowa flag, or a flag
 10 honoring prisoners of war, in each".
 11 3. By renumbering as necessary.

THOMAS FIEGEN

S-5223

1 Amend the amendment, S-5167, to House File 2554, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 47 and 48.
 5 2. By renumbering as necessary.

MARY A. LUNDBY

S-5224

- 1 Amend House File 2516, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, by striking line 5 and inserting the
4 following: "made United States and state of Iowa
5 flag, and a flag honoring prisoners of war, in good
6 condition, to be displayed".
 - 7 2. Title page, by striking line 1 and inserting
8 the following: "An Act relating to the display of a
9 United States and state of Iowa flag, and a flag
10 honoring prisoners of war, in each".
 - 11 3. By renumbering as necessary.

THOMAS FIEGEN

S-5225

- 1 Amend House File 2532, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 24, by inserting after line 33 the
4 following:
5 "Sec. ___. IOWA PUBLIC EMPLOYEES' RETIREMENT
6 SYSTEM — TEMPORARY LAYOFFS — AVERAGE COVERED WAGE
7 RECALCULATION.
8 1. Notwithstanding any provision of chapter 97B to
9 the contrary, a member of the Iowa public employees'
10 retirement system who has an employer-mandated
11 reduction in hours but remains on the employer's
12 payroll, and who would receive a reduction in the
13 member's three-year average covered wage as a result
14 of the reduction in hours, may have the member's
15 retirement allowance calculated based on the three-
16 year average covered wage the member would have
17 received, based on reasonable assumptions, if the
18 member had not been subject to the employer-mandated
19 reduction in hours, upon payment by the member of the
20 applicable contribution amount. For purposes of this
21 section, the applicable contribution amount is an
22 amount equal to the employee and employer
23 contributions that would have been paid to the system
24 based on the wages that the member would have received
25 but for the employer-mandated reduction in hours and
26 would have been included in the member's three-year
27 average covered wage.
 - 28 2. The payment of the applicable contribution
29 amount under this section shall be treated as pick-up
30 contributions in addition to amounts picked up under
31 section 97B.11A. The member must notify the Iowa
32 public employees' retirement system and the member's
33 employer prior to the member terminating employment
34 covered under the system so that the appropriate

35 calculations can be made and the applicable
 36 contribution amount for the member can be deducted
 37 from the member's wages. The Iowa public employees'
 38 retirement system shall have no liability for a
 39 member's failure to notify the system and the member's
 40 employer in time to make such calculations and deduct
 41 the applicable contribution amount from the member's
 42 remaining wage payments.

43 3. This section shall apply to employer-mandated
 44 reductions in hours during the period of time
 45 beginning on or after January 1, 2002, and ending no
 46 later than June 30, 2003. The system is authorized to
 47 adopt such rules, including emergency rules, as it
 48 deems necessary or prudent to implement this section."
 49 2. By renumbering as necessary.

JOHN P. KIBBIE
 SHELDON RITTMER
 RICHARD F. DRAKE

S-5226

HOUSE AMENDMENT TO SENATE FILE 2278

1 Amend Senate File 2278, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 5, by inserting after the word
 4 "corrections," the following: "the Iowa county
 5 attorneys association,"
 6 2. Page 1, line 14, by inserting after the word
 7 "counts," the following: "options for detention of
 8 prisoners with mental illness or substance abuse
 9 service needs,"
 10 3. Page 1, by striking lines 27 through 34.
 11 4. Title page, by striking lines 3 and 4 and
 12 inserting the following: "and providing an effective
 13 date."

S-5227

1 Amend House File 2264, as passed by the House, as
 2 follows:
 3 1. Page 2, line 8, by striking the word
 4 "putative".
 5 2. Page 2, line 11, by striking the word
 6 "putative".

JOHNIE HAMMOND

S-5228

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 2, line 12, by inserting after the word
4 "abortion" the following: ", and information
5 regarding the costs associated with raising a child to
6 the age of majority if the putative father does not
7 provide financial support for the child".

JOHNIE HAMMOND

S-5229

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 1, by striking line 3 and inserting the
4 following: "'Physicians' Criminalization Act'.
5 2. Title page, line 1, by striking the words
6 "informed consent to" and inserting the following:
7 "physician criminalization for".

JOHNIE HAMMOND

S-5230

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 12 the
4 following:
5 "___ Information concerning accepted medical
6 procedures for postcoital emergency contraception and
7 medications approved by the United States food and
8 drug administration for use as postcoital emergency
9 contraception."
10 2. By renumbering as necessary.

JOHNIE HAMMOND

S-5231

- 1 Amend House File 2264, as passed by the House, as
2 follows:
3 1. Page 1, by striking line 3 and inserting the
4 following: "'Harassment of Abortion Providers' Act".
5 2. Title page, line 1, by striking the words
6 "informed consent to an abortion" and inserting the
7 following: "harassment of abortion providers".

JOHNIE HAMMOND

S-5232

1 Amend the amendment, S-5214, to the House
 2 amendment, S-5139, to Senate File 2146, as amended,
 3 passed, and reprinted by the Senate, as follows:
 4 1. Page 1, lines 7 through 10, by striking the
 5 words ""Terrorism" does not mean or include acts done
 6 in furtherance of any objective that is legal under
 7 the laws of the United States or of the state of
 8 Iowa."

GENE MADDOX

S-5233

HOUSE AMENDEMENT TO
 SENATE FILE 2203

1 Amend Senate File 2203, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 3, by inserting after the figure
 4 "5." the following: "a."
 5 2. Page 1, by striking lines 12 through 19 and
 6 inserting the following: "federal grant for pilot and
 7 demonstration projects.
 8 b. For the purposes of this chapter, "public
 9 agency" also includes any homeland security or defense
 10 facility established by the administrator of the
 11 emergency management division of the department of
 12 public defense or the governor or any facility
 13 connected with a security or defense system as
 14 required by the administrator of the emergency
 15 management division of the department of public
 16 defense or the governor. A facility that is
 17 considered a public agency pursuant to this paragraph
 18 shall be authorized to access the Iowa communications
 19 network strictly for homeland security communication
 20 purposes. Any utilization of the network that is not
 21 related to communications concerning homeland security
 22 is expressly prohibited."

S-5234

HOUSE AMENDMENT TO
 SENATE FILE 2197

1 Amend Senate File 2197, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 7, by inserting after the words
 4 "Inform the person" the following: ", if the person's
 5 residency is restricted under section 692A.2A,".
 6 2. Page 1, by inserting after line 12 the

- 7 following:
- 8 "1. For purposes of this section, "person" means a
9 person who has committed a criminal offense against a
10 minor, or an aggravated offense, sexually violent
11 offense, or other relevant offense that involved a
12 minor."
- 13 3. Page 1, by striking line 13 and inserting the
14 following:
15 "2. A person shall".
- 16 4. Page 1, by striking line 17 and inserting the
17 following:
18 "3. A person who".
- 19 5. Page 1, by striking lines 22 through 26 and
20 inserting the following:
21 "4. A person residing within two thousand feet of
22 the real property comprising a public or nonpublic
23 elementary or secondary school or a child care
24 facility does not commit a violation of this section
25 if any of the following apply:
26 a. The person is required to serve a sentence at a
27 jail, prison, juvenile facility, or other correctional
28 institution or facility.
29 b. The person is subject to an order of commitment
30 under chapter 229A.
31 c. The person has established a residence prior to
32 the effective date of this Act or a school or child
33 care facility is newly located on or after the
34 effective date of this Act.
35 d. The person is a minor or a ward under a
36 guardianship."

S-5235

- 1 Amend House File 2365, as passed by the House, as
2 follows:
- 3 1. Page 1, by inserting after line 17, the
4 following:
5 "Sec. ___. Section 321G.29, Code 2001, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 10. If the county recorder is not
8 satisfied as to the ownership of the snowmobile or
9 all-terrain vehicle or that there are no undisclosed
10 security interests in the snowmobile or all-terrain
11 vehicle, the county recorder may issue a certificate
12 of title for the snowmobile or all-terrain vehicle,
13 but, as a condition of such issuance, may require the
14 applicant to file with the department a bond in the
15 form prescribed by the department and executed by the
16 applicant, and also executed by a person authorized to
17 conduct a surety business in this state. The form and
18 amount of the bond shall be established by rule of the
19 department. The bond shall be conditioned to

20 indemnify any prior owner and secured party and any
21 subsequent purchaser of the snowmobile or all-terrain
22 vehicle or person acquiring any security interest in
23 the snowmobile or all-terrain vehicle, and their
24 respective successors in interest, against any
25 expense, loss, or damage, including reasonable
26 attorney fees, by reason of the issuance of the
27 certificate of title of the snowmobile or all-terrain
28 vehicle or on account of any defect in or undisclosed
29 security interest upon the right, title, and interest
30 of the applicant in and to the snowmobile or all-
31 terrain vehicle. Any such interested person has a
32 right of action to recover on the bond for any breach
33 of its conditions, but the aggregate liability of the
34 surety to all persons shall not exceed the amount of
35 the bond. The bond shall be returned at the end of
36 three years or prior thereto if the snowmobile or all-
37 terrain vehicle is no longer registered in this state
38 and the certificate of title is surrendered to the
39 department, unless the department has been notified of
40 the pendency of an action to recover on the bond."

41 2. Page 1, by inserting after line 34, the
42 following:

43 "Sec. ____ Section 462A.5, subsection 1,
44 unnumbered paragraph 2, Code Supplement 2001, is
45 amended to read as follows:

46 The owner of the vessel shall file an application
47 for registration with the appropriate county recorder
48 on forms provided by the commission. The application
49 shall be completed and signed by the owner of the
50 vessel and shall be accompanied by the appropriate

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1 fee, and the writing fee specified in section 462A.53.
2 Upon applying for registration, the owner shall
3 display a bill of sale, receipt, or other satisfactory
4 proof of ownership as provided by the rules of the
5 commission to the county recorder. If the county
6 recorder is not satisfied as to the ownership of the
7 vessel or that there are no undisclosed security
8 interests in the vessel, the county recorder may
9 register the vessel but shall, as a condition of
10 issuing a registration certificate, require the
11 applicant to follow the procedure provided in section
12 462A.5A. Upon receipt of the application in approved
13 form accompanied by the required fees, the county
14 recorder shall enter it upon the records of the
15 recorder's office and shall issue to the applicant a
16 pocket-size registration certificate. The certificate
17 shall be executed in triplicate, one copy to be
18 delivered to the owner, one copy to the commission,

19 and one copy to be retained on file by the county
 20 recorder. The registration certificate shall bear the
 21 number awarded to the vessel, the passenger capacity
 22 of the vessel, and the name and address of the owner.
 23 In the use of all vessels except nonpowered sailboats,
 24 nonpowered canoes, and commercial vessels, the
 25 registration certificate shall be carried either in
 26 the vessel or on the person of the operator of the
 27 vessel when in use. In the use of nonpowered
 28 sailboats, nonpowered canoes, or commercial vessels,
 29 the registration certificate may be kept on shore in
 30 accordance with rules adopted by the commission. The
 31 operator shall exhibit the certificate to a peace
 32 officer upon request or, when involved in a collision
 33 or accident of any nature with another vessel or other
 34 personal property, to the owner or operator of the
 35 other vessel or personal property.
 36 Sec. __. NEW SECTION. 462A.5A FILING BOND AS
 37 ASSURANCE OF OWNERSHIP.
 38 An applicant for registration of a vessel for which
 39 the county recorder is not satisfied as to the
 40 ownership of the vessel as provided in section 462A.5,
 41 subsection 1, shall file with the department a bond in
 42 the form prescribed by the department and executed by
 43 the applicant, and also executed by a person
 44 authorized to conduct a surety business in this state.
 45 The form and amount of the bond shall be established
 46 by rule of the department. The bond shall be
 47 conditioned to indemnify any prior owner and secured
 48 party and any subsequent purchaser of the vessel or
 49 person acquiring any security interest in the vessel,
 50 and their respective successors in interest, against

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1 any expense, loss, or damage, including reasonable
 2 attorney fees, by reason of the issuance of the
 3 registration certificate of the vessel or on account
 4 of any defect in or undisclosed security interest upon
 5 the right, title, and interest of the applicant in and
 6 to the vessel. Any such interested person has a right
 7 of action to recover on the bond for any breach of its
 8 conditions, but the aggregate liability of the surety
 9 to all persons shall not exceed the amount of the
 10 bond. The bond shall be returned at the end of three
 11 years or prior thereto if the vessel is no longer
 12 registered in this state and the registration
 13 certificate is surrendered to the department, unless
 14 the department has been notified of the pendency of an
 15 action to recover on the bond."
 16 3. Title page, line 1, by inserting after the
 17 word "to" the following: "county recorders,

18 including".

19 4. Title page, line 2, by inserting after the
20 word "recorder" the following: "and a method for
21 issuing certificates of title for snowmobiles and all-
22 terrain vehicles, and registration certificates for
23 certain watercraft, for which ownership has not been
24 conclusively established".

25 5. By renumbering as necessary.

E. THURMAN GASKILL

S-5236

1 Amend the amendment, S-5156, to House File 2247, as
2 passed by the House, as follows:

3 1. Page 1, by striking lines 3 through 6, and
4 inserting the following:

5 "____. By striking page 2, line 14 through page 3,
6 line 2, and inserting the following:

7 "Sec. ____ Section 135C.25, subsection 2, Code
8 2001, is amended to read as follows:"

9 ____ Page 3, by striking lines 7 through 12.

10 ____ By striking page 6, line 31, through page 8,
11 line 14, and inserting the following:"

12 2. Page 1, by striking lines 8 and 9, and
13 inserting the following: "REPORT. The governor's
14 developmental disabilities council in consultation
15 with the substitute decision-makers task force shall
16 submit a report to the general".

17 3. By renumbering as necessary.

JACK HOLVECK
NANCY BOETTGER

S-5237

HOUSE AMENDMENT TO SENATE FILE 2301

1 Amend Senate File 2301, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 13B.4, subsection 1, Code
6 2001, is amended to read as follows:

7 1. The state public defender shall coordinate the
8 provision of legal representation of all indigents
9 under arrest or charged with a crime, seeking
10 postconviction relief, against whom a contempt action
11 is pending, in proceedings under chapter 229A, on
12 appeal in criminal cases, on appeal in proceedings to
13 obtain postconviction relief when ordered to do so by

14 the district court in which the judgment or order was
 15 issued, and on a reopening of a sentence proceeding,
 16 and may provide for the representation of indigents in
 17 proceedings instituted pursuant to ~~chapter 908 section~~
 18 908.11. The state public defender shall not engage in
 19 the private practice of law."

20 2. Page 1, lines 15 and 16, by striking the words
 21 "in violation of section 814.11 or 815.10" and
 22 inserting the following: "without complying with
 23 section 814.11, subsection 6, or section 815.10,
 24 subsection 5".

25 3. Page 2, line 5, by striking the words "The
 26 party appearing by telephone" and inserting the
 27 following: "If the state public defender participates
 28 by telephone, the state public defender".

29 4. Page 9, line 9, by striking the figure
 30 "908.1".

31 5. Page 9, line 10, by striking the words and
 32 figure "and 908.11, or the rules of criminal
 33 procedure" and inserting the following: "~~or the rules~~
 34 ~~of criminal procedure or 908.11~~".

35 6. Page 9, by inserting after line 22 the
 36 following:

37 "Sec. ____ . Section 908.2, unnumbered paragraph 1,
 38 Code 2001, is amended to read as follows:

39 An officer making an arrest of an alleged parole
 40 violator shall take the arrested person before a
 41 magistrate without unnecessary delay for an initial
 42 appearance. At that time the alleged parole violator
 43 shall be furnished with a written notice of the
 44 claimed violation, ~~shall be advised of the right to~~
 45 ~~appointed counsel under rule 26 of the rules of~~
 46 ~~criminal procedure~~, and shall be given notice that a
 47 parole revocation hearing will take place and that its
 48 purpose is to determine whether the alleged parole
 49 violation occurred and whether the alleged violator's
 50 parole should be revoked.

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1 Sec. ____ . Section 908.4, Code 2001, is amended to
 2 read as follows:

3 908.4 PAROLE REVOCATION HEARING.

4 1. The parole revocation hearing shall be
 5 conducted by an administrative parole and probation
 6 judge who is an attorney. The revocation hearing
 7 shall determine the following:

8 ~~1. a.~~ Whether the alleged parole violation
 9 occurred.

10 ~~2. b.~~ Whether the violator's parole should be
 11 revoked.

12 2. The administrative parole and probation judge

13 shall make a verbatim record of the proceedings. The
14 alleged violator shall not have the right to appointed
15 counsel, shall be informed of the evidence against the
16 violator, shall be given an opportunity to be heard,
17 shall have the right to present witnesses and other
18 evidence, and shall have the right to cross-examine
19 adverse witnesses, except if the judge finds that a
20 witness would be subjected to risk or harm if the
21 witness's identity were disclosed. The revocation
22 hearing may be conducted electronically."
23 7. By renumbering as necessary.

S-5238

1 Amend House File 2515, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 10, line 18, by striking the letter "a:"
4 and inserting the following: "a."
5 2. Page 10, line 26, by inserting after the word
6 "program." the following: "However, a school district
7 shall operate or provide for the operation of a school
8 breakfast program at any attendance center in the
9 district, or provide access to a school breakfast
10 program at an alternative site, if twenty-six percent
11 or more of the students in attendance at the
12 attendance center are eligible for free or reduced
13 price meals under the federal National School Lunch
14 Act and the federal Child Nutrition Act of 1966. 42
15 U.S.C. § 1751-1785."
16 3. By striking page 10, line 35 through page 11,
17 line 1.
18 4. By renumbering as necessary.

ROBERT E. DVORSKY

S-5239

1 Amend House File 2075, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 21 the
4 following:
5 "c. Notwithstanding paragraph "a", any moneys in
6 excess of the maximum balance in the economic
7 emergency fund after the distribution of the surplus
8 in the general fund of the state at the conclusion of
9 each fiscal year and after the appropriate amount has
10 been transferred pursuant to paragraph "b", shall not
11 be transferred to the general fund of the state but
12 shall be transferred to the senior living trust fund.
13 The total amount transferred, in the aggregate, under
14 this paragraph for all fiscal years shall not exceed
15 thirty-five million five hundred thousand dollars.

16 d. Notwithstanding paragraph "a", any moneys in
 17 excess of the maximum balance in the economic
 18 emergency fund after the distribution of the surplus
 19 in the general fund of the state at the conclusion of
 20 each fiscal year and after the appropriate amount have
 21 been transferred pursuant to paragraphs "b" and "c"
 22 shall not be transferred to the general fund of the
 23 state but shall be transferred to the endowment for
 24 Iowa's health account of the tobacco settlement trust
 25 fund. The total amount transferred, in the aggregate,
 26 under this paragraph for all fiscal years shall not
 27 exceed the difference between fifty-one million five
 28 hundred thousand dollars and the amounts transferred
 29 to the endowment for Iowa's health account to repay
 30 the amounts transferred or appropriated from the
 31 endowment for Iowa's health account in 2002 Iowa Acts,
 32 House File 2245, 2002 Iowa Acts, Senate File 2304, and
 33 2002 Iowa Acts, Senate File 2315."

34 2. Title page, by striking lines 3 and 4 and
 35 inserting the following: "trust fund and from the
 36 senior living trust fund."

NEAL SCHUERER
 TOM FLYNN

S-5240

1 Amend House File 2532, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 21, by inserting after line 3, the
 4 following:
 5 "Sec. ____ Section 97B.80A, subsections 1 and 3,
 6 Code 2001, are amended to read as follows:
 7 1. A vested or retired member who has five or more
 8 full calendar years of covered wages and who at any
 9 time was employed ~~by a covered employer under this~~
 10 ~~chapter but at the time of the employment was not~~
 11 ~~covered by this chapter and did not opt out of~~
 12 ~~coverage under this chapter in eligible public~~
 13 employment, upon submitting verification of the
 14 eligible public employment and the dates of the
 15 eligible public employment, may make contributions to
 16 the system for up to the lesser of twenty quarters of
 17 service credit for such eligible public employment or
 18 the entire period of the eligible public employment,
 19 in increments of one or more calendar quarters, and
 20 receive credit for membership service and prior
 21 service for the period of time for which the
 22 contributions are made.
 23 3. The verification of the eligible public
 24 employment and the dates of such eligible public
 25 employment shall be made by the department prior to

26 receiving contributions from the member.
 27 Sec. ____ Section 97B.80A, Code 2001, is amended
 28 by adding the following new subsection:
 29 NEW SUBSECTION. 7. For purposes of this section,
 30 "eligible public employment" means employment of a
 31 person who at the time of the employment was not
 32 covered by this chapter and the employment meets any
 33 of the following conditions:
 34 a. Employment by a covered employer under this
 35 chapter of a person who did not opt out of coverage
 36 under this chapter.
 37 b. Employment of a person as an adjunct instructor
 38 as defined in section 97B.1A, subsection 8."
 39 2. Page 32, by inserting after line 34 the
 40 following:
 41 "Sec. ____ Section 602.9107, subsection 1,
 42 paragraph a, Code 2001, is amended to read as follows:
 43 a. The annual annuity of a judge under this system
 44 is an amount equal to three percent of the judge's
 45 average annual basic salary for the judge's ~~last~~
 46 highest three years as a judge of one or more of the
 47 courts included in this article, multiplied by the
 48 judge's years of service as a judge of one or more of
 49 the courts for which contributions were made to the
 50 system. However, an annual annuity shall not exceed

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1 an amount equal to a specified percentage of the
 2 highest basic annual salary which the judge is
 3 receiving ~~at or had received as of~~ the time the judge
 4 ~~becomes became~~ separated from service. Forfeitures
 5 shall not be used to increase the annuities a judge or
 6 survivor would otherwise receive under the system."
 7 3. Page 34, by inserting after line 16 the
 8 following:
 9 "Sec. ____ Section 602.9204, subsection 2,
 10 paragraph b, Code 2001, is amended to read as follows:
 11 b. "Basic senior judge salary" means the highest
 12 basic annual salary which the judge is receiving ~~at or~~
 13 ~~had received as of~~ the time the judge ~~becomes became~~
 14 separated from full-time service, as would be used in
 15 computing an annuity pursuant to section 602.9107
 16 without service as a senior judge, plus seventy-five
 17 percent of the escalator."
 18 4. By renumbering as necessary.

JOHN P. KIBBIE
 RICHARD F. DRAKE
 SHELDON RITTMER

S-5241

1 Amend House File 2532, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 24, by inserting after line 33 the
 4 following:
 5 "Sec. ___. NEW SECTION. 97C.21 VOLUNTARY
 6 COVERAGE OF ELECTED OFFICIALS.
 7 Notwithstanding any provision of this chapter to
 8 the contrary, an elected official otherwise excluded
 9 from the definition of employee as provided in section
 10 97C.2, may, but is not required to, choose to be
 11 provided benefits as an employee as provided by this
 12 chapter. This choice shall be reflected in the
 13 federal-state agreement described in section 97C.3.
 14 An employer who is providing benefits to an elected
 15 official otherwise excluded from the definition of
 16 employee prior to July 1, 2002, shall not be deemed to
 17 be in an erroneous reporting situation, and
 18 corrections for prior federal social security
 19 withholdings shall not be required. The
 20 implementation of this section shall be subject to the
 21 approval of the federal social security
 22 administration."
 23 2. By renumbering as necessary.

SHELDON RITTMER
 RICHARD F. DRAKE
 JOHN P. KIBBIE

S-5242

HOUSE AMENDMENT TO
 SENATE FILE 2152

1 Amend Senate File 2152, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 6 and 7 and
 4 inserting the following: "award high school diplomas
 5 to ~~World War II~~ veterans, as defined in section 35.1,
 6 subsection 2, who".
 7 2. Page 1, by striking lines 16 through 20 and
 8 inserting the following: "~~served between September~~
 9 ~~16, 1940, and December 31, 1946, in the armed forces~~
 10 of the United States and who did not return to school
 11 and complete".
 12 3. Page 1, line 21, by striking the words "the
 13 war or conflict" and inserting the following: "~~the~~
 14 war their period of military service".
 15 4. Title page, by striking lines 3 and 4 and
 16 inserting the following: "include other veterans."

S-5243

- 1 Amend the amendment, S-5041, to House File 2116, 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 "____. By striking page 2, line 8 through page 3,
 7 line 3."
 - 8 2. Page 1, by inserting after line 5, the
 9 following:
 10 "____. Page 4, by striking lines 19 through 21.
 11 _____. Title page, line 3, by striking the words
 12 "relating to reciprocal income tax".
 - 13 3. Page 1, lines 7 and 8, by striking the words
 14 "agreements with other states,".
 - 15 4. By renumbering as necessary.

PATRICIA HARPER
 JOHNIE HAMMOND

S-5244

- 1 Amend House File 2193, as passed by the House, as
 2 follows:
- 3 1. By striking page 1, line 1, through page 12,
 4 line 7.
 - 5 2. Title page, lines 2 and 3, by striking the
 6 words ", elimination of the Iowa railway finance
 7 authority,".
 - 8 3. By renumbering, redesignating, and correcting
 9 internal references as necessary.

RICHARD F. DRAKE
 JOHN P. KIBBIE

S-5245

- 1 Amend Senate File 2265 as follows:
- 2 1. Page 1, line 5, by striking the word "which"
 3 and inserting the following: "~~which~~ that".
 - 4 2. Page 1, line 9, by striking the word "sixteen"
 5 and inserting the following: "fourteen".
 - 6 3. Page 1, line 13, by striking the word "and"
 7 and inserting the following: "or".
 - 8 4. Page 1, line 20 by striking the word "eight"
 9 and inserting the following: "six".
 - 10 5. Page 1, by striking lines 26 through 31 and
 11 inserting the following: "accordance with the
 12 manufacturer's instructions."
 - 13 6. Page 1, line 32, by striking the word "eight"
 14 and inserting the following: "six".
 - 15 7. Page 1, line 33, by striking the word

16 "sixteen" and inserting the following: "fourteen".

17 8. Page 1, line 35, by striking the word "either"
18 and inserting the following: "~~either~~".

19 9. Page 2, line 9, by striking the word
20 "subsections" and inserting the following:
21 "subsection".

22 10. Page 2, by striking lines 10 through 15.

23 11. Page 2, line 16, by striking the figure "8."
24 and inserting the following: "7."

25 12. Title page, by striking lines 1 and 2, and
26 inserting the following: "An Act relating to
27 requirements for securing children transported in
28 certain motor vehicles and making a penalty
29 applicable."

MAGGIE TINSMAN

S-5246

1 Amend House File 678, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 598.7A, subsection 4,
6 paragraph e, Code Supplement 2001, is amended to read
7 as follows:

8 e. The costs of mediation or a settlement
9 conference shall be borne by the parties, as agreed to
10 by the parties, or as ordered by the court, and may be
11 taxed as court costs. Mediation shall be provided on
12 a sliding fee scale for parties who are determined to
13 be indigent pursuant to section 815.9."

14 2. Page 1, by striking lines 10 through 16, and
15 inserting the following: "court shall require the
16 parties to participate in mediation or a settlement
17 conference in any dissolution of marriage action or
18 other domestic relations action which involves custody
19 of a child, unless the parties have agreed upon
20 custody and visitation prior to a court hearing or
21 trial. The participation in mediation or a settlement
22 conference under this subsection shall include
23 receiving assistance in the completion of a parenting
24 agreement between the parties that specifies the
25 details of visitation."

26 3. Page 1, line 25, by inserting after the word
27 "mediation" the following: "or a settlement
28 conference".

29 4. Page 1, line 27, by inserting after the word
30 "mediation" the following: "or a settlement
31 conference".

32 5. Page 1, line 31, by inserting after the word
33 "mediation" the following: "or settlement conference".

- 34 6. Page 2, line 9, by inserting after the word
 35 "mediation" the following: "or a settlement
 36 conference".
- 37 7. Page 2, line 10, by inserting after the word
 38 "mediation" the following: "or a settlement
 39 conference".
- 40 8. Page 2, by inserting after line 30, the
 41 following:
 42 "Sec. ____ EFFECTIVE DATE. The section of this
 43 Act enacting section 598.7A, subsection 6, takes
 44 effect July 1, 2003."
- 45 9. Title page, line 2, by inserting after the
 46 word "of" the following: "a settlement conference
 47 or".
- 48 10. Title page, line 3, by inserting after the
 49 word "disputed" the following: ", and providing an
 50 effective date".

MAGGIE TINSMAN

S-5247

HOUSE AMENDMENT TO
 SENATE FILE 144

- 1 Amend Senate File 144, as passed by the Senate, as
 2 follows:
- 3 1. Page 1, lines 5 and 6, by striking the words
 4 "agency having charge of awarding such contracts" and
 5 inserting the following: "state department of
 6 transportation".
- 7 2. Page 1, line 14, by inserting after the word
 8 "erosion" the following: "including filling or
 9 covering the area with compost,".
- 10 3. By renumbering, relettering, or redesignating
 11 and correcting internal references as necessary.

S-5248

HOUSE AMENDMENT TO
 SENATE FILE 415

- 1 Amend Senate File 415, as passed by the Senate, as
 2 follows:
- 3 1. Page 1, by striking lines 8 and 9 and
 4 inserting the following: "indictable misdemeanors,
 5 ~~and class "D" felony violations of section 321J.2, and~~
 6 other felony arraignments, jurisdiction to enter a".

S-5249

- 1 Amend the House amendment, S-5234, to Senate File
2 2197, as passed by the Senate, as follows:
3 1. Page 1, by striking lines 31 through 34.
4 2. Page 1, by inserting after line 36 the
5 following:
6 "Sec. ___. SEVERABILITY. If any provision of this
7 Act or any application of this Act to any person or
8 circumstances is held invalid or unconstitutional,
9 such judgment shall not affect other provisions or
10 applications of this Act which can be given effect
11 without the invalid or unconstitutional provision or
12 application, and to this end the provisions of this
13 Act are declared to be severable."
14 3. By renumbering as necessary.

JERRY BEHN

S-5250

- 1 Amend Senate File 2319 as follows:
2 1. Page 2, line 30, by striking the word and
3 figure "and section 432.2,".

KITTY REHBERG

S-5251

- 1 Amend Senate File 2316 as follows:
2 1. Page 2, by inserting after line 8 the
3 following:
4 "3. By December 15 annually, the state board of
5 regents shall submit a report of the activities and
6 costs of the sale of any property in accordance with
7 subsection 1, including but not limited to the use of
8 any proceeds from the sale of the property and the
9 environmental cleanup costs for any proposed sale in
10 accordance with this section, to the general assembly
11 in accordance with section 7A.11A, and to the
12 legislative fiscal bureau, until such time as the sale
13 of the property is complete and the proceeds have been
14 expended by the university, at which time the state
15 board of regents shall submit a final report on the
16 sale of the property and use of the proceeds to the
17 general assembly in accordance with section 7A.11A and
18 to the legislative fiscal bureau."

THOMAS FIEGEN
JEFF LAMBERTI

S-5252

1 Amend House File 2515, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting after line 18 the
4 following:
5 "Sec. ____ Section 403.19, subsections 2 and 7,
6 Code Supplement 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,
21 taxes for the instructional support levy of a school
22 district imposed pursuant to section 257.21, and taxes
23 for the payment of bonds and interest of each taxing
24 district must be collected against all taxable
25 property within the taxing district without limitation
26 by the provisions of this subsection. However, all or
27 a portion of the taxes for the physical plant and
28 equipment levy and for the instructional support levy
29 shall be paid by the school district to the
30 municipality ~~if the auditor certifies to the school~~
31 ~~district by July 1 the amount of such levy that is~~
32 ~~necessary to pay the principal and interest on bonds~~
33 ~~issued by the municipality to finance an urban renewal~~
34 ~~project, which bonds were issued before July 1, 2001.~~
35 ~~Indebtedness incurred to refund bonds issued prior to~~
36 ~~July 1, 2001, shall not be included in the~~
37 ~~certification. Such school district shall pay over~~
38 ~~the amount certified by November 1 and May 1 of the~~
39 ~~fiscal year following certification to the school~~
40 ~~district as provided in subsection 7.~~ Unless and
41 until the total assessed valuation of the taxable
42 property in an urban renewal area exceeds the total
43 assessed value of the taxable property in such area as
44 shown by the last equalized assessment roll referred
45 to in subsection 1, all of the taxes levied and
46 collected upon the taxable property in the urban
47 renewal area shall be paid into the funds for the
48 respective taxing districts as taxes by or for the
49 taxing districts in the same manner as all other
50 property taxes. When such loans, advances,

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1 indebtedness, and bonds, if any, and interest thereon,
2 have been paid, all moneys thereafter received from
3 taxes upon the taxable property in such urban renewal
4 area shall be paid into the funds for the respective
5 taxing districts in the same manner as taxes on all
6 other property.

7 7. a. All or a portion of the taxes for the
8 physical plant and equipment levy shall be paid by the
9 school district to the municipality if the auditor
10 certifies to the school district by July 1 the amount
11 of such levy that is necessary to pay the principal
12 and interest on bonds issued by the municipality to
13 finance an urban renewal project, which bonds were
14 issued before July 1, 2001. Indebtedness incurred to
15 refund bonds issued prior to July 1, 2001, shall not
16 be included in the certification. Such school district
17 shall pay over the amount certified by November 1 and
18 May 1 of the fiscal year following certification to
19 the school district. For any fiscal year, a
20 municipality may certify to the county auditor for
21 physical plant and equipment revenue necessary for
22 payment of principal and interest on bonds issued
23 prior to July 1, 2001, only if the municipality
24 certified for such revenue for the fiscal year
25 beginning July 1, 2000. A municipality shall not
26 certify to the county auditor for a school district
27 more than the amount the municipality certified for
28 the fiscal year beginning July 1, 2000. If for any
29 fiscal year a municipality fails to certify to the
30 county auditor for a school district by July 1 the
31 amount of physical plant and equipment revenue
32 necessary for payment of principal and interest on
33 such bonds, as provided in subsection 2, the school
34 district is not required to pay over the revenue to
35 the municipality. If a school district and a
36 municipality are unable to agree on the amount of
37 physical plant and equipment revenue certified by the
38 municipality for the fiscal year beginning July 1,
39 2001, either party may request that the state appeal
40 board review and finally pass upon the amount that may
41 be certified. Such appeals must be presented in
42 writing to the state appeal board no later than July
43 31 following certification. The burden shall be on
44 the municipality to prove that the physical plant and
45 equipment levy revenue is necessary to pay principal
46 and interest on bonds issued prior to July 1, 2001. A
47 final decision must be issued by the state appeal
48 board no later than the following October 1.
49 b. All or a portion of the taxes for the
50 instructional support levy shall be paid by the school

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1 district to the municipality if the auditor certifies
 2 to the school district by July 1 the amount of such
 3 levy that is necessary to pay the principal and
 4 interest on bonds issued by the municipality to
 5 finance an urban renewal project, which bonds were
 6 issued before July 1, 2002. Indebtedness incurred to
 7 refund bonds issued prior to July 1, 2002, shall not
 8 be included in the certification. Such school district
 9 shall pay over the amount certified by November 1 and
 10 May 1 of the fiscal year following certification to
 11 the school district. For any fiscal year, a
 12 municipality shall not certify to the county auditor
 13 for a school district more than the amount the
 14 municipality certified for the fiscal year beginning
 15 July 1, 2002. If for any fiscal year a municipality
 16 fails to certify to the county auditor for a school
 17 district by July 1 the amount of instructional support
 18 property tax revenue necessary for payment of
 19 principal and interest on such bonds, as provided in
 20 subsection 2, the school district is not required to
 21 pay over the revenue to the municipality. If a school
 22 district and a municipality are unable to agree on the
 23 amount of instructional support property tax revenue
 24 certified by the municipality for the fiscal year
 25 beginning July 1, 2002, either party may request that
 26 the state appeal board review and finally pass upon
 27 the amount that may be certified. Such appeals must
 28 be presented in writing to the state appeal board no
 29 later than July 31 following certification. The
 30 burden shall be on the municipality to prove that the
 31 instructional support property tax revenue is
 32 necessary to pay principal and interest on bonds
 33 issued prior to July 1, 2002. A final decision must
 34 be issued by the state appeal board no later than the
 35 following October 1."

36 2. Page 22, by inserting after line 5 the
 37 following:
 38 "Sec. ____ EFFECTIVE DATE. The section of this
 39 Act, amending section 403.19, being deemed of
 40 immediate importance, takes effect upon enactment."

MIKE CONNOLLY

S-5253

1 Amend House File 2404, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 18 the
 4 following:
 5 "Sec. ____ Section 403.19, subsections 2 and 7,

6 Code Supplement 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,
21 taxes for the instructional support levy of a school
22 district imposed pursuant to section 257.21, and taxes
23 for the payment of bonds and interest of each taxing
24 district must be collected against all taxable
25 property within the taxing district without limitation
26 by the provisions of this subsection. However, all or
27 a portion of the taxes for the physical plant and
28 equipment levy and for the instructional support levy
29 shall be paid by the school district to the
30 municipality if the auditor certifies to the school
31 district by July 1 the amount of such levy that is
32 necessary to pay the principal and interest on bonds
33 issued by the municipality to finance an urban renewal
34 project, which bonds were issued before July 1, 2001.
35 Indebtedness incurred to refund bonds issued prior to
36 July 1, 2001, shall not be included in the
37 certification. Such school district shall pay over
38 the amount certified by November 1 and May 1 of the
39 fiscal year following certification to the school
40 district as provided in subsection 7. Unless and
41 until the total assessed valuation of the taxable
42 property in an urban renewal area exceeds the total
43 assessed value of the taxable property in such area as
44 shown by the last equalized assessment roll referred
45 to in subsection 1, all of the taxes levied and
46 collected upon the taxable property in the urban
47 renewal area shall be paid into the funds for the
48 respective taxing districts as taxes by or for the
49 taxing districts in the same manner as all other
50 property taxes. When such loans, advances,

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1 indebtedness, and bonds, if any, and interest thereon,
2 have been paid, all moneys thereafter received from
3 taxes upon the taxable property in such urban renewal
4 area shall be paid into the funds for the respective

5 taxing districts in the same manner as taxes on all
6 other property.

7 7. a. All or a portion of the taxes for the
8 physical plant and equipment levy shall be paid by the
9 school district to the municipality if the auditor
10 certifies to the school district by July 1 the amount
11 of such levy that is necessary to pay the principal
12 and interest on bonds issued by the municipality to
13 finance an urban renewal project, which bonds were
14 issued before July 1, 2001. Indebtedness incurred to
15 refund bonds issued prior to July 1, 2001, shall not
16 be included in the certification. Such school district
17 shall pay over the amount certified by November 1 and
18 May 1 of the fiscal year following certification to
19 the school district. For any fiscal year, a
20 municipality may certify to the county auditor for
21 physical plant and equipment revenue necessary for
22 payment of principal and interest on bonds issued
23 prior to July 1, 2001, only if the municipality
24 certified for such revenue for the fiscal year
25 beginning July 1, 2000. A municipality shall not
26 certify to the county auditor for a school district
27 more than the amount the municipality certified for
28 the fiscal year beginning July 1, 2000. If for any
29 fiscal year a municipality fails to certify to the
30 county auditor for a school district by July 1 the
31 amount of physical plant and equipment revenue
32 necessary for payment of principal and interest on
33 such bonds, as provided in subsection 2, the school
34 district is not required to pay over the revenue to
35 the municipality. If a school district and a
36 municipality are unable to agree on the amount of
37 physical plant and equipment revenue certified by the
38 municipality for the fiscal year beginning July 1,
39 2001, either party may request that the state appeal
40 board review and finally pass upon the amount that may
41 be certified. Such appeals must be presented in
42 writing to the state appeal board no later than July
43 31 following certification. The burden shall be on
44 the municipality to prove that the physical plant and
45 equipment levy revenue is necessary to pay principal
46 and interest on bonds issued prior to July 1, 2001. A
47 final decision must be issued by the state appeal
48 board no later than the following October 1.

49 b. All or a portion of the taxes for the
50 instructional support levy shall be paid by the school

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1 district to the municipality if the auditor certifies
2 to the school district by July 1 the amount of such
3 levy that is necessary to pay the principal and

4 interest on bonds issued by the municipality to
 5 finance an urban renewal project, which bonds were
 6 issued before July 1, 2002. Indebtedness incurred to
 7 refund bonds issued prior to July 1, 2002, shall not
 8 be included in the certification. Such school district
 9 shall pay over the amount certified by November 1 and
 10 May 1 of the fiscal year following certification to
 11 the school district. For any fiscal year, a
 12 municipality shall not certify to the county auditor
 13 for a school district more than the amount the
 14 municipality certified for the fiscal year beginning
 15 July 1, 2002. If for any fiscal year a municipality
 16 fails to certify to the county auditor for a school
 17 district by July 1 the amount of instructional support
 18 property tax revenue necessary for payment of
 19 principal and interest on such bonds, as provided in
 20 subsection 2, the school district is not required to
 21 pay over the revenue to the municipality. If a school
 22 district and a municipality are unable to agree on the
 23 amount of instructional support property tax revenue
 24 certified by the municipality for the fiscal year
 25 beginning July 1, 2002, either party may request that
 26 the state appeal board review and finally pass upon
 27 the amount that may be certified. Such appeals must
 28 be presented in writing to the state appeal board no
 29 later than July 31 following certification. The
 30 burden shall be on the municipality to prove that the
 31 instructional support property tax revenue is
 32 necessary to pay principal and interest on bonds
 33 issued prior to July 1, 2002. A final decision must
 34 be issued by the state appeal board no later than the
 35 following October 1.

36 Sec. _____. The section of this Act, amending
 37 section 403.19, being deemed of immediate importance,
 38 takes effect upon enactment."

39 2. Title page, line 2, by inserting after the
 40 word "students" the following: "and the amount of the
 41 instructional support levy in a tax increment
 42 financing district paid to a school district and
 43 including an effective date."

MIKE CONNOLLY

S-5254

1 Amend House File 2517, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 35 the
 4 following:

5 "Sec. _____. Section 403.19, subsections 2 and 7,
 6 Code Supplement 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,
 21 taxes for the instructional support levy of a school
 22 district imposed pursuant to section 257.21, and taxes
 23 for the payment of bonds and interest of each taxing
 24 district must be collected against all taxable
 25 property within the taxing district without limitation
 26 by the provisions of this subsection. However, all or
 27 a portion of the taxes for the physical plant and
 28 equipment levy and for the instructional support levy
 29 shall be paid by the school district to the
 30 municipality ~~if the auditor certifies to the school~~
 31 ~~district by July 1 the amount of such levy that is~~
 32 ~~necessary to pay the principal and interest on bonds~~
 33 ~~issued by the municipality to finance an urban renewal~~
 34 ~~project, which bonds were issued before July 1, 2001.~~
 35 ~~Indebtedness incurred to refund bonds issued prior to~~
 36 ~~July 1, 2001, shall not be included in the~~
 37 ~~certification. Such school district shall pay over~~
 38 ~~the amount certified by November 1 and May 1 of the~~
 39 ~~fiscal year following certification to the school~~
 40 ~~district as provided in subsection 7.~~ Unless and
 41 until the total assessed valuation of the taxable
 42 property in an urban renewal area exceeds the total
 43 assessed value of the taxable property in such area as
 44 shown by the last equalized assessment roll referred
 45 to in subsection 1, all of the taxes levied and
 46 collected upon the taxable property in the urban
 47 renewal area shall be paid into the funds for the
 48 respective taxing districts as taxes by or for the
 49 taxing districts in the same manner as all other
 50 property taxes. When such loans, advances,

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1 indebtedness, and bonds, if any, and interest thereon,
 2 have been paid, all moneys thereafter received from
 3 taxes upon the taxable property in such urban renewal
 4 area shall be paid into the funds for the respective
 5 taxing districts in the same manner as taxes on all
 6 other property.

7 7. a. All or a portion of the taxes for the
8 physical plant and equipment levy shall be paid by the
9 school district to the municipality if the auditor
10 certifies to the school district by July 1 the amount
11 of such levy that is necessary to pay the principal
12 and interest on bonds issued by the municipality to
13 finance an urban renewal project, which bonds were
14 issued before July 1, 2001. Indebtedness incurred to
15 refund bonds issued prior to July 1, 2001, shall not
16 be included in the certification. Such school district
17 shall pay over the amount certified by November 1 and
18 May 1 of the fiscal year following certification to
19 the school district. For any fiscal year, a
20 municipality may certify to the county auditor for
21 physical plant and equipment revenue necessary for
22 payment of principal and interest on bonds issued
23 prior to July 1, 2001, only if the municipality
24 certified for such revenue for the fiscal year
25 beginning July 1, 2000. A municipality shall not
26 certify to the county auditor for a school district
27 more than the amount the municipality certified for
28 the fiscal year beginning July 1, 2000. If for any
29 fiscal year a municipality fails to certify to the
30 county auditor for a school district by July 1 the
31 amount of physical plant and equipment revenue
32 necessary for payment of principal and interest on
33 such bonds, as provided in subsection 2, the school
34 district is not required to pay over the revenue to
35 the municipality. If a school district and a
36 municipality are unable to agree on the amount of
37 physical plant and equipment revenue certified by the
38 municipality for the fiscal year beginning July 1,
39 2001, either party may request that the state appeal
40 board review and finally pass upon the amount that may
41 be certified. Such appeals must be presented in
42 writing to the state appeal board no later than July
43 31 following certification. The burden shall be on
44 the municipality to prove that the physical plant and
45 equipment levy revenue is necessary to pay principal
46 and interest on bonds issued prior to July 1, 2001. A
47 final decision must be issued by the state appeal
48 board no later than the following October 1.
49 b. All or a portion of the taxes for the
50 instructional support levy shall be paid by the school

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1 district to the municipality if the auditor certifies
2 to the school district by July 1 the amount of such
3 levy that is necessary to pay the principal and
4 interest on bonds issued by the municipality to
5 finance an urban renewal project, which bonds were

6 issued before July 1, 2002. Indebtedness incurred to
 7 refund bonds issued prior to July 1, 2002, shall not
 8 be included in the certification. Such school district
 9 shall pay over the amount certified by November 1 and
 10 May 1 of the fiscal year following certification to
 11 the school district. For any fiscal year, a
 12 municipality shall not certify to the county auditor
 13 for a school district more than the amount the
 14 municipality certified for the fiscal year beginning
 15 July 1, 2002. If for any fiscal year a municipality
 16 fails to certify to the county auditor for a school
 17 district by July 1 the amount of instructional support
 18 property tax revenue necessary for payment of
 19 principal and interest on such bonds, as provided in
 20 subsection 2, the school district is not required to
 21 pay over the revenue to the municipality. If a school
 22 district and a municipality are unable to agree on the
 23 amount of instructional support property tax revenue
 24 certified by the municipality for the fiscal year
 25 beginning July 1, 2002, either party may request that
 26 the state appeal board review and finally pass upon
 27 the amount that may be certified. Such appeals must
 28 be presented in writing to the state appeal board no
 29 later than July 31 following certification. The
 30 burden shall be on the municipality to prove that the
 31 instructional support property tax revenue is
 32 necessary to pay principal and interest on bonds
 33 issued prior to July 1, 2002. A final decision must
 34 be issued by the state appeal board no later than the
 35 following October 1."

36 2. Page 6, by inserting after line 10 the
 37 following:

38 "Sec. ____ The section of this Act, amending
 39 section 403.19, being deemed of immediate importance,
 40 takes effect upon enactment."

41 3. Title page, line 2, by inserting after the
 42 word "schools" the following: "and including an
 43 effective date."

MIKE CONNOLLY

S-5255

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2192

1 Amend the Senate amendment, H-8326, to House File
 2 2192, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 28 through 30, and
 5 inserting the following:

- 6 " _____. One person who is a representative of the
 7 Iowa pharmacy association, selected by the Iowa
 8 pharmacy association.
 9 _____. One person who is a representative of the
 10 Iowa medical society, selected by the Iowa medical
 11 society."
 12 2. Page 2, by striking lines 9 through 14, and
 13 inserting the following:
 14 ""c. Contacting the governors and legislative
 15 leaders of other states and other appropriate
 16 individuals and groups interested or involved in
 17 interstate prescription drug purchasing
 18 cooperatives.""
 19 3. By renumbering, redesignating, and correcting
 20 internal references as necessary.

S-5256

HOUSE AMENDMENT TO
 SENATE FILE 2258

- 1 Amend Senate File 2258, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 9, by inserting after the word
 4 "crime" the following: ", as enumerated in paragraph
 5 "b",
 6 2. Page 1, line 15, by inserting after the word
 7 "crime" the following: "in relation to the position
 8 sought, the time elapsed since the crime was".
 9 3. Page 1, by striking line 31 and inserting the
 10 following:
 11 "(a) Any of the following forcible felonies
 12 included in section 702.11: child endangerment,
 13 assault, murder, sexual abuse, or kidnapping."
 14 4. Page 2, by striking lines 7 through 22 and
 15 inserting the following:
 16 "(c) Incest involving a child under section
 17 726.2."
 18 5. Page 2, line 23, by inserting after the word
 19 "age" the following: "except as provided in section
 20 272.31, subsection 1, paragraph "e"".
 21 6. By renumbering as necessary.

S-5257

- 1 Amend Senate File 2319 as follows:
 2 1. Page 1, by striking lines 23 through 26, and
 3 inserting the following: "allocated to the fire
 4 service training bureau to assist in funding the
 5 programs and purposes specified in section 100B.6."
 6 2. Page 1, lines 28 and 29, by striking the words
 7 "state fire service and emergency response council"

8 and inserting the following: "fire service training
9 bureau".

SHELDON RITTMER

S-5258

1 Amend House File 2344, as passed by the House, as
2 follows:
3 1. Page 1, line 5, by striking the words "or
4 stenographic notes".
5 2. Page 1, line 8, by striking the words "or the
6 transcription thereof", and inserting the following:
7 "in which the decision of the administrative law judge
8 is not appealed to the employment appeal board".
9 3. Page 1, line 9, by striking the words "one
10 year" and inserting the following: "two years".

STEVE KING
DICK L. DEARDEN

S-5259

HOUSE AMENDMENT TO
SENATE FILE 348

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 256F.1 AUTHORIZATION
6 AND PURPOSE.
7 1. Charter schools shall be part of the state's
8 program of public education.
9 2. A charter school may be established by creating
10 a new school within an existing public school or
11 converting an existing public school to charter
12 status.
13 3. The purpose of a charter school established
14 pursuant to this chapter shall be to accomplish the
15 following:
16 a. Improve student learning.
17 b. Increase learning opportunities for students.
18 c. Encourage the use of different and innovative
19 methods of teaching.
20 d. Require the measurement of learning outcomes
21 and create different and innovative forms of measuring
22 outcomes.
23 e. Establish new forms of accountability for
24 schools.
25 f. Create new professional opportunities for
26 teachers and other educators, including the

27 opportunity to be responsible for the learning program
28 at the school site.

29 Sec. 2. NEW SECTION. 256F.2 DEFINITIONS.

30 1. "Advisory council" means a council appointed by
31 the school board of directors of a charter school
32 pursuant to section 256F.5, subsection 4.

33 2. "Attendance center" means a public school
34 building that contains classrooms used for
35 instructional purposes for elementary, middle, or
36 secondary school students.

37 3. "Charter school" means a state public charter
38 school operated as a pilot program.

39 4. "Department" means the department of education.

40 4A. "Pilot program" means a pilot program created
41 under this chapter that creates a new school within an
42 existing public school or converts an existing public
43 school to charter status in accordance with this
44 chapter.

45 5. "School board" means a board of directors
46 regularly elected by the registered voters of a school
47 district.

48 6. "State board" means the state board of
49 education.

50 Sec. 3. NEW SECTION. 256F.3 PILOT PROGRAM —

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1 APPLICATION.

2 1. Commencing with the school year beginning July
3 1, 2002, the state board of education shall initiate a
4 pilot program to test the effectiveness of charter
5 schools.

6 2. To receive approval to establish a charter
7 school in accordance with this chapter, the principal,
8 teachers, or parents or guardians of students at an
9 existing public school shall submit an application to
10 the school board to convert an existing attendance
11 center to a charter school. An attendance center
12 shall not enter into a charter school contract with a
13 school district under this chapter unless the
14 attendance center is located within the school
15 district. The application shall demonstrate the
16 support of at least fifty percent of the teachers
17 employed at the school on the date of the submission
18 of the application and fifty percent of the parents or
19 guardians voting whose children are enrolled at the
20 school, provided that a majority of the parents or
21 guardians eligible to vote participate in the ballot
22 process, according to procedures established by rules
23 of the state board. A parent or guardian voting in
24 accordance with this subsection must be a resident of
25 this state.

- 26 3. A school board shall receive and review all
27 applications for converting an existing building or
28 creating a new building for a charter school.
29 Applications received on or before October 1 of a
30 calendar year shall be considered for charter schools
31 to be established at the beginning of the school
32 district's next school year or at a time agreed to by
33 the applicant and the school board. However, a school
34 board may receive and consider applications after
35 October 1 at its discretion.
- 36 4. A school board shall by a majority vote approve
37 or deny an application no later than sixty calendar
38 days after the application is received. An
39 application approved by a school board and
40 subsequently approved by the state board pursuant to
41 subsection 6 shall constitute, at a minimum, an
42 agreement between the school board and the charter
43 school for the operation of the charter school. A
44 school board that denies an application for a
45 conversion to a charter school shall provide notice of
46 denial to the applicant in writing within thirty days
47 after board action. The notice shall specify the
48 exact reasons for denial and provide documentation
49 supporting those reasons.
- 50 5. An applicant may appeal school board denial of

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- 1 the applicant's charter school application to the
2 state board in accordance with the procedures set
3 forth in chapter 290. The state board shall affirm,
4 modify, or reverse the school board's decision on the
5 basis of the information provided in the application
6 indicating the ability and willingness of the proposed
7 charter school to meet the requirements of section
8 256F.1, subsection 3, and section 256F.4.
- 9 6. Upon approval of an application for the
10 proposed establishment of a charter school, the school
11 board shall submit an application for approval to
12 establish the charter school to the state board in
13 accordance with section 256F.5. The application shall
14 set forth the manner in which the charter school will
15 provide special instruction, in accordance with
16 section 280.4, to students who are limited English
17 proficient. The application shall set forth the
18 manner in which the charter school will comply with
19 federal and state laws and regulations relating to the
20 federal National School Lunch Act and the federal
21 Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785,
22 and chapter 283A. The state board shall approve only
23 those applications that meet the requirements
24 specified in section 256F.1, subsection 3, and

25 sections 256F.4 and 256F.5. The state board may deny
 26 an application if the state board deems that approval
 27 of the application is not in the best interest of
 28 affected students. The state board shall approve not
 29 more than ten charter school applications. The state
 30 board shall approve not more than one charter school
 31 application per school district. However, if the
 32 state board receives ten or fewer applications as of
 33 June 30, 2003, and two or more of the applications
 34 received by the state board by that date are submitted
 35 by one school district, the state board may approve
 36 any or all of the applications submitted by the school
 37 district. The state board shall adopt rules in
 38 accordance with chapter 17A for the implementation of
 39 this chapter.

40 7. If federal rules or regulations relating to the
 41 distribution or utilization of federal funds allocated
 42 to the department pursuant to this section are adopted
 43 that are inconsistent with the provisions of this
 44 chapter, the state board shall adopt rules to comply
 45 with the requirements of the federal rules or
 46 regulations. The state board shall identify
 47 inconsistencies between federal and state rules and
 48 regulations as provided in this subsection and shall
 49 submit recommendations for legislative action to the
 50 chairpersons and ranking members of the senate and

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1 house standing committees on education at the next
 2 meeting of the general assembly.
 3 Sec. 4. NEW SECTION. 256F.4 GENERAL OPERATING
 4 REQUIREMENTS.
 5 1. Within fifteen days after approval of a charter
 6 school application submitted in accordance with
 7 section 256F.3, subsection 2, a school board shall
 8 report to the department the name of the charter
 9 school applicant entry, the proposed charter school
 10 location, and its projected enrollment.
 11 2. Although a charter school may elect to comply
 12 with one or more provisions of statute or
 13 administrative rule, a charter school is exempt from
 14 all statutes and rules applicable to a school, a
 15 school board, or a school district, except that the
 16 charter school shall do all of the following:
 17 a. Meet all applicable federal, state, and local
 18 health and safety requirements and laws prohibiting
 19 discrimination on the basis of race, creed, color,
 20 sex, national origin, religion, ancestry, or
 21 disability. A charter school shall be subject to any
 22 court-ordered desegregation plan in effect for the
 23 school district at the time the school's charter

24 application is approved.
 25 b. Operate as a nonsectarian, nonreligious public
 26 school.
 27 c. Be free of tuition and application fees to Iowa
 28 resident students between the ages of five and twenty-
 29 one years.
 30 d. Be subject to and comply with chapters 216 and
 31 216A relating to civil and human rights.
 32 e. Provide special education services in
 33 accordance with chapter 256B.
 34 f. Be subject to the same financial audits, audit
 35 procedures, and audit requirements as a school
 36 district. The audit shall be consistent with the
 37 requirements of sections 11.6, 11.14, 11.19, 256.9,
 38 subsection 19, and section 279.29, except to the
 39 extent deviations are necessary because of the program
 40 at the school. The department, the auditor of state,
 41 or the legislative fiscal bureau may conduct
 42 financial, program, or compliance audits.
 43 g. Be subject to and comply with chapter 284
 44 relating to the student achievement and teacher
 45 quality program. A charter school that complies with
 46 chapter 284 shall receive state moneys or be eligible
 47 to receive state moneys as provided in chapter 284 as
 48 if it did not operate under a charter.
 49 h. Be subject to and comply with chapters 20 and
 50 279 relating to contracts with and discharge of

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1 teachers and administrators.
 2 i. Be subject to and comply with the provisions of
 3 chapter 285 relating to the transportation of
 4 students.
 5 j. Meetings of the advisory council are subject to
 6 the provisions of chapters 21 and 22.
 7 3. A charter school shall not discriminate in its
 8 student admissions policies or practices on the basis
 9 of intellectual or athletic ability, measures of
 10 achievement or aptitude, or status as a person with a
 11 disability. However, a charter school may limit
 12 admission to students who are within a particular
 13 range of age or grade level or on any other basis that
 14 would be legal if initiated by a school district.
 15 Enrollment priority shall be given to the siblings of
 16 students enrolled in a charter school.
 17 4. A charter school shall enroll an eligible
 18 resident student who submits a timely application
 19 unless the number of applications exceeds the capacity
 20 of a program, class, grade level, or building. In
 21 this case, students must be accepted by lot. A
 22 charter school may enroll an eligible nonresident

23 student who submits a timely application in accordance
24 with the student admission policy established pursuant
25 to section 256F.5, subsection 1. If the charter
26 school enrolls an eligible nonresident student, the
27 charter school shall notify the school district and
28 the sending district not later than March 1 of the
29 preceding school year. Transportation for the student
30 shall be in accordance with section 282.18, subsection
31 10. The sending district shall make payments to the
32 charter school in the manner required under section
33 282.18, subsection 7.

34 5. A charter school shall provide instruction for
35 at least the number of days required by section
36 279.10, subsection 1, or shall provide at least the
37 equivalent number of total hours.

38 6. Notwithstanding subsection 2, a charter school
39 shall meet the requirements of section 256.7,
40 subsection 21.

41 7. A charter school shall be considered a part of
42 the school district in which it is located for
43 purposes of state school foundation aid pursuant to
44 chapter 257.

45 8. A charter school may enter into contracts in
46 accordance with chapter 73A.

47 Sec. 5. NEW SECTION. 256F.5 APPLICATION —
48 DEFINITION.

49 An application to the state board for the approval
50 of a charter school shall include, but shall not be

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- 1 limited to, a description of the following:
 - 2 1. The method for admission to the charter school.
 - 3 2. The mission, purpose, innovation, and
4 specialized focus of the charter school.
 - 5 3. Performance goals and objectives in addition to
6 those required under section 256.7, subsection 21, by
7 which the school's student achievement shall be
8 judged, the measures to be used to assess progress,
9 and the current baseline status with respect to the
10 goals.
 - 11 4. The method for appointing or forming an
12 advisory council for the charter school. The
13 membership of an advisory council appointed or formed
14 in accordance with this chapter shall not include more
15 than one member of the school board.
 - 16 5. Procedures for teacher evaluation and
17 professional development for teachers and
18 administrators.
 - 19 6. The charter school governance and bylaws.
 - 20 7. The financial plan for the operation of the
21 school including, at a minimum, a listing of the

22 support services the school district will provide, and
23 the charter school's revenues, budgets, and
24 expenditures.
25 8. The educational program and curriculum,
26 instructional methodology, and services to be offered
27 to students.
28 9. The number and qualifications of teachers and
29 administrators to be employed.
30 10. The organization of the school in terms of
31 ages of students or grades to be taught along with an
32 estimate of the total enrollment of the school.
33 11. The provision of school facilities.
34 12. A statement indicating how the charter school
35 will meet the requirements of section 256F.1,
36 subsection 3; section 256F.4, subsection 2, paragraph
37 "a"; and section 256F.4, subsection 3.
38 13. Assurance of the assumption of liability by
39 the charter school.
40 14. The types and amounts of insurance coverage to
41 be obtained by the charter school.
42 15. A plan of operation to be implemented if the
43 charter school revokes or fails to renew its contract.
44 16. The means, costs, and plan for providing
45 transportation for students attending the charter
46 school.
47 17. The specific statutes, administrative rules,
48 and school board policies with which the charter
49 school does not intend to comply.
50 Sec. 6. NEW SECTION. 256F.6 CONTRACT.

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1 1. An approved charter school application shall
2 constitute an agreement, the terms of which shall, at
3 a minimum, be the terms of a four-year enforceable,
4 renewable contract between the school board and the
5 state board. The contract shall include an operating
6 agreement for the operation of the charter school.
7 The terms of the contract may be revised at any time
8 with the approval of both the state board and the
9 school board, whether or not the stated provisions of
10 the contract are being fulfilled. The charter school
11 shall provide parents and guardians of students
12 enrolled in the charter school with a copy of the
13 charter school application approved pursuant to
14 section 256F.5.
15 2. The contract shall outline the reasons for
16 revocation or nonrenewal of the charter.
17 3. The state board of education shall provide by
18 rule for the ongoing review of a school board's
19 compliance with a contract entered into in accordance
20 with this chapter.

21 Sec. 7. NEW SECTION. 256F.7 EMPLOYMENT AND
22 RELATED MATTERS.

23 1. A charter school shall employ or contract with
24 necessary teachers and administrators, as defined in
25 section 272.1, who hold a valid license with an
26 endorsement for the type of service for which the
27 teacher or administrator is employed.

28 2. The school board, in consultation with the
29 advisory council, shall decide matters related to the
30 operation of the school, including budgeting,
31 curriculum, and operating procedures.

32 3. Employees of a charter school shall be
33 considered employees of the school district.

34 Sec. 8. NEW SECTION. 256F.8 PROCEDURES FOR
35 REVOCATION OR NONRENEWAL OF CONTRACT.

36 1. A contract for the establishment of a charter
37 school may be revoked by the state board or the school
38 board that established the charter school if the
39 appropriate board determines that one or more of the
40 following occurred:

41 a. Failure of the charter school to abide by and
42 meet the provisions set forth in the contract,
43 including educational goals.

44 b. Failure of the charter school to comply with
45 all applicable law.

46 c. Failure of the charter school to meet generally
47 accepted public sector accounting principles.

48 d. The existence of one or more other grounds for
49 revocation as specified in the contract.

50 2. The decision by a school board to revoke or to

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1 fail to take action to renew a charter school contract
2 is subject to appeal under procedures set forth in
3 chapter 290.

4 3. A school board considering revocation or
5 nonrenewal of a charter school contract shall notify
6 the advisory council, the parents or guardians of the
7 students enrolled in the charter school, and the
8 teachers and administrators employed by the charter
9 school, sixty days prior to revoking or the date by
10 which the contract must be renewed, but not later than
11 the last day of classes in the school year.

12 4. If the state board determines that a charter
13 school is in substantial violation of the terms of the
14 contract, the state board shall notify the school
15 board and the advisory council of its intention to
16 revoke the contract at least sixty days prior to
17 revoking a contract and the school board shall assume
18 oversight authority, operational authority, or both
19 oversight and operational authority. The notice shall

20 state the grounds for the proposed action in writing
 21 and in reasonable detail. The school board may
 22 request in writing an informal hearing before the
 23 state board within fourteen days of receiving notice
 24 of revocation of the contract. Upon receiving a
 25 timely written request for a hearing, the state board
 26 shall give reasonable notice to the school board of
 27 the hearing date. The state board shall conduct an
 28 informal hearing before taking final action. Final
 29 action to revoke a contract shall be taken in a manner
 30 least disruptive to students enrolled in the charter
 31 school. The state board shall take final action to
 32 revoke or approve continuation of a contract by the
 33 last day of classes in the school year. If the final
 34 action to revoke a contract under this section occurs
 35 prior to the last day of classes in the school year, a
 36 charter school student may enroll in the resident
 37 district.

38 5. The decision of the state board to revoke a
 39 contract under this section is solely within the
 40 discretion of the state board and is final.

41 6. A school board revoking a contract or a school
 42 board or advisory council that fails to renew a
 43 contract under this chapter is not liable for that
 44 action to the charter school, a student enrolled in
 45 the charter school or the student's parent or
 46 guardian, or any other person.

47 7. In the case of a revocation or a nonrenewal of
 48 the charter, the school board is exempt from the state
 49 board's "Barker guidelines", as provided in 1 D.P.I.
 50 App. Dec. 145 (1977).

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1 Sec. 9. NEW SECTION. 256F.9 PROCEDURES AFTER
 2 REVOCATION — STUDENT ENROLLMENT.

3 If a charter school contract is revoked in
 4 accordance with this chapter, a nonresident student
 5 who attended the school, and any siblings of the
 6 student, shall be determined to have shown good cause
 7 as provided in section 282.18, subsection 16, and may
 8 submit an application to another school district
 9 according to section 282.18 at any time. Applications
 10 and notices required by section 282.18 shall be
 11 processed and provided in a prompt manner. The
 12 application and notice deadlines in section 282.18 do
 13 not apply to a nonresident student application under
 14 these circumstances.

15 Sec. 10. NEW SECTION. 256F.10 REPORTS.

16 1. A charter school shall report at least annually
 17 to the school board, advisory council, and the state
 18 board the information required by the school board,

19 advisory council, or the state board. The reports are
20 public records subject to chapter 22.

21 2. Not later than December 1, 2003, and annually
22 thereafter, the state board shall submit a
23 comprehensive report, with findings and
24 recommendations, to the senate and house standing
25 committees on education. The report shall evaluate
26 the state's charter school programs generally,
27 including but not limited to, an evaluation of whether
28 the pilot programs are fulfilling the purposes set
29 forth in section 256F.4, subsection 2. The report
30 also shall contain, for each charter school, a copy of
31 the charter school's mission statement, attendance
32 statistics and dropout rate, aggregate assessment test
33 scores, projections of financial stability, the number
34 and qualifications of teachers and administrators, and
35 number of and comments on supervisory visits by the
36 department of education.

37 Sec. 11. NEW SECTION. 256F.11 FUTURE REPEAL.
38 This chapter is repealed effective July 1, 2010.

39 Sec. 12. Section 257.31, subsection 5, paragraph
40 d, is amended to read as follows:

41 d. The closing of a nonpublic school, wholly or in
42 part, or the opening or closing of a pilot charter
43 school.

44 Sec. 13. Section 282.18, subsection 16, Code 2001,
45 is amended to read as follows:

46 16. For purposes of this section, "good cause"
47 means a change in a child's residence due to a change
48 in family residence, a change in the state in which
49 the family residence is located, a change in a child's
50 parents' marital status, a guardianship proceeding,

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1 placement in foster care, adoption, participation in a
2 foreign exchange program, or participation in a
3 substance abuse or mental health treatment program, or
4 a similar set of circumstances consistent with the
5 definition of good cause; a change in the status of a
6 child's resident district, such as removal of
7 accreditation by the state board, surrender of
8 accreditation, or permanent closure of a nonpublic
9 school, revocation of a charter school contract as
10 provided in section 256F.8, the failure of
11 negotiations for a whole-grade sharing,
12 reorganization, dissolution agreement or the rejection
13 of a current whole-grade sharing agreement, or
14 reorganization plan, or a similar set of circumstances
15 consistent with the definition of good cause. If the
16 good cause relates to a change in status of a child's
17 school district of residence, however, action by a

18 parent or guardian must be taken to file the
 19 notification within forty-five days of the last board
 20 action or within thirty days of the certification of
 21 the election, whichever is applicable to the
 22 circumstances.

23 Sec. 14. EXPEDITED APPLICATION PROCEDURE. The
 24 state board of education shall develop an expedited
 25 charter school application procedure for the fiscal
 26 year beginning July 1, 2003, for purposes of receiving
 27 federal planning funds issued pursuant to the federal
 28 Elementary and Secondary Education Act of 1965, Title
 29 X, Part C, as codified in 20 U.S.C. §§ 8061-8067.

30 Sec. 15. EMERGENCY RULES. The state board of
 31 education may adopt emergency rules under section
 32 17A.4, subsection 2, and section 17A.5, subsection 2,
 33 paragraph "b", to implement this Act and the rules
 34 shall be effective immediately upon filing unless a
 35 later date is specified in the rules. Any rules
 36 adopted in accordance with this section shall also be
 37 published as a notice of intended action as provided
 38 in section 17A.4.

39 Sec. 16. CONDITIONAL EFFECTIVENESS. This Act
 40 takes effect upon the department of education's
 41 receipt of federal funds that are provided to the
 42 department under Pub. L. No. 107-110, cited as the
 43 federal No Child Left Behind Act of 2001 (Title V,
 44 Part B), for purposes of providing financial
 45 assistance for the planning, program design, and
 46 initial implementation of public charter schools. The
 47 department of education shall notify the Code editor
 48 upon receipt of such federal funds."

S-5260

HOUSE AMENDMENT TO SENATE FILE 2309

1 Amend Senate File 2309, as passed by the Senate, as
 2 follows:

- 3 1. Page 1, line 6, by striking the word "defined"
- 4 and inserting the following: "calculated in the same
- 5 manner as provided".
- 6 2. Page 1, line 10, by inserting after the words
- 7 "a profit" the following: ", cooperative,".
- 8 3. Page 3, line 1, by striking the word "corral,"
- 9 and inserting the following: "corral;".
- 10 4. Page 3, by striking line 11, and inserting the
- 11 following: "the manufacturing, processing, or
- 12 preparation for sale of beef".
- 13 5. Page 5, lines 24 and 25, by striking the words
- 14 "be more than" and inserting the following: "exceed".
- 15 6. Page 6, line 15, by inserting after the word

16 "processor" the following: "in the manner provided in
17 section 9H.1".

18 7. Page 6, by striking line 24, and inserting the
19 following: "executive position in the qualified
20 processor or owes the qualified processor a".

21 8. Page 7, by striking lines 7 through 9, and
22 inserting the following: "~~it prevent processors from~~
23 ~~owning~~".

24 c. Owning and operating facilities to provide
25 normal care and feeding of animals cattle or swine for
26 a period not to exceed".

27 9. By striking page 7, line 31 through page 8,
28 line 4, and inserting the following:

29 "3. The two-year period that a person who holds an
30 executive position in a processor or owes a processor
31 a fiduciary duty and thus is deemed to be a processor
32 as provided in section 9H.1, subsection 19, paragraph
33 "b", shall not apply if the person held the position
34 or owed the duty on January 1, 2002, and relinquishes
35 the position or duty on or before June 30, 2004."

36 10. By renumbering, relettering, or redesignating
37 and correcting internal references as necessary.

S-5261

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 2532

1 Amend the Senate amendment, H-8419, to House File
2 2532, as amended passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 26 and 27.

S-5262

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 2554

1 Amend the Senate amendment, H-8402, to House File
2 2554, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, line 43, by striking the figure
5 "2008", and inserting the following: "2007".

S-5263

1 Amend House File 2472, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 11, line 6, by inserting after the word
4 "person" the following: "described in section 222.2".

5 subsection 4."

6 2. Page 11, by striking line 7, and inserting the
7 following: "in a proceeding held pursuant".

PATRICIA HARPER

S-5264

1 Amend House File 2339, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 14 through 18 and
4 inserting the following:

5 "b. For a money judgment in excess of one million
6 dollars, the sum of one million dollars and twenty
7 percent of the amount by which the money judgment
8 exceeds one million dollars."

9 2. By renumbering as necessary.

DONALD B. REDFERN

S-5265

1 Amend House File 2339, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 9 through 18.

4 2. Page 1, line 19, by striking the figure "3"
5 and inserting the following: "2".

6 3. Page 1, by inserting after line 23 the
7 following:

8 "Sec. ____ STUDY. The supreme court shall
9 conduct a study on the feasibility and impact of
10 placing reasonable limits on appeal bonds in civil
11 actions for money damages. The study shall include,
12 but not be limited to, an analysis of the
13 constitutionality of such limits, as well as a review
14 of states that have enacted similar legislation. The
15 supreme court shall submit a report of the study's
16 recommendations to the general assembly by December 1,
17 2002."

18 4. By renumbering as necessary.

JACK HOLVECK

S-5266

1 Amend House File 2506, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 8 the
4 following:

5 "Sec. ____ Section 901.5, Code Supplement 2001, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 14. If the court defers judgment

8 or sentence or suspends the sentence, the court may
9 order as a condition of probation that the defendant
10 be subjected to searches under the same circumstances
11 and procedures that apply to parolees under section
12 906.4.

13 Sec. ____ Section 906.4, Code 2001, is amended by
14 adding the following new unnumbered paragraph after
15 unnumbered paragraph 3:

16 NEW UNNUMBERED PARAGRAPH. The board as a condition
17 of parole or work release may require a person submit
18 to a search of the person, the person's property,
19 place of residence, vehicle, or personal effects, at
20 any time, with or without a search warrant or probable
21 cause, by any peace officer for the duration of parole
22 or work release. For purposes of this section, "peace
23 officer" means those officers designated under section
24 801.4.

25 Sec. ____ NEW SECTION. 906.5A INFORMATION
26 PROVIDED TO STATE DEPARTMENT OF TRANSPORTATION AND LAW
27 ENFORCEMENT AGENCIES.

28 The board of parole shall notify the local law
29 enforcement agency with jurisdiction over the area
30 where a person is paroled and the state department of
31 transportation of conditions of the person's release
32 requiring the person to submit to a search as provided
33 in section 906.4 or 907.6. The state department of
34 transportation shall release such information to a law
35 enforcement agency as provided in section 321.11.

36 Sec. ____ Section 907.6, Code 2001, is amended to
37 read as follows:

38 907.6 CONDITIONS OF PROBATION — REGULATIONS.

39 Probationers are subject to the conditions
40 established by the judicial district department of
41 correctional services subject to the approval of the
42 court, and any additional reasonable conditions which
43 the court or district department may impose to promote
44 rehabilitation of the defendant or protection of the
45 community. Conditions may include but are not limited
46 to adherence to regulations generally applicable to
47 persons released on parole and including requiring
48 unpaid community service as allowed pursuant to
49 section 907.13, or being subjected to searches
50 pursuant to section 906.4. The district department

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1 assigned to supervise the probationer shall notify the
2 local law enforcement agency with jurisdiction over
3 the area where the probationer resides and the state
4 department of transportation of conditions of the
5 probationer's release requiring the probationer to
6 submit to a search as provided in this section. The

7 state department of transportation shall release such
 8 information to a law enforcement agency as provided in
 9 section 321.11."
 10 2. Title page, by striking lines 1 through 3, and
 11 inserting the following: "An Act relating to persons
 12 released from jail or prison or on probation or
 13 parole."
 14 3. By renumbering as necessary.

STEVE KING
 JEFF ANGELO

S-5267

1 Amend Senate File 2318 as follows:
 2 1. Page 5, by inserting after line 16 the
 3 following:
 4 "Sec. 100. GAAP. The department of revenue and
 5 finance and the office of the auditor of state are
 6 directed to study the impact this Act may have on the
 7 balance of the general fund of the state according to
 8 generally accepted accounting principles, especially
 9 the impact on the 2005-2006 fiscal year. The report
 10 shall contain the data used and recommendations made.
 11 The report shall be submitted to the legislative
 12 council and its fiscal committee by August 15, 2002.
 13 Sec. __. EFFECTIVE DATE. Section 100 of this
 14 Act, being deemed of immediate importance, takes
 15 effect upon enactment."
 16 2. Title page, line 4, by inserting after the
 17 word "tax" the following: ", providing for a study,
 18 and including an effective date".

MAGGIE TINSMAN

S-5268

1 Amend House File 2404, 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 257.31, subsection 17,
 6 paragraph a, Code 2001, is amended to read as follows:
 7 a. If a district's average transportation costs
 8 per pupil exceed the state average transportation
 9 costs per pupil determined under paragraph "c" by one
 10 hundred ~~fifty~~ percent, the committee may grant
 11 transportation assistance aid to the district. Such
 12 aid shall be miscellaneous income and shall not be
 13 included in district cost.
 14 Sec. 2. Section 257.31, subsection 17, Code 2001,
 15 is amended by adding the following new paragraph:

16 NEW PARAGRAPH. e. There is appropriated each year
 17 from the general fund of the state to the committee,
 18 in addition to any other funding which may be
 19 appropriated, the sum of one million two hundred
 20 thousand dollars for transportation assistance aid to
 21 school districts as provided in this subsection.
 22 Notwithstanding section 8.33, moneys appropriated in
 23 this paragraph that remain unencumbered and
 24 unobligated shall not revert but shall remain
 25 available for the purposes designated for the next
 26 fiscal year."
 27 2. Title page, by striking lines 1 and 2 and
 28 inserting the following: "An Act providing additional
 29 funding for transportation assistance aid to certain
 30 school districts, and making an appropriation."

KITTY REHBERG

S-5269

1 Amend House File 2585, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. NEW SECTION. 2.67 OFFICIAL SALES —
 6 TAX EXEMPTION.
 7 The legislative service bureau and its legislative
 8 information office may sell mementos and other items
 9 relating to Iowa history and historic sites, the
 10 general assembly, and the state capitol, on the
 11 premises of property under the control of the
 12 legislative council, at the state capitol, and on
 13 other state property. The legislative service bureau
 14 and its legislative information office are not
 15 retailers under chapter 422 and the sale of such
 16 mementos and other such items by the legislative
 17 service bureau or its legislative information office
 18 is not a retail sale under chapter 422, division IV,
 19 and is exempt from the sales tax."
 20 2. Page 1, line 1, by striking the word and
 21 figure "Section 1." and inserting the following:
 22 "Sec. 50."
 23 3. Page 2, line 7, by striking the word "This"
 24 and inserting the following: "Section 50 of this".
 25 4. Title page, line 1, by inserting after the
 26 word "relating" the following: "to a sales and use
 27 tax exemption for sales of certain mementos and other
 28 objects by the legislative service bureau and its
 29 legislative information office and".

COMMITTEE ON WAYS AND MEANS
 LARRY MCKIBBEN, Chair

S-5270

HOUSE AMENDMENT TO
SENATE FILE 2275

- 1 Amend Senate File 2275, as passed by the Senate, as
2 follows:
- 3 1. Page 38, by inserting after line 29, the
4 following:
- 5 "Sec. ____ Section 554.9525, subsection 1,
6 unnumbered paragraph 1, Code Supplement 2001, is
7 amended to read as follows:
- 8 Except as otherwise provided in ~~subsection~~
9 subsections 3 and 4, fees for services rendered by the
10 filing office under this part must be set by rules
11 adopted by the secretary of state's office for
12 services for that office. The rule must set the fees
13 for filing and indexing a record under this part on
14 the following basis:
- 15 Sec. ____ Section 554.9525, subsection 3, Code
16 Supplement 2001, is amended to read as follows:
- 17 3. RESPONSE TO INFORMATION REQUEST. A rule
18 adopted pursuant to subsection 1 must set the fee for
19 responding to a request for information from the
20 filing office, including for communicating whether
21 there is on file any financing statement naming a
22 particular debtor. However, if the filing office is
23 in the county, the board of supervisors for the county
24 may adopt an ordinance or resolution setting the fee
25 for responding to a request for the information. A
26 fee for responding to a request communicated in
27 writing must be not less than twice the amount of the
28 fee for responding to a request communicated by
29 another medium authorized by the office of secretary
30 of state or the board of supervisors for the filing
31 office where its filing office is located."
- 32 2. Page 43, by inserting after line 33, the
33 following:
- 34 "Sec. ____ Section 692A.1, subsection 4, paragraph
35 m, Code Supplement 2001, is amended to read as
36 follows:
- 37 m. Sexual exploitation of a minor in violation of
38 section 728.12, ~~subsection 2 or 3.~~"
- 39 3. By renumbering as necessary.

S-5271

- 1 Amend Senate File 2318 as follows:
- 2 1. Page 2, by striking lines 14 and 15 and
3 inserting the following:
- 4 "e. For the 2006 calendar year, one percent.
5 f. For the 2007 and subsequent calendar years,

6 zero percent."
 7 2. Page 3, by striking lines 3 and 4 and
 8 inserting the following:
 9 "e. For the 2007 calendar year, one percent.
 10 f. For the 2008 and subsequent calendar years,
 11 zero percent."
 12 3. Title page, line 3, by striking the words "a
 13 reduction in" and inserting the following: "the
 14 elimination of".

MIKE CONNOLLY

S-5272

HOUSE AMENDMENT TO
 SENATE FILE 2190

1 Amend Senate File 2190, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 1, line 5, through page 2,
 4 line 5.
 5 2. Page 2, by inserting after line 29 the
 6 following:
 7 "Sec. ____ Section 85.34, subsection 5, Code 2001,
 8 is amended to read as follows:
 9 5. Recovery of employee overpayment. If an
 10 employee is paid any weekly benefits in excess of that
 11 required by this chapter and chapters 85A, 85B, and
 12 86, the excess paid by the employer shall be credited
 13 against the liability of the employer for any future
 14 weekly benefits due pursuant to subsection 2, for a
 15 subsequent injury to the same employee. An
 16 overpayment can be established only when the
 17 overpayment is recognized in a settlement agreement
 18 approved under section 86.13, pursuant to final agency
 19 action in a contested case which was commenced within
 20 three years from the date that weekly benefits were
 21 last paid for the claim for which the benefits were
 22 overpaid, or pursuant to final agency action in a
 23 contested case for a prior injury to the same
 24 employee. The credit shall remain available for eight
 25 years after the date the overpayment was established.
 26 If an overpayment is established pursuant to this
 27 subsection, the employee and employer may enter into a
 28 written settlement agreement providing for the
 29 repayment by the employee of the overpayment. The
 30 agreement is subject to the approval of the workers'
 31 compensation commissioner. The employer shall not
 32 take any adverse action against the employee for
 33 failing to agree to such a written settlement
 34 agreement. However, an overpayment shall not be
 35 created if an employee has been paid compensation for
 36 either a functional loss or industrial disability from

37 an injury resulting in permanent partial disability
 38 and who subsequently suffers an injury in which the
 39 finding of functional loss or industrial disability is
 40 less than the amount or percentage of the earlier
 41 compensation paid.
 42 Sec. ____ Section 85.34, Code 2001, is amended by
 43 adding the following new subsection:
 44 NEW SUBSECTION. 7. APPORTIONMENT. Compensation
 45 for a permanent partial disability which would
 46 otherwise be payable pursuant to this section shall be
 47 reduced as provided in this subsection as follows:
 48 a. If an employee has a preexisting functional
 49 loss under subsection 2, paragraphs "a" through "t",
 50 or a preexisting industrial disability under

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1 subsection 2, paragraph "u", the preexisting
 2 functional loss or industrial disability shall be
 3 apportioned and the employer shall not be liable for
 4 that preexisting loss or disability with respect to
 5 claims for a permanent partial disability resulting
 6 from subsequent injuries which result in an increase
 7 in the permanent impairment to the same member or an
 8 increase in industrial disability with respect to any
 9 condition affecting employability. However, the
 10 apportionment authorized by this paragraph shall not
 11 apply if the preexisting functional loss or
 12 preexisting industrial disability was the product of a
 13 work injury with the same employer and the employee
 14 did not recover benefits pursuant to this chapter for
 15 that preexisting functional loss or preexisting
 16 industrial disability, or if the preexisting
 17 functional loss or preexisting industrial disability
 18 resulted from any physical or mental injury sustained
 19 by the employee while in the service of the armed
 20 forces of this country, or if the preexisting
 21 functional loss or preexisting industrial disability
 22 resulted from a congenital defect or condition which
 23 manifested itself and was apparent at birth.
 24 b. If an employee has received a benefit under
 25 this chapter, chapter 85A, or chapter 85B, for a
 26 previous injury to a portion of the body as described
 27 in subsection 2, the employer shall not be liable for
 28 the amount representing the applicable previous
 29 payment with respect to claims for a permanent partial
 30 disability resulting from subsequent injuries to the
 31 same portion of the body. For purposes of this
 32 paragraph, the applicable previous payment is the
 33 percentage of disability that resulted from the
 34 previous injury for which compensation was received
 35 under this chapter, chapter 85A, or chapter 85B, or

36 the dollar amount received in a contested case
 37 settlement, disregarding any dollars received in a
 38 contested case settlement related to past or future
 39 medical benefits, interest, temporary total disability
 40 benefits, healing period benefits, penalty benefits,
 41 or any other dollars paid for any consideration
 42 received by the injured worker for anything other than
 43 permanent impairment benefits."

44 3. By striking page 2, line 30, through page 3,
 45 line 6.

46 4. Page 4, line 20, by inserting after the word
 47 "agency" the following: ", or an advisory, rating, or
 48 research organization,".

49 5. Page 4, line 21, by inserting after the word
 50 "data" the following: ", evaluating the state's

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1 workers' compensation system, or conducting

2 scientific, medical, or public policy research,".

3 6. By renumbering, relettering, or redesignating

4 and correcting internal references as necessary.

S-5273

1 Amend House File 2459, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 8, the

4 following:

5 "NEW UNNUMBERED PARAGRAPH. If all of the property

6 essential to the operation of the city hospital or

7 health care facility is offered for sale by the board

8 of trustees, the document transferring the property

9 shall include, as a condition of transfer, a provision

10 allowing employees of the city hospital or health care

11 facility the option of remaining city employees for

12 purposes of coverage under chapter 97B."

JOHN P. KIBBIE

S-5274

1 Amend House File 2404, 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 257.31, subsection 17,

6 paragraph a, Code 2001, is amended to read as follows:

7 a. If a district's average transportation costs

8 per pupil exceed the state average transportation

9 costs per pupil determined under paragraph "c" by one

10 hundred ~~fifty~~ percent, the committee may grant

11 transportation assistance aid to the district. Such
 12 aid shall be miscellaneous income and shall not be
 13 included in district cost.

14 Sec. 2. Section 257.31, subsection 17, Code 2001,
 15 is amended by adding the following new paragraph:
 16 NEW PARAGRAPH. e. For the fiscal year beginning
 17 July 1, 2003, and succeeding fiscal years, there is
 18 appropriated from the general fund of the state to the
 19 committee, in addition to any other funding which may
 20 be appropriated, the sum of one million two hundred
 21 thousand dollars for transportation assistance aid to
 22 school districts as provided in this subsection.
 23 Notwithstanding section 8.33, moneys appropriated in
 24 this paragraph that remain unencumbered and
 25 unobligated shall not revert but shall remain
 26 available for the purposes designated for the next
 27 fiscal year.

28 Sec. 3. APPLICABILITY DATE. This Act is
 29 applicable for the school budget year beginning July
 30 1, 2003, and succeeding budget years."

31 2. Title page, by striking lines 1 and 2 and
 32 inserting the following: "An Act providing additional
 33 funding for transportation assistance aid to certain
 34 school districts, making an appropriation, and
 35 providing an applicability date."

KITTY REHBERG

S-5275

1 Amend Senate File 2322 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. NEW SECTION. 514C.21 MANDATED
 5 COVERAGE FOR NEUROBIOLOGICAL DISORDERS AND UNDERLYING
 6 CO-MORBIDITY.

7 1. For purposes of this section, unless the
 8 context otherwise requires:
 9 a. "Co-morbidity" means the coexistence of
 10 conditions or diagnosable disorders such as
 11 neurobiological disorders and substance abuse. For
 12 purposes of this section, "substance abuse" means a
 13 pattern of pathological use of alcohol or a drug that
 14 causes impairment in social or occupational
 15 functioning, or that produces physiological dependency
 16 evidenced by physical tolerance or by physical
 17 symptoms when the alcohol or drug is withdrawn.
 18 b. "Neurobiological disorder" means the following:
 19 (1) Schizophrenia and other psychotic disorders.
 20 (2) Affective disorders.
 21 (3) Anxiety disorders.
 22 (4) Pervasive developmental disorders.

23 (5) Attention deficit hyperactivity disorder and
24 related disorders.

25 (6) Disorders identified in childhood and
26 adolescence.

27 The commissioner, by rule, shall identify the
28 neurobiological disorders covered by this definition,
29 consistent with the guidelines provided in the most
30 recent edition of the American psychiatric
31 association's diagnostic and statistical manual of
32 mental disorders, as such definitions may be amended
33 from time to time. The commissioner may adopt the
34 definitions provided in the manual by reference.

35 c. "Rates, terms, and conditions" means any
36 lifetime or annual payment limits, deductibles,
37 copayments, coinsurance, and any other cost-sharing
38 requirements, out-of-pocket limits, visit limitations,
39 and any other financial component of benefits coverage
40 that affects the covered individual.

41 2. a. Notwithstanding the uniformity of treatment
42 requirements of section 514C.6, a policy, contract, or
43 plan providing for third-party payment or prepayment
44 of health or medical expenses shall provide coverage
45 benefits for treatment for neurobiological disorders
46 and underlying co-morbidity based on rates, terms, and
47 conditions that are no more restrictive than the
48 rates, terms, and conditions for coverage benefits
49 provided for other health or medical conditions under
50 the policy, contract, or plan.

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1 b. Any restrictions or limitations with respect to
2 rates, terms, and conditions involving deductibles,
3 copayments, coinsurance, and any other cost-sharing
4 requirements shall be cumulative for coverage of
5 treatment for neurobiological disorders and underlying
6 co-morbidity and other health or medical conditions
7 under a policy, contract, or plan. A policy,
8 contract, or plan subject to this section shall not
9 impose an aggregate lifetime or annual limit on
10 treatment for neurobiological disorders and underlying
11 co-morbidity coverage benefits unless the policy,
12 contract, or plan imposes an aggregate lifetime or
13 annual limit on substantially all health or medical
14 coverage benefits. A policy, contract, or plan
15 subject to this section that imposes an aggregate
16 lifetime or annual limit on substantially all medical
17 and surgical coverage benefits shall not impose an
18 aggregate lifetime or annual limit on treatment for
19 neurobiological disorders and underlying co-morbidity
20 coverage benefits that is less than the aggregate
21 lifetime or annual limit imposed on substantially all

22 health or medical coverage benefits.
 23 c. Coverage required under this section shall be
 24 for the treatment of neurobiological disorders and
 25 underlying co-morbidity, for services provided by a
 26 health professional licensed under chapter 147A, 148,
 27 150A, 152, 154B, 154C, or 154D, for services provided
 28 in a hospital, clinic, office, community mental health
 29 center, health care facility, outpatient treatment
 30 facility, residential treatment facility, halfway
 31 house, or similar facility for the provision of health
 32 care services, and for services provided pursuant to
 33 the comprehensive program for treatment for substance
 34 abuse maintained by the department of public health
 35 pursuant to section 125.12 in a hospital licensed
 36 under chapter 135B or a facility licensed under
 37 chapter 125.
 38 3. This section applies to the following classes
 39 of third-party payment provider policies, contracts,
 40 or plans delivered, issued for delivery, continued, or
 41 renewed in this state on or after January 1, 2003:
 42 a. Individual or group accident and sickness
 43 insurance providing coverage on an expense-incurred
 44 basis.
 45 b. An individual or group hospital or medical
 46 service contract issued pursuant to chapter 509, 514,
 47 or 514A.
 48 c. A plan established pursuant to chapter 509A for
 49 public employees.
 50 d. An individual or group health maintenance

Page 3

1 organization contract regulated under chapter 514B.
 2 e. An individual or group Medicare supplemental
 3 policy, unless coverage pursuant to such policy is
 4 preempted by federal law.
 5 f. Any other entity engaged in the business of
 6 insurance, risk transfer, or risk retention, which is
 7 subject to the jurisdiction of the commissioner.
 8 g. An organized delivery system licensed by the
 9 director of public health.
 10 4. The commissioner shall adopt rules pursuant to
 11 chapter 17A to administer this section.
 12 **Sec. 2. INSURANCE DIVISION STUDY IN CONJUNCTION**
 13 **WITH STATE AUDITOR.**
 14 1. The insurance division of the department of
 15 commerce, in conjunction with the state auditor, shall
 16 conduct a study of the cost of providing
 17 neurobiological disorder coverage benefits in Iowa.
 18 2. The study shall assess at least all of the
 19 following:
 20 a. Identification of the costs attributed to

21 treatment of neurobiological disorders, and to
22 underlying co-morbidity.
23 b. An estimate of the impact of mandated coverage
24 on health care coverage benefit costs and
25 availability.
26 c. Actions taken by the division to ensure that
27 third-party payors subject to this Act are in
28 compliance.
29 d. Identification of any segments of the
30 population of this state that may be excluded from, or
31 have limited access to, treatment, including the
32 number of citizens that may be excluded from, or have
33 limited access to, treatment under third-party payor
34 policies or contracts provided by employers who
35 receive substantial revenue from public sources.
36 3. The insurance division shall submit a written
37 report to the general assembly on or before January
38 30, 2005.
39 Sec. 3. DEPARTMENT OF PUBLIC HEALTH STUDY.
40 1. The department of public health shall conduct a
41 two-year study of the mental health delivery system in
42 Iowa, beginning July 1, 2002.
43 2. The study shall include participation by at
44 least all of the following:
45 a. Representatives of professional health care
46 groups licensed under chapters 147A, 148, 150A, 152,
47 154B, 154C, and 154D.
48 b. Representatives of associations or other groups
49 representing hospitals, clinics, community mental
50 health centers, community corrections and prison

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1 corrections, health care facilities, outpatient
2 treatment facilities, and any other facility offering
3 mental health services.
4 c. County supervisors, representatives from the
5 department of human services, judges, mental health
6 advocates, and other state or county officials
7 involved in the provision of mental health services.
8 d. Consumers, family members, and patients.
9 3. The participants in the study shall assess the
10 relevant issues facing the mental health delivery
11 system in Iowa, and shall prepare a report with
12 recommendations for presentation to the general
13 assembly no later than November 1, 2004."
14 2. Title page, line 1, by striking the words "tax
15 credits and related".
16 3. Title page, line 2, by inserting after the
17 word "disorders," the following: "and".
18 4. Title page, lines 3 and 4, by striking the
19 words ", and providing applicability and effective

20 dates".

21 5. By renumbering, redesignating, and correcting

22 internal references as necessary.

THOMAS FIEGEN
 MIKE CONNOLLY
 MATT McCOY
 WALLY E. HORN
 JACK HOLVECK
 JOHN P. KIBBIE
 JOE BOLKCOM
 BILL FINK
 DICK L. DEARDEN
 EUGENE S. FRAISE
 ROBERT E. DVORSKY
 DENNIS H. BLACK
 STEVEN D. HANSEN
 TOM FLYNN
 MARK SHEARER
 PATRICIA HARPER
 PATRICK J. DELUHERY
 AMANDA RAGAN
 JOHNIE HAMMOND
 MICHAEL E. GRONSTAL
 MARY A. LUNDBY
 MAGGIE TINSMAN

S-5276

1 Amend Senate File 2285 as follows:
 2 1. Page 3, line 29, by striking the word "and".
 3 2. Page 7, line 6, by inserting before the figure
 4 "(1)" the following: "For purposes of this
 5 subsection, the following shall apply:"
 6 3. Page 8, line 10, by striking the word
 7 "holders" and inserting the following: "~~holders~~
 8 shareholders".
 9 4. Page 9, line 18, by inserting before the word
 10 "votes" the following: "ballots, proxies, or".
 11 5. Page 13, line 17, by striking the word
 12 "section" and inserting the following: "subsection".
 13 6. Page 13, line 26, by striking the word
 14 "section" and inserting the following: "subsection".
 15 7. Page 23, line 17, by inserting after the word
 16 and figure "subsection 5" the following: ". paragraph
 17 a.".
 18 8. Page 24, by striking lines 28 and 29 and
 19 inserting the following: "the protection afforded by
 20 section 490.832 if interposed as a".
 21 9. Page 26, by inserting after line 26 the
 22 following:
 23 "Sec. ____ . Section 490.832, Code 2001, is amended

24 by striking the section and inserting in lieu thereof
25 the following:

26 490.832 DIRECTOR CONFLICT OF INTEREST.

27 1. A conflict of interest transaction is a
28 transaction with the corporation in which a director
29 of the corporation has a direct or indirect interest.
30 A conflict of interest transaction is not voidable by
31 the corporation solely because of the director's
32 interest in the transaction if any one of the
33 following is true:

34 a. The material facts of the transaction and the
35 director's interest were disclosed or known to the
36 board of directors or a committee of the board of
37 directors and the board of directors or committee
38 authorized, approved, or ratified the transaction.

39 b. The material facts of the transaction and the
40 director's interest were disclosed or known to the
41 shareholders entitled to vote and the shareholders
42 authorized, approved, or ratified the transaction.

43 c. The transaction was fair to the corporation.

44 2. For purposes of this section, a director of the
45 corporation has an indirect interest in a transaction
46 if either of the following is true:

47 a. Another entity in which the director has a
48 material financial interest or in which the director
49 is a general partner is a party to the transaction.

50 b. Another entity of which the director is a

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1 director, officer, or trustee is a party to the
2 transaction and the transaction is or should be
3 considered by the board of directors of the
4 corporation.

5 3. For purposes of subsection 1, paragraph "a", a
6 conflict of interest transaction is authorized,
7 approved, or ratified if it receives the affirmative
8 vote of a majority of the directors on the board of
9 directors or on the committee, who have no direct or
10 indirect interest in the transaction, but a
11 transaction may not be authorized, approved, or
12 ratified under this section by a single director. If
13 a majority of the directors who have no direct or
14 indirect interest in the transaction vote to
15 authorize, approve, or ratify the transaction, a
16 quorum is present for the purpose of taking action
17 under this section. The presence of, or a vote cast
18 by, a director with a direct or indirect interest in
19 the transaction does not affect the validity of any
20 action taken under subsection 1, paragraph "a", if the
21 transaction is otherwise authorized, approved, or
22 ratified as provided in that subsection.

23 4. For purposes of subsection 1, paragraph "b", a
 24 conflict of interest transaction is authorized,
 25 approved, or ratified if it receives the vote of a
 26 majority of the shares entitled to be counted under
 27 this subsection. Shares owned by or voted under the
 28 control of a director who has a direct or indirect
 29 interest in the transaction, and shares owned by or
 30 voted under the control of an entity described in
 31 subsection 2, paragraph "a", shall not be counted in a
 32 vote of shareholders to determine whether to
 33 authorize, approve, or ratify a conflict of interest
 34 transaction under subsection 1, paragraph "b". The
 35 vote of those shares, however, is counted in
 36 determining whether the transaction is approved under
 37 other sections of this chapter. A majority of the
 38 shares, whether or not present, that are entitled to
 39 be counted in a vote on the transaction under this
 40 subsection constitutes a quorum for the purpose of
 41 taking action under this section."

42 10. Page 29, line 17, by striking the word "in"
 43 and inserting the following: "as to".

44 11. Page 30, line 20, by striking the words "of
 45 the" and inserting the following: "or the".

46 12. Page 30, line 21, by striking the word "of"
 47 and inserting the following: "or".

48 13. Page 32, by striking line 29, and inserting
 49 the following: "was in the ~~corporation's~~ best
 50 interests of the corporation."

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1 14. Page 32, by striking line 31, and inserting
 2 the following: "at least not opposed to the
 3 ~~corporation's~~ best interests of the corporation."

4 15. Page 35, lines 6 and 7, by striking the words
 5 "Authorizations of payments" and inserting the
 6 following: "~~of payments~~ Authorizations".

7 16. By striking page 41, line 25, through page
 8 47, line 11.

9 17. Page 48, line 14, by striking the word
 10 "conflict" and inserting the following: "~~conflict~~
 11 conflicts".

12 18. Page 49, line 31, by striking the word "that"
 13 and inserting the following: "~~that~~ the".

14 19. Page 56, line 13, by striking the word
 15 "another" and inserting the following: "an other".

16 20. Page 56, line 19, by striking the word
 17 "another" and inserting the following: "an other".

18 21. Page 56, line 31, by striking the word
 19 "another" and inserting the following: "an other".

20 22. Page 57, line 30, by striking the word
 21 "securities" and inserting the following:

22 "securities,".

23 23. Page 62, lines 5 and 6, by striking the words

24 "an existing" and inserting the following: "a".

25 24. Page 67, line 6, by striking the word

26 "entity" and inserting the following: "entity,".

27 25. Page 68, by inserting after line 9 the

28 following:

29 "Sec. ____ NEW SECTION. 490.1108A CONSIDERATION

30 OF ACQUISITION PROPOSALS — COMMUNITY INTERESTS.

31 1. A director, in determining what is in the best
32 interest of the corporation when considering a tender
33 offer or proposal of acquisition, merger,
34 consolidation, or similar proposal, may consider any
35 or all of the following community interest factors, in
36 addition to consideration of the effects of any action
37 on shareholders:

38 a. The effects of the action on the corporation's
39 employees, suppliers, creditors, and customers.

40 b. The effects of the action on the communities in
41 which the corporation operates.

42 c. The long-term as well as short-term interests
43 of the corporation and its shareholders, including the
44 possibility that these interests may be best served by
45 the continued independence of the corporation.

46 2. If on the basis of the community interest
47 factors described in subsection 1, the board of
48 directors determines that a proposal or offer to
49 acquire or merge the corporation is not in the best
50 interests of the corporation, it may reject the

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1 proposal or offer. If the board of directors
2 determines to reject any such proposal or offer, the
3 board of directors has no obligation to facilitate, to
4 remove any barriers to, or to refrain from impeding,
5 the proposal or offer. Consideration of any or all of
6 the community interest factors is not a violation of
7 the business judgment rule or of any duty of the
8 director to the shareholders, or a group of
9 shareholders, even if the director reasonably
10 determines that a community interest factor or factors
11 outweigh the financial or other benefits to the
12 corporation or a shareholder or group of shareholders.

13 "Sec. ____ Section 490.1110, subsection 2,
14 paragraph f, subparagraph (2), subparagraph
15 subdivision (a), Code 2001, is amended to read as
16 follows:

17 (a) A merger of the corporation, other than a
18 merger pursuant to section ~~490.1104~~ 490.1105.

19 Sec. ____ Section 490.1110, subsection 3,
20 paragraph c, subparagraph (3), subparagraph

21 subdivision (b), Code 2001, is amended to read as
 22 follows:
 23 (b) Pursuant to a merger under section ~~490.1104~~
 24 490.1105."
 25 26. Page 71, line 3, by striking the word
 26 "~~presented~~" and inserting the following: "present".
 27 27. Page 72, by inserting after line 16 the
 28 following:
 29 "With respect to shares of a corporation that is a
 30 bank holding company as defined in section 524.1801,
 31 the factors identified in section 524.1406, subsection
 32 3, paragraph "a", shall also be considered in
 33 determining fair value."
 34 28. Page 74, lines 25 and 26, by striking the
 35 words "corporate action taken pursuant to a
 36 shareholder vote," and inserting the following:
 37 "~~corporate action taken pursuant to a shareholder~~
 38 ~~vote~~".
 39 29. Page 74, lines 29 through 31, by striking the
 40 words "~~that~~ provides that voting or nonvoting
 41 shareholders are entitled to dissent and obtain
 42 payment for their shares" and inserting the following:
 43 "~~provides that voting or nonvoting shareholders are~~
 44 ~~entitled to dissent and obtain payment for their~~
 45 ~~shares~~".
 46 30. Page 76, line 2, by striking the word "~~who~~:"
 47 and inserting the following: "who fulfills either of
 48 the following:"
 49 31. Page 77, line 4, by striking the figure
 50 "~~490.862~~" and inserting the following: "490.832".

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1 32. Page 82, line 29, by striking the letter
 2 "'e'" and inserting the following: "'e'",
 3 33. Page 82, by striking line 32, and inserting
 4 the following: "490.1325. In addition, a shareholder
 5 who wishes to exercise appraisal rights must execute
 6 and return the form and, in a case of certificated
 7 shares, deposit the shareholder's certificates in".
 8 34. Page 83, by striking lines 5 through 8, and
 9 inserting the following:
 10 "2. ~~The shareholder who demands payment and~~
 11 ~~deposits the shareholder's shares under subsection 1~~
 12 ~~retains all other rights of a shareholder until these~~
 13 ~~rights are canceled or modified by the taking of the~~
 14 ~~proposed corporate action. A".~~
 15 35. Page 83, line 29, by inserting after the
 16 figure "(2)," the following: "is due,".
 17 36. Page 86, line 33, by striking the word
 18 "unsettled" and inserting the following:
 19 "unsettled₁".

20 37. Page 92, line 3, by inserting before the
21 words "the assets" the following: "if".

22 38. Page 94, line 29, by striking the word "may"
23 and inserting the following: "shall".

24 39. Page 98, by inserting after line 31 the
25 following:

26 "Sec. ____ Section 491.3, subsection 8, Code 2001,
27 is amended to read as follows:

28 8. A corporation organized under or subject to
29 this chapter may make indemnification as provided in
30 sections 490.850 through ~~490.858~~ 490.859.

31 Sec. ____ Section 491.16, Code 2001, is amended to
32 read as follows:

33 491.16 INDEMNIFICATION OF OFFICERS, DIRECTORS,
34 EMPLOYEES, AND AGENTS — INSURANCE.

35 Sections 490.850 through ~~490.858~~ 490.859 apply to
36 corporations organized under or subject to this
37 chapter.

38 Sec. ____ Section 497.34, Code 2001, is amended to
39 read as follows:

40 497.34 INDEMNIFICATION.

41 A cooperative association operating under this
42 chapter may indemnify any present or former director,
43 officer, employee, member, or volunteer in the manner
44 and in the instances authorized in sections 490.850
45 through ~~490.858~~ 490.859, provided that where sections
46 490.850 through ~~490.858~~ 490.859 provide for action by
47 shareholders the sections are applicable to action by
48 voting members of the cooperative association, and
49 where sections 490.850 through ~~490.858~~ 490.859 refer
50 to the corporation organized under chapter 490 the

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1 sections are applicable to the cooperative association
2 organized under this chapter, and where sections
3 490.850 through ~~490.858~~ 490.859 refer to the director
4 the sections are applicable to a director, officer,
5 employee, member, or volunteer of the cooperative
6 association organized under this chapter.

7 Sec. ____ Section 498.36, Code 2001, is amended to
8 read as follows:

9 498.36 INDEMNIFICATION.

10 A cooperative association operating under this
11 chapter may indemnify any present or former director,
12 officer, employee, member, or volunteer in the manner
13 and in the instances authorized in sections 490.850
14 through ~~490.858~~ 490.859, provided that where sections
15 490.850 through ~~490.858~~ 490.859 provide for action by
16 shareholders the sections are applicable to action by
17 voting members of the cooperative association, and
18 where sections 490.850 through ~~490.858~~ 490.859 refer

19 to the corporation organized under chapter 490 the
 20 sections are applicable to the cooperative association
 21 organized under this chapter, and where sections
 22 490.850 through ~~490.858~~ 490.859 refer to the director
 23 the sections are applicable to a director, officer,
 24 employee, member, or volunteer of the cooperative
 25 association organized under this chapter.

26 Sec. ____ Section 499.59A, Code 2001, is amended
 27 to read as follows:

28 499.59A INDEMNIFICATION.

29 A cooperative association operating under this
 30 chapter may indemnify any present or former director,
 31 officer, employee, member, or volunteer in the manner
 32 and in the instances authorized in sections 490.850
 33 through ~~490.858~~ 490.859, provided that where sections
 34 490.850 through ~~490.858~~ 490.859 provide for action by
 35 shareholders the sections are applicable to action by
 36 voting members of the cooperative association, and
 37 where sections 490.850 through ~~490.858~~ 490.859 refer
 38 to the corporation organized under chapter 490 the
 39 sections are applicable to the cooperative association
 40 organized under this chapter, and where sections
 41 490.850 through ~~490.858~~ 490.859 refer to the director
 42 the sections are applicable to a director, officer,
 43 employee, member, or volunteer of the cooperative
 44 association organized under this chapter.

45 Sec. ____ Section 499.69A, subsections 4 and 7,
 46 Code 2001, are amended to read as follows:

47 4. For a surviving cooperative association, a
 48 qualified merger becomes effective upon the filing of
 49 the articles of merger with the secretary of state and
 50 the issuance of a certificate of merger pursuant to

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1 section 499.68 or the date stated in the articles of
 2 merger, whichever is later. For a surviving qualified
 3 corporation, a qualified merger becomes effective upon
 4 the filing of the articles of merger with the
 5 secretary of state pursuant to section ~~490.1105~~
 6 490.1106 or the date stated in the articles, whichever
 7 is later.

8 7. A foreign cooperative association may
 9 participate in a qualified merger as provided in this
 10 section, if the foreign cooperative association
 11 complies with the requirements for a cooperative
 12 association under this section and the requirements
 13 for a foreign cooperative association under section
 14 499.69. A foreign corporation may participate in a
 15 qualified merger as provided in this section if it
 16 complies with the requirements of a qualified
 17 corporation under this section and the requirements

18 for a foreign corporation under section ~~490.1107~~
19 490.1102.
20 Sec. ____ Section 508B.2, unnumbered paragraph 2,
21 Code 2001, is amended to read as follows:
22 A plan of conversion may provide that a mutual
23 company may convert into a domestic stock company,
24 convert and merge, or convert and consolidate with a
25 domestic stock company, as provided in chapter 490 or
26 491, whichever is applicable. However, the mutual
27 company is not required to comply with sections
28 491.102 through 491.105 or sections ~~490.1101~~ 490.1102
29 and ~~490.1103~~ 490.1104 relating to approval of merger
30 or consolidation plans by boards of directors and
31 shareholders, if at the time of approval of the plan
32 of conversion the board of directors approves the
33 merger or consolidation and if at the time of approval
34 of the plan by policyholders as provided in section
35 508B.6, the policyholders approve the merger or
36 consolidation. This chapter supersedes any
37 conflicting provisions of chapters 521 and 521A. A
38 mutual company may convert, merge, or consolidate as
39 part of a plan of conversion in which a majority or
40 all of the common shares of the stock company are
41 acquired by another corporation, which may be a
42 corporation organized for that purpose, or in which
43 the new stock company consolidates with a stock
44 company to form another stock company.
45 Sec. ____ Section 504A.4, subsection 14, Code
46 2001, is amended to read as follows:
47 14. A corporation operating under this chapter may
48 indemnify any present or former director, officer,
49 employee, member, or volunteer in the manner and in
50 the instances authorized in sections 490.850 through

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1 ~~490.858~~ 490.859.
2 Sec. ____ Section 508B.13, Code 2001, is amended
3 to read as follows:
4 508B.13 PROHIBITIONS ON CERTAIN OFFERS TO ACQUIRE
5 SHARES.
6 Prior to and for a period of five years following
7 the effective date of the conversion, and in the case
8 of the plans of conversion specified in subsections 1
9 and 3 of section 508B.3, five years following the date
10 of distribution of consideration to the policyholders
11 in exchange for their membership interests, a person,
12 other than the reorganized company, other than an
13 employee benefit plan or employee benefit trust
14 sponsored by the reorganized company, or as otherwise
15 specifically provided for in the plan of conversion,
16 shall not directly or indirectly acquire or offer to

17 acquire the beneficial ownership of more than five
 18 percent of any class of voting security of the
 19 reorganized company, and a person, other than the
 20 reorganized company or other than an employee benefit
 21 plan or employee benefit trust sponsored by the
 22 reorganized company, who acquires five percent or more
 23 of any class of voting security of the reorganized
 24 company prior to the conversion or as specifically
 25 provided for in the plan of conversion, shall not
 26 directly or indirectly acquire or offer to acquire the
 27 beneficial ownership of additional voting securities
 28 of the reorganized company, unless the acquisition is
 29 approved by the commissioner as not being contrary to
 30 the interests of the policyholders of the reorganized
 31 company or its life insurance company subsidiary and
 32 by the board of directors of the reorganized company.
 33 The commissioner and the board of directors may
 34 consider the factors set forth in section ~~490.1108~~
 35 490.1108A. The provisions of section 521A.3, except
 36 subsection 4, paragraph "a", shall be applicable to a
 37 proposed acquisition subject to this section. An
 38 approved plan of conversion may include a stock option
 39 plan. As used in this section, "beneficial ownership"
 40 means, with respect to a security, the sole or shared
 41 power to vote or direct the voting of the security or
 42 the sole power to dispose or direct the disposition of
 43 the security.

44 Sec. ____ Section 508C.16, unnumbered paragraph 2,
 45 Code 2001, is amended to read as follows:

46 Sections 490.850 through ~~490.858~~ 490.859 apply to
 47 the association.

48 Sec. ____ Section 524.801, subsection 7, Code
 49 2001, is amended to read as follows:

50 7. To indemnify a director, officer, or employee,

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1 or a former director, officer, or employee of the
 2 state bank in the manner and in the instances
 3 authorized by sections 490.850 through ~~490.858~~
 4 490.859.

5 Sec. ____ Section 524.1213, subsection 2, Code
 6 Supplement 2001, is amended to read as follows:

7 2. A united community bank office formed under
 8 this section shall have a united community bank office
 9 board, at least one-half or more of the members of
 10 which shall be residents of the county in which the
 11 united community bank office is located. The
 12 liability of the united community bank office board
 13 shall be limited as provided in section 524.614. The
 14 bank establishing and operating the united community
 15 bank office may indemnify members of the united

16 community bank office board as agents of the bank in
 17 the manner and in the instances authorized by sections
 18 490.850 through ~~490.858~~ 490.859.

19 Sec. ____ Section 524.1309, subsection 8, Code
 20 2001, is amended to read as follows:

21 8. A shareholder of a state bank who objects to
 22 adoption by the state bank of a plan to cease to carry
 23 on the business of banking and to continue as a
 24 corporation subject to chapter 490, is entitled to ~~the~~
 25 ~~rights and remedies of a dissenting shareholder~~
 26 appraisal rights provided for in chapter 490, division
 27 XIII.

28 Sec. ____ Section 524.1402, subsection 2, Code
 29 2001, is amended to read as follows:

30 2. In the case of a state bank which is a party to
 31 the plan, if the proposed merger will result in a
 32 state bank subject to this chapter, adoption of the
 33 plan by such state bank requires the affirmative vote
 34 of at least a majority of the directors and approval
 35 by the shareholders, in the manner and according to
 36 the procedures prescribed in section ~~490.1103~~
 37 490.1104, at a meeting called in accordance with the
 38 terms of that section. In the case of a national
 39 bank, or if the proposed merger will result in a
 40 national bank, adoption of the plan by each party to
 41 the merger shall require the affirmative vote of at
 42 least such directors and shareholders whose
 43 affirmative vote on the plan is required under the
 44 laws of the United States. Subject to applicable
 45 requirements of the laws of the United States in a
 46 case in which a national bank is a party to a plan,
 47 any modification of a plan which has been adopted
 48 shall be made by any method provided in the plan, or
 49 in the absence of such provision, by the same vote as
 50 required for adoption.

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1 Sec. ____ Section 524.1406, Code 2001, is amended
 2 to read as follows:

3 524.1406 ~~RIGHTS APPRAISAL RIGHTS OF DISSENTING~~
 4 ~~SHAREHOLDERS.~~

5 1. A shareholder of a state bank, which is a party
 6 to a proposed merger plan which will result in a state
 7 bank subject to this chapter, who objects to the plan
 8 is entitled to ~~the rights and remedies of a dissenting~~
 9 ~~shareholder~~ appraisal rights as provided in chapter
 10 490, division XIII.

11 2. If a shareholder of a national bank which is a
 12 party to a proposed merger plan which will result in a
 13 state bank, or a shareholder of a state bank which is
 14 a party to a plan which will result in a national

15 bank, objects to the plan and complies with the
16 requirements of the applicable laws of the United
17 States, the resulting state bank or national bank, as
18 the case may be, is liable for the value of the
19 shareholder's shares as determined in accordance with
20 such laws of the United States.

21 3. a. Notwithstanding any contrary provision in
22 chapter 490, division XIII, in determining the fair
23 value of the shareholder's shares of a bank organized
24 under this chapter or a bank holding company as
25 defined in section 524.1801 in a transaction or event
26 in which the shareholder is entitled to ~~the rights and~~
27 ~~remedies of a dissenting shareholder~~ appraisal rights,
28 due consideration shall be given to valuation factors
29 recognized for federal and estate tax purposes,
30 including discounts for minority interests and
31 discounts for lack of marketability. However, any
32 payment made to ~~dissenting~~ shareholders under section
33 ~~490.1325~~ 490.1324 shall be in an amount not less than
34 the stockholders' equity in the bank disclosed in its
35 last statement of condition filed under section
36 524.220 or the total equity capital of the bank
37 holding company disclosed in the most recent report
38 filed by the bank holding company with the board of
39 governors of the federal reserve system, divided by
40 the number of shares outstanding.

41 b. Prior to giving notice of a meeting at which a
42 shareholder of a bank organized under this chapter or
43 a bank holding company as defined in section 524.1801
44 would be entitled to ~~the rights and remedies of a~~
45 ~~dissenting shareholder~~ appraisal rights, such bank or
46 bank holding company may seek a declaratory judgment
47 to establish the fair value for purposes of section
48 490.1301, subsection 4, of shares held by such
49 shareholders. Another cause of action or a
50 counterclaim shall not be joined with such a

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1 declaratory action. A declaratory judgment shall be
2 filed in the county where the principal place of
3 business of the bank or bank holding company is
4 located. The court shall appoint an attorney to
5 represent minority shareholders. All shareholders of
6 the bank or bank holding company shall be served with
7 notice of the action and be advised of the name,
8 address, and telephone number of the attorney
9 appointed to represent minority shareholders. The
10 attorney appointed to represent minority shareholders
11 shall select an appraiser to give an opinion of the
12 fair value of such shares. The bank or bank holding
13 company may select an appraiser to give an opinion on

14 the fair value of the shares of the bank or bank
 15 holding company. Any shareholder may participate
 16 individually and present evidence of the fair value of
 17 such shareholder's shares. All court costs,
 18 appraiser's fees, and the fees and expenses of the
 19 attorney appointed to represent the minority
 20 shareholders shall be assessed against the bank or the
 21 bank holding company. A judgment in the action shall
 22 not determine fair value for a share to be less than
 23 the stockholders' equity in the bank disclosed in its
 24 last statement of condition filed under section
 25 524.220 or the total equity capital of the bank
 26 holding company disclosed in the most recent report
 27 filed by the bank holding company with the board of
 28 governors of the federal reserve system, divided by
 29 the number of shares outstanding. A final judgment in
 30 the action shall establish fair value for the purposes
 31 of chapter 490, division XIII and shall be disclosed
 32 to the shareholders in the notice to shareholders of
 33 the meeting to approve the transaction that gives rise
 34 to dissenters' appraisal rights. If the proposed
 35 transaction is approved by the shareholders, upon
 36 consummation of the proposed transaction the fair
 37 value so established shall be paid to each shareholder
 38 entitled to payment for the shareholder's shares upon
 39 receipt of such shareholder's share certificates.

40 Sec. ____ Section 524.1408, Code 2001, is amended
 41 to read as follows:

42 524.1408 MERGER OF CORPORATION SUBSTANTIALLY OWNED
 43 BY A STATE BANK.

44 A state bank owning at least ninety percent of the
 45 outstanding shares, of each class, of another
 46 corporation which it is authorized to own under this
 47 chapter, may merge the other corporation into itself
 48 without approval by a vote of the shareholders of
 49 either the state bank or the subsidiary corporation.
 50 The board of directors of the state bank shall approve

Page 12

1 a plan of merger, mail to shareholders of record of
 2 the subsidiary corporation, and prepare and execute
 3 articles of merger in the manner provided for in
 4 section ~~490.1104~~ 490.1105. The articles of merger,
 5 together with the applicable filing and recording
 6 fees, shall be delivered to the superintendent who
 7 shall, if the superintendent approves of the proposed
 8 merger and if the superintendent finds the articles of
 9 merger satisfy the requirements of this section,
 10 deliver them to the secretary of state for filing and
 11 recording in the secretary of state's office, and they
 12 shall be filed in the office of the county recorder.

13 The secretary of state upon filing the articles of
 14 merger shall issue a certificate of merger and send
 15 the certificate to the state bank and a copy of it to
 16 the superintendent.

17 Sec. __. Section 524.1417, Code 2001, is amended
 18 to read as follows:

19 524.1417 ~~RIGHTS APPRAISAL RIGHTS OF DISSENTING~~
 20 ~~SHAREHOLDER OF CONVERTING STATE OR NATIONAL BANK OR~~
 21 ~~FEDERAL SAVINGS ASSOCIATION.~~

22 1. A shareholder of a state bank ~~which that~~
 23 converts into a national bank or federal savings
 24 association who objects to the plan of conversion is
 25 entitled to ~~the rights and remedies of a dissenting~~
 26 ~~shareholder appraisal rights~~ as provided in chapter
 27 490, division XIII.

28 2. If a shareholder of a national bank or federal
 29 savings association, ~~which that~~ converts into a state
 30 bank; objects to the plan of conversion and complies
 31 with the requirements of applicable laws of the United
 32 States, the resulting state bank is liable for the
 33 value of the shareholder's shares as determined in
 34 accordance with such laws of the United States.

35 Sec. __. Section 533.4, subsection 27, Code 2001,
 36 is amended to read as follows:

37 27. To provide indemnity for the director,
 38 officer, or employee in the same fashion that a
 39 corporation organized under chapter 490 could under
 40 sections 490.850 through ~~490.858~~ 490.859; however,
 41 where those sections provide for action by
 42 shareholders the provision is applicable to action by
 43 members of the credit union and where the sections
 44 have reference to the corporation organized under
 45 chapter 490, the provision is applicable to the
 46 association organized under this chapter.

47 Sec. __. Section 534.504, Code 2001, is amended
 48 to read as follows:

49 534.504 MEETINGS OF STOCKHOLDERS.

50 Sections 490.701 through ~~490.731~~ 490.732 apply to

Page 13

1 stock associations.

2 Sec. __. Section 534.605, subsection 4, Code
 3 Supplement 2001, is amended to read as follows:

4 4. An association operating under this chapter may
 5 indemnify any present or former director, officer, or
 6 employee in the manner and in the instances authorized
 7 in sections 490.850 through ~~490.858~~ 490.859. If the
 8 association is a mutual association, the references in
 9 those sections to stockholder shall be deemed to be
 10 references to members.

11 Sec. __. Section 534.607, Code 2001, is amended

12 to read as follows:

13 534.607 INDEMNIFICATION.

14 Except as otherwise provided in section 534.602,
15 sections 490.850 through ~~490.858~~ 490.859 apply to
16 associations incorporated under this chapter."

17 40. Page 98, line 32, by striking the figure
18 "490.832,".

19 41. By renumbering, redesignating, and correcting
20 internal references as necessary.

NEAL SCHUERER

S-5277

1 Amend the amendment, S-5275, to Senate File 2322,
2 as follows:

3 1. By striking page 1, line 4 through page 4,
4 line 13, and inserting the following:

5 ""Section 1. NEW SECTION. 514C.21 MENTAL HEALTH
6 AND SUBSTANCE ABUSE TREATMENT COVERAGE.

7 1. a. Notwithstanding section 514C.6, a policy or
8 contract providing for third-party payment or
9 prepayment of health or medical expenses shall provide
10 coverage benefits for mental health and substance
11 abuse conditions based on rates, terms, and conditions
12 which are no more restrictive than the rates, terms,
13 and conditions for coverage benefits provided for
14 other health or medical conditions under the policy or
15 contract.

16 b. Coverage required under this section includes
17 the following:

18 (1) For the treatment of mental illness, services
19 provided by a licensed mental health professional, or
20 services provided in a licensed hospital or health
21 facility.

22 (2) For the treatment of substance abuse or other
23 addictive disorder, services provided by a qualified
24 professional as defined by rule of the Iowa department
25 of public health, a licensed health facility providing
26 a program for the treatment of substance abuse or
27 other addictive disorder approved by the Iowa
28 department of public health, or a licensed substance
29 abuse treatment and rehabilitation facility.

30 2. This section applies to the following classes
31 of third-party payment provider contracts or policies
32 delivered, issued for delivery, continued, or renewed
33 in this state on or after January 1, 2003:

34 a. Individual or group accident and sickness
35 insurance providing coverage on an expense-incurred
36 basis.

37 b. An individual or group hospital or medical
38 service contract issued pursuant to chapter 509, 514,
39 or 514A.

- 40 c. An individual or group health maintenance
 41 organization contract regulated under chapter 514B.
 42 d. An individual or group Medicare supplemental
 43 policy, unless coverage pursuant to such policy is
 44 preempted by federal law.
 45 e. An organized delivery system licensed by the
 46 director of public health.
 47 f. Any other entity engaged in the business of
 48 insurance, risk transfer, or risk retention, which is
 49 subject to the jurisdiction of the commissioner.
 50 3. For purposes of this section, unless the

Page 2

- 1 context otherwise requires:
 2 a. "Mental health or substance abuse condition"
 3 means a condition or disorder involving mental illness
 4 or substance abuse or other addictive disorder which
 5 is included in the diagnostic categories listed in the
 6 mental disorders section of the international
 7 classification of disease, as periodically revised.
 8 b. "Rates, terms, and conditions" means lifetime
 9 payment limits, deductibles, copayments, coinsurance,
 10 and any other cost-sharing requirements, out-of-pocket
 11 limits, visit limitations, and any other financial
 12 component of benefits coverage that affects the
 13 covered individual."
 14 2. Page 4, striking lines 16 and 17, and
 15 inserting the following:
 16 "____. Title page, line 2, by striking the words
 17 "neurobiological disorders," and inserting the
 18 following: "mental health and substance abuse
 19 conditions, and"."
 20 3. By renumbering, redesignating, and correcting
 21 internal references as necessary.

MARK SHEARER
 STEVEN D. HANSEN
 JACK HOLVECK
 MIKE CONNOLLY
 THOMAS FIEGEN
 AMANDA RAGAN
 TOM FLYNN
 PATRICK J. DELUHERY
 JOE BOLKCOM
 BILL FINK
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 JOHNIE HAMMOND
 MICHAEL E. GRONSTAL
 JOHN P. KIBBIE
 WALLY E. HORN

DICK L. DEARDEN
EUGENE S. FRAISE

S-5278

- 1 Amend Senate File 2322 as follows:
2 1. Page 1, line 13, by inserting after the word
3 "disorders" the following: ", and that the
4 neurobiological disorders covered for treatment under
5 the policy or contract shall at a minimum cover the
6 neurobiological disorders listed in paragraph "d" but
7 may also cover other illnesses commonly referred to as
8 neurobiological disorders".
9 2. Page 1, line 27, by striking the words "at
10 least".
11 3. Page 4, line 15, by inserting after the word
12 "disorders" the following: ", and that the
13 neurobiological disorders covered for treatment under
14 the policy or contract shall at a minimum cover the
15 neurobiological disorders listed in subparagraph (3)
16 but may also cover other illnesses commonly referred
17 to as neurobiological disorders".
18 4. Page 4, line 24, by striking the words "at
19 least".
20 5. Page 6, line 21, by inserting after the word
21 "disorders" the following: ", and that the
22 neurobiological disorders covered for treatment under
23 the policy or contract shall at a minimum cover the
24 neurobiological disorders listed in subparagraph (3)
25 but may also cover other illnesses commonly referred
26 to as neurobiological disorders".
27 6. Page 6, line 30, by striking the words "at
28 least".
29 7. Page 8, line 27, by inserting after the word
30 "disorders" the following: ", and that the
31 neurobiological disorders covered for treatment under
32 the policy or contract shall at a minimum cover the
33 neurobiological disorders listed in paragraph "c" but
34 may also cover other illnesses commonly referred to as
35 neurobiological disorders".
36 8. Page 9, line 1, by striking the words "at
37 least".

LARRY McKIBBEN

S-5279

HOUSE AMENDMENT TO
SENATE FILE 2279

- 1 Amend Senate File 2279, 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. Section 272C.4, unnumbered paragraph
6 2, Code Supplement 2001, is amended to read as
7 follows:
8 ~~The commissioner of insurance shall by rule in~~
9 ~~consultation with the licensing boards enumerated in~~
10 ~~section 272C.1, require insurance~~ Insurance carriers
11 which insure professional and occupational licensees
12 for acts or omissions ~~which~~ that constitute
13 negligence, careless acts or omissions in the practice
14 of a profession or occupation ~~to~~ shall file reports
15 with the ~~commissioner of insurance~~ appropriate
16 licensing board. The reports shall include information
17 pertaining to ~~incidents by~~ claims against a licensee
18 which may affect the licensee as defined by rule,
19 involving an insured of the insurer. ~~The commissioner~~
20 ~~of insurance shall forward reports pursuant to this~~
21 ~~section to the appropriate licensing board."~~
22 2. By striking page 3, line 34 through page 4,
23 line 3 and inserting the following:
24 "Sec. ___. Section 508.31A, subsection 2,
25 paragraph a, Code 2001, is amended by adding the
26 following new subparagraph:
27 NEW SUBPARAGRAPH. (3) A person other than a
28 natural person that has assets".
29 3. Page 4, by inserting after line 4, the
30 following:
31 "Sec. ___. Section 507E.7, subsection 3, Code
32 2001, is amended by striking the subsection."
33 4. Page 5, by striking lines 7 through 13.
34 5. Page 9, line 20, by inserting after the word
35 "company" the following: "organized under this
36 chapter or".
37 6. Page 9, line 27, by inserting after the word
38 "company." the following: "This section does not
39 apply to insurance producers or a business entity
40 whose contract with an insurer authorized to do
41 business in this state contains a written provision
42 expressly reserving to the insurer all right, title,
43 and interest to the ownership or the use of insurance
44 business written by such an insurance producer or
45 business entity."
46 7. By renumbering, redesignating, and correcting
47 internal references as necessary.

S-5280HOUSE AMENDMENT TO
SENATE FILE 2228

- 1 Amend Senate File 2228, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 6 through 12.

S-5281

- 1 Amend the House amendment, S-5256, to Senate File
2 2228, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "____. Page 1, line 7, by striking the word
6 "shall" and inserting the following: "may"."
7 2. Page 1, by striking lines 3 through 5.
8 3. Page 1, by inserting before line 6 the
9 following:
10 "____. Page 1, line 12, by striking the letter
11 ""a""."
12 4. By renumbering as necessary.

JEFF ANGELO

S-5282

- 1 Amend House File 2459, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 8, the
4 following:
5 "NEW UNNUMBERED PARAGRAPH. If the board of
6 trustees adopts a resolution containing a final
7 determination proposing the sale of all of the
8 property essential to the operation of the city
9 hospital or health care facility, the sale shall not
10 be final until the proposition to sell is approved by
11 residents of the city at an election called for that
12 purpose. Immediately after passage of the resolution,
13 the board of trustees shall notify the county auditor
14 that an election is to be held on the proposition.
15 Such an election shall be held within sixty days of
16 passage of such resolution. If a majority of the
17 votes cast on the proposition is in favor of the
18 proposition to sell the property, the board of
19 trustees may proceed with the sale of the property."

JOHNIE HAMMOND
HUBERT M. HOUSER
JEFF ANGELO
JOHN P. KIBBIE

S-5283

- 1 Amend Senate File 2321 as follows:
 2 1. Page 3, line 16, by inserting after the word
 3 "representatives" the following: "or the delegate's
 4 designee who shall also be a member of the house of
 5 representatives".
 6 2. Page 3, line 18, by inserting after the word
 7 "senate" the following: "or the delegate's designee
 8 who shall also be a member of the senate".
 9 3. Page 3, lines 19 and 20, by striking the words
 10 "at least".
 11 4. Page 3, by striking line 21 and inserting the
 12 following: ", or each delegate's designee."

LARRY McKIBBEN

S-5284

- 1 Amend House File 2547, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by inserting after line 27 the
 4 following:
 5 "Sec. ____ Section 139A.8, subsection 3, Code
 6 2001, is amended to read as follows:
 7 3. Subject to the provision of subsection 4, the
 8 state board of health may modify or delete any of the
 9 immunizations in subsection 2 to include immunizations
 10 consistent with the current recommendations of the
 11 advisory committee on immunization practices and the
 12 American academy of pediatric's committee on
 13 infectious diseases."
 14 2. By renumbering as necessary.

MAGGIE TINSMAN

S-5285

- 1 Amend the House amendment, S-5259, to Senate File
 2 348, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 3, line 13, by inserting after the figure
 5 "256F.5." the following: "In approving applications
 6 submitted in accordance with this chapter, the state
 7 board shall, to the extent possible, approve
 8 applications in a manner that is balanced and
 9 representative of schools located in school districts
 10 with enrollments of one thousand one hundred ninety-
 11 nine students or less, in school districts with
 12 enrollments of more than one thousand one hundred
 13 ninety-nine students but not more than four thousand
 14 seven hundred fifty students, and in school districts

15 with enrollments of more than four thousand seven
16 hundred fifty students."

PATRICIA HARPER

S-5286

1 Amend the House amendment, S-5259, to Senate File
2 348, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 3, line 13, by inserting after the figure
5 "256F.5." the following: "The application shall set
6 forth the manner in which the charter school will
7 provide special instruction, in accordance with
8 section 280.4, to students who are limited English
9 proficient."

PATRICIA HARPER

S-5287

1 Amend the House amendment, S-5259, to Senate File
2 348, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 5, by inserting after line 6 the
5 following:
6 "k. Provide, at a minimum, health services, media
7 services programs, or guidance programs at a level
8 equivalent to those provided by the school district in
9 which the charter school is located."

PATRICIA HARPER

S-5288

1 Amend the House amendment, S-5259, to Senate File
2 348, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 8, line 28, by inserting after the word
5 "action." the following: "Final action to revoke a
6 contract shall be taken in a manner least disruptive
7 to students enrolled in the charter school."

PATRICIA HARPER

S-5289

1 Amend the House amendment, S-5259, to Senate File
2 348, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 3, lines 3 and 4, by striking the words

5 "affirm, modify, or reverse" and inserting the
6 following: "affirm or modify".

PATRICIA HARPER

S-5290

1 Amend Senate File 2324 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. PUBLIC WORKS PROJECTS INTERIM STUDY.
5 The legislative council is requested to authorize an
6 interim study committee to study the professional
7 relationships among public owners, contractors,
8 construction managers, architects, engineers, and
9 landscape architects and to review issues concerning
10 bid comparisons on multiple contracts, the merits of
11 limiting the number of contracts, the professional
12 responsibilities of a public owner, contractor,
13 construction manager, architect, engineer, and
14 landscape architect on a public works project, and any
15 other issue raised by the members of the interim study
16 committee. The interim study shall include making
17 recommendations for a clear chain of command on public
18 works projects and proposing guidelines for the
19 interrelationship of public owners, contractors,
20 construction managers, architects, engineers, and
21 landscape architects on public works projects. The
22 study committee shall be composed of representatives
23 of organizations including but not limited to the
24 associated builders and contractors of Iowa, master
25 builders of Iowa, and organizations representing
26 construction managers, Iowa general contractors for
27 competitive bidding, architects, engineers, Iowa rural
28 water association, Iowa public airports association,
29 Iowa association of municipal utilities, Iowa state
30 association of counties, league of cities, state board
31 of regents, Iowa association of school boards, and
32 public owners. Appointments to the committee shall be
33 made no later than August 1, 2002. Staffing for the
34 committee shall be provided by the legislative service
35 bureau. The study committee shall submit a report of
36 its findings and recommendations, including proposed
37 legislation, if any, to the general assembly on or
38 before January 13, 2003."
39 2. Title page, line 1, by inserting after the
40 word "Act" the following: "requesting the

41 establishment of an interim study committee".
 42 3. By renumbering as necessary.

ROBERT E. DVORSKY
 JOE BOLKCOM
 JOHNIE HAMMOND

S-5291

1 Amend the amendment, S-5270, to Senate File 2275,
 2 as passed by the Senate, as follows:
 3 1. Page 1, by inserting after line 38, the
 4 following:
 5 "____. By striking page 69, line 5, through page
 6 71, line 20."
 7 2. By renumbering as necessary.

DONALD B. REDFERN

S-5292

1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 2, by inserting after line 43 the
 5 following:
 6 "If compensation is reduced pursuant to an
 7 apportionment as provided in this subsection, any
 8 reduction in liability to an employer shall be passed
 9 on to the employer and not the workers' compensation
 10 insurer for the employer.""

DICK L. DEARDEN

S-5293

1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 6 the
 5 following:
 6 ""Sec. ____ . Section 85.34, subsection 2, paragraph
 7 u, unnumbered paragraph 1, Code 2001, is amended to
 8 read as follows:
 9 In all cases of permanent partial disability other
 10 than those ~~hereina~~above described or referred to in
 11 paragraphs "a" through "t" ~~hereof~~, the compensation
 12 shall be paid during the number of weeks in relation
 13 to ~~five hundred~~ the life expectancy of the injured
 14 employee in weeks as the disability bears to the body
 15 of the injured employee as a whole. For purposes of
 16 this paragraph, "life expectancy of the injured

17 employee" shall be determined pursuant to the life
 18 expectancy table adopted by the workers' compensation
 19 division for use in commutation proceedings."
 20 2. By striking page 1, line 42, through page 2,
 21 line 43, and inserting the following:
 22 "Sec. ____ Section 85.34, Code 2001, is amended by
 23 adding the following new subsection:
 24 NEW SUBSECTION. 7. PERMANENT PARTIAL DISABILITY
 25 — REDUCTION FOR PREVIOUS BENEFIT PAYMENTS. If an
 26 employee receives a personal injury for which
 27 permanent partial disability benefits are payable, and
 28 that employee has already received permanent partial
 29 disability benefits as a result of a previous personal
 30 injury, the extent of that employee's entitlement to
 31 permanent partial disability benefits may be subject
 32 to a reduction as follows:
 33 a. If the employee was previously paid permanent
 34 partial disability benefits for a functional
 35 disability confined to a scheduled member pursuant to
 36 subsection 2, paragraphs "a" through "t", and that
 37 employee sustains a subsequent injury to the same
 38 scheduled member, the extent of that employee's
 39 entitlement to permanent partial disability benefits
 40 may be reduced as a result of the previous payment if,
 41 at the time of the employee's most recent injury, the
 42 previous injury was still independently causing an
 43 ascertainable percentage of functional disability.
 44 b. If the employee was previously paid permanent
 45 partial disability benefits for an industrial
 46 disability pursuant to subsection 2, paragraph "u",
 47 and that employee sustains a subsequent injury which
 48 would entitle that employee to permanent partial
 49 disability benefits pursuant to subsection 2,
 50 paragraph "u", the extent of that employee's

Page 2

1 entitlement to permanent partial disability benefits
 2 may be reduced as a result of the previous payment if,
 3 at the time of the employee's most recent injury, the
 4 previous injury was still independently causing an
 5 ascertainable percentage of industrial disability.
 6 The reduction permitted by this paragraph shall not
 7 exceed the percentage of industrial disability
 8 previously paid which can be independently attributed
 9 to the previous injury.
 10 c. The employer shall have the burden of proving
 11 any reduction permitted by this subsection."
 12 3. By renumbering as necessary.

THOMAS FIEGEN
 JACK HOLVECK

ROBERT E. DVORSKY
 BETTY A. SOUKUP
 MIKE CONNOLLY
 JOE BOLKCOM
 AMANDA RAGAN
 MARK SHEARER
 WALLY E. HORN
 JOHN P. KIBBIE
 PATRICIA HARPER
 BILL FINK
 JOHNIE HAMMOND
 DENNIS H. BLACK
 TOM FLYNN
 DICK L. DEARDEN
 EUGENE S. FRAISE
 MICHAEL E. GRONSTAL
 MATT McCOY

S-5294

HOUSE AMENDMENT TO
 SENATE FILE 503

1 Amend Senate File 503, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 455B.161, subsection 2,
 6 paragraph b, Code 2001, is amended to read as follows:
 7 b. A runoff control settled open feedlot effluent
 8 basin ~~which that~~ collects and stores only
 9 precipitation-induced runoff from ~~an animal feeding~~
 10 ~~operation in which animals are confined to areas which~~
 11 ~~are unroofed or partially roofed and in which no crop,~~
 12 ~~vegetation, or forage growth or residue cover is~~
 13 ~~maintained during the period in which animals are~~
 14 ~~confined in the operation~~ an open feedlot.
 15 Sec. 2. Section 455B.161, Code 2001, is amended by
 16 adding the following new subsection:
 17 NEW SUBSECTION. 18A. "Open feedlot" means an
 18 unroofed or partially roofed animal feeding operation
 19 if crop, vegetation, or forage growth or residue cover
 20 is not maintained as part of the animal feeding
 21 operation during the period that animals are confined
 22 in the animal feeding operation.
 23 Sec. 3. Section 455B.171, Code 2001, is amended by
 24 adding the following new subsections:
 25 NEW SUBSECTION. 23A. "Open feedlot" means the
 26 same as defined in section 455B.161.
 27 NEW SUBSECTION. 38A. "Settled open feedlot
 28 effluent" means a combination of manure,
 29 precipitation-induced runoff, or other runoff

30 originating from an open feedlot after its settleable
31 solids have been removed.

32 NEW SUBSECTION. 38B. "Settled open feedlot
33 effluent basin" or "basin" means an impoundment which
34 is part of an open feedlot, if the primary function of
35 the impoundment is to collect and store settled open
36 feedlot effluent.

37 Sec. 4. NEW SECTION. 455B.205A CONSTRUCTION
38 DESIGN STANDARDS — SETTLED OPEN FEEDLOT EFFLUENT
39 BASINS.

40 If the department requires that a settled open
41 feedlot effluent basin be constructed according to
42 design standards, regardless of whether the department
43 requires the owner to be issued a construction permit
44 under section 455B.200, any design standards for the
45 basin shall be established by rule as provided in
46 chapter 17A that exclusively account for special
47 design characteristics of open feedlots and related
48 basins, including but not limited to the dilute
49 composition of settled open feedlot effluent as
50 collected and stored in the basins.

Page 2

1 Sec. 5. DIRECTIONS TO CODE EDITOR. The Code
2 editor shall transfer provisions of this Act amending
3 Code chapter 455B to a new chapter in conformance with
4 sections transferred pursuant to Senate File 2293 or
5 House File 2468, if enacted by the Seventy-ninth
6 General Assembly, 2002 Session."

7 2. Title page, by striking lines 1 through 3, and
8 inserting the following: "An Act relating to open
9 feedlots, by providing for standards of construction
10 for pollution control structures."

S-5295

HOUSE AMENDMENT TO
SENATE FILE 2268

1 Amend Senate File 2268, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 23 the
4 following:

5 "Sec. __. NEW SECTION. 717D.1 DEFINITIONS.

6 1. "Animal" means a nonhuman vertebrate.

7 2. "Contest animal" means a bull, bear, chicken,
8 or dog.

9 3. "Contest device" means equipment designed to
10 enhance a contest animal's entertainment value during
11 training or a contest event, including a device to
12 improve the contest animal's competitiveness.

13 4. "Contest event" means a function organized for
14 the entertainment or profit of spectators where a
15 contest animal is injured, tormented, or killed, if
16 the contest animal is a bull involved in a bullfight
17 or bull baiting, a bear involved in bear baiting, a
18 chicken involved in cock fighting, or a dog involved
19 in dog fighting.

20 5. "Establishment" means the location where a
21 contest event occurs or is to occur, regardless of
22 whether a contest animal is present at the
23 establishment or the contest animal is witnessed by
24 means of an electronic signal transmitted to the
25 location.

26 6. "Livestock" means the same as defined in
27 section 717.1.

28 7. "Local authority" means the same as defined in
29 section 717B.1.

30 8. "Promoter" means a person who charges admission
31 for entry into an establishment or organizes, holds,
32 advertises, or otherwise conducts a contest event.

33 9. "Spectator" means a person who attends an
34 establishment for purposes of witnessing a contest
35 event.

36 10. "Trainer" means a person who trains a contest
37 animal for purposes of engaging in a contest event,
38 regardless of where the contest event is located. A
39 trainer includes a person who uses a contest device.

40 11. "Transporter" means a person who moves a
41 contest animal for delivery to a training location or
42 a contest event location.

43 Sec. ____ NEW SECTION. 717D.2 PROHIBITIONS —
44 CONTEST EVENTS.

45 A person shall not do any of the following:

46 1. Own or operate an establishment located in this
47 state in which a contest event occurs or is to occur.

48 2. Act as a promoter of a contest event,
49 regardless of whether the contest event occurs in this
50 state or another state. For purposes of this

Page 2

1 subsection, a person who aids, abets, or assists in
2 the promotion of a contest event shall be deemed to
3 act as a promoter.

4 3. Act as a trainer of a contest animal engaged or
5 to be engaged in a contest event conducted in this
6 state or another state. For purposes of this
7 subsection, a person who aids, abets, or assists in
8 the training of a contest animal engaged or to be
9 engaged in a contest event shall be deemed to act as a
10 trainer.

11 4. Act as a transporter moving a contest animal in

12 this state.

13 5. Act as a spectator of a contest event conducted
14 in this state, regardless of whether the person paid
15 admission to witness the contest event.

16 Sec. __. NEW SECTION. 717D.4 EXCEPTIONS.

17 1. This chapter does not apply to a function other
18 than a contest event. A contest event does not
19 involve any of the following events:

20 a. A race, including but not limited to a race
21 regulated under chapter 99D.

22 b. A fair as defined in section 174.1.

23 c. A rodeo or rodeo event.

24 d. A 4-H function.

25 e. A hunting or fishing party.

26 f. A field meet or trial in which the skill of
27 dogs is demonstrated in pointing, retrieving,
28 trailing, or chasing any game bird, game animal, or
29 fur-bearing animal.

30 g. The raising or selling of game or fur-bearing
31 animals as provided in chapter 481A.

32 2. This chapter shall not apply to any of the
33 following:

34 a. An action to carry out an order issued by a
35 court.

36 b. An action by a licensed veterinarian practicing
37 veterinary medicine as provided in chapter 169.

38 c. An action that is consistent with animal
39 husbandry practices.

40 d. An action allowed in order to carry out another
41 provision of law which allows the action.

42 e. The taking, hunting, trapping, or fishing for a
43 wild animal as provided in chapter 481A.

44 f. An action to protect the person's property from
45 a wild animal as defined in section 481A.1.

46 g. An action to protect a person from injury or
47 death caused by a wild animal as defined in section
48 481A.1.

49 h. A person reasonably acting to protect the
50 person's property from damage caused by an unconfined

Page 3

1 animal.

2 i. A person reasonably acting to protect a person
3 from injury or death caused by an unconfined animal.

4 j. A local authority reasonably acting to destroy
5 an animal, if at the time of the destruction, the
6 owner of the animal is absent or unable to care for
7 the animal, and the animal is permanently distressed
8 by disease or injury to a degree that would result in
9 severe and prolonged suffering.

10 k. An institution, as defined in section 145B.1,

11 or a research facility, as defined in section 162.2,
12 provided that the institution or research facility
13 performs functions within the scope of accepted
14 practices and disciplines associated with the
15 institution or research facility.

16 Sec. ____ NEW SECTION. 717D.5 PENALTIES.

17 A person who violates a provision of this chapter
18 is guilty of a serious misdemeanor.

19 Sec. ____ NEW SECTION. 717D.6 CONFISCATION AND
20 DISPOSITION OF ANIMALS.

21 A local authority may confiscate a contest animal
22 that is trained with a contest device or is part of a
23 contest event. The contest animal may be rescued and
24 disposed of as neglected livestock or other animal
25 pursuant to section 717.5 or 717B.4. If the contest
26 animal is not rescued and disposed of pursuant to
27 section 717.5 or 717B.4, it shall be forfeited to the
28 state and subject to disposition as ordered by the
29 court. In addition, the court shall order the owner
30 of the contest animal to pay an amount which shall not
31 be more than the expenses incurred in maintaining or
32 disposing of the contest animal. The court may also
33 order that the person pay reasonable attorney fees and
34 expenses related to the investigation of the case that
35 shall be taxed as other court costs. If more than one
36 person has a divisible interest in the contest animal,
37 the amount required to be paid shall be prorated based
38 on the percentage of interest in the contest animal
39 owned by each person. The moneys shall be paid to the
40 local authority incurring the expense. The amount
41 shall be subtracted from proceeds which are received
42 from the sale of the contest animal ordered by the
43 court.

44 Sec. ____ Section 717B.7, Code 2001, is repealed."

45 2. Title page, line 2, by striking the word
46 "and".

47 3. Title page, line 3, by inserting after the
48 word "expenses" the following: ", providing for the
49 protection of animals from injury or torment, and
50 providing penalties".

S-5296

1 Amend Senate File 2326 as follows:

2 1. Page 59, by striking lines 12 through 29, and
3 inserting the following:

4	"....."	\$	141,585,680
5	The funds appropriated in this subsection shall be		
6	allocated as follows:		
7	a. Merged Area I	\$	6,803,571
8	b. Merged Area II	\$	7,972,238
9	c. Merged Area III.....	\$	7,394,131

10	d. Merged Area IV	\$	3,618,398
11	e. Merged Area V	\$	7,592,152
12	f. Merged Area VI	\$	7,012,464
13	g. Merged Area VII	\$	10,135,184
14	h. Merged Area IX	\$	12,471,509
15	i. Merged Area X	\$	19,599,744
16	j. Merged Area XI	\$	20,780,498
17	k. Merged Area XII	\$	8,189,046
18	l. Merged Area XIII	\$	8,414,808
19	m. Merged Area XIV	\$	3,660,799
20	n. Merged Area XV	\$	11,512,436
21	o. Merged Area XVI	\$	6,428,702"

JOHN P. KIBBIE
 WALLY E. HORN

S-5297

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 6, by striking lines 12 through 24.
- 3 2. Page 17, line 3, by striking the figure "1."
- 4 3. Page 17, by striking lines 21 through 33.
- 5 4. Page 24, by striking lines 18 through 30.
- 6 5. By renumbering as necessary.

TOM FLYNN

S-5298

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 105, line 25, by striking the figure
- 3 "9,958,412" and inserting the following:
- 4 "12,780,000".

JOHNIE HAMMOND
 MICHAEL E. GRONSTAL
 JOHN P. KIBBIE
 DENNIS H. BLACK
 JACK HOLVECK
 BETTY A. SOUKUP
 AMANDA RAGAN
 THOMAS FIEGEN
 TOM FLYNN
 PATRICK J. DELUHERY
 MIKE CONNOLLY
 JOE BOLKCOM
 BILL FINK
 PATRICIA HARPER
 ROBERT E. DVORSKY
 STEVEN D. HANSEN
 DICK L. DEARDEN

WALLY E. HORN
EUGENE S. FRAISE

S-5299

1 Amend Senate File 2324 as follows:

2 1. Page 4, by inserting after line 14 the
3 following:

4 "8. REMEDIES. In addition to any other available
5 remedy at law, a taxpayer or public owner may bring an
6 action against a construction manager that commits an
7 unlawful act under this section to recover either of
8 the following:

9 a. The amount of monies or property acquired by
10 the construction manager from the public owner by
11 committing an unlawful act under this section,
12 including reasonable costs and attorney fees incurred.

13 b. The amount of monies a losing bidder would have
14 received if the losing bidder had been awarded a
15 contract for services on a public works project that
16 was wrongfully awarded to another person due to an
17 unlawful act under this section committed by the
18 construction manager, including reasonable costs and
19 attorney fees incurred."

THOMAS FIEGEN

S-5300

1 Amend Senate File 2324 as follows:

2 1. Page 3, by inserting after line 29 the
3 following:

4 "f. Refrain from payment for duplicative services
5 that have been contracted to be provided by or will be
6 contracted to be provided by other participants on the
7 public works project, including general contractors,
8 architects, or engineers, unless the public owner has
9 been fully informed by the construction manager and
10 acknowledges to the construction manager that the
11 public owner is aware that duplicative services will
12 be paid and has determined that there is a need for
13 such duplicative services."

THOMAS FIEGEN

S-5301

1 Amend Senate File 2326 as follows:

2 1. Page 59, by striking lines 12 through 29, and
3 inserting the following:

4 ".....\$ 141,585,680
5 The funds appropriated in this subsection shall be

6 allocated as follows:

7	a. Merged Area I	\$	6,803,571
8	b. Merged Area II	\$	7,972,238
9	c. Merged Area III.....	\$	7,394,131
10	d. Merged Area IV.....	\$	3,618,398
11	e. Merged Area V.....	\$	7,592,152
12	f. Merged Area VI.....	\$	7,012,464
13	g. Merged Area VII.....	\$	10,135,184
14	h. Merged Area IX.....	\$	12,471,509
15	i. Merged Area X.....	\$	19,599,744
16	j. Merged Area XI.....	\$	20,780,498
17	k. Merged Area XII.....	\$	8,189,046
18	l. Merged Area XIII.....	\$	8,414,808
19	m. Merged Area XIV.....	\$	3,660,799
20	n. Merged Area XV.....	\$	11,512,436
21	o. Merged Area XVI.....	\$	6,428,702"

JOHN P. KIBBIE
WALLY E. HORN
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JOHNIE HAMMOND
MICHAEL E. GRONSTAL
DICK L. DEARDEN
EUGENE S. FRAISE

S-5302

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 58, line 33, by striking the figure
- 3 "7,750,000" and inserting the following:
- 4 "40,000,000".
- 5 2. Page 71, by inserting after line 8, the
- 6 following:
- 7 "Sec. . Section 256D.5, subsection 2, Code
- 8 2001, is amended to read as follows:
- 9 2. There is appropriated from the general fund of
- 10 the state to the department of education for ~~each the~~
- 11 fiscal year of the fiscal period beginning July 1,
- 12 ~~2001~~ 2002, and ending June 30, 2003, the sum of ~~thirty~~
- 13 ten million dollars for the school improvement
- 14 technology block grant program."

- 15 3. Page 172, by striking lines 11 through 17.
 16 4. Page 176, by striking lines 8 through 11.
 17 5. By renumbering as necessary.

MIKE CONNOLLY
 JOE BOLKCOM
 ROBERT E. DVORSKY
 BILL FINK
 PATRICIA HARPER
 JOHNIE HAMMOND
 MICHAEL E. GRONSTAL
 JOHN P. KIBBIE
 DENNIS H. BLACK
 JACK HOLVECK
 BETTY A. SOUKUP
 AMANDA RAGAN
 THOMAS FIEGEN
 TOM FLYNN
 PATRICK J. DELUHERY

S-5303

- 1 Amend Senate File 2326 as follows:
 2 1. Page 170, by inserting after line 20 the
 3 following:
 4 "Sec. ____ COURT FILING FEES. Notwithstanding any
 5 provision of law enacted by the Seventy-ninth General
 6 Assembly, 2002 Session, that increases court filing
 7 fees, no court filing fees shall be increased for the
 8 fiscal year beginning July 1, 2002, and ending June
 9 30, 2003, unless the total amount appropriated to the
 10 judicial branch for the fiscal year beginning July 1,
 11 2002, and ending June 30, 2003, in this division of
 12 this Act and in all other laws enacted by the Seventy-
 13 ninth General Assembly, 2002 Session equals at least
 14 \$114,373,228 for salaries, receipt and disbursement of
 15 child support payments, auditor expenses, maintenance,
 16 equipment, and miscellaneous purposes, and at least
 17 \$3,739,587 for judicial retirement contributions by
 18 the state."

THOMAS FIEGEN

S-5304

- 1 Amend Senate File 2326 as follows:
 2 1. Page 71, line 9, by striking the figure and
 3 word "1 through" and inserting the following: "2
 4 and".
 5 2. Page 71, by striking lines 11 through 15.
 6 3. By renumbering as necessary.

MIKE CONNOLLY
 JOE BOLKCOM
 BILL FINK
 ROBERT E. DVORSKY
 MICHAEL E. GRONSTAL
 JOHN P. KIBBIE
 DENNIS H. BLACK
 JACK HOLVECK
 AMANDA RAGAN
 THOMAS FIEGEN
 TOM FLYNN
 PATRICK J. DELUHERY

S-5305

1 Amend Senate File 2326 as follows:

2 1. Page 48, by inserting after line 22 the
3 following:

4 "___ REGISTERED NURSE RECRUITMENT PROGRAM

5 For purposes of the registered nurse recruitment
6 program pursuant to section 261.23, as enacted by 2002
7 Iowa Acts, Senate File 2323, if enacted:

8\$ 100,000"

9 2. By renumbering as necessary.

AMANDA RAGAN
 THOMAS FIEGEN
 TOM FLYNN
 PATRICK J. DELUHERY
 MIKE CONNOLLY
 JOE BOLKCOM
 BILL FINK
 PATRICIA HARPER
 ROBERT E. DVORSKY
 JOHNIE HAMMOND

S-5306

1 Amend Senate File 2326 as follows:

2 1. By striking page 60, line 28 through page 68,
3 line 12 and inserting the following:

4 "___ For allocation by the state board of regents
5 to the state university of Iowa, the Iowa state
6 university of science and technology, and the
7 university of northern Iowa to reimburse the
8 institutions for deficiencies in their operating funds
9 resulting from the pledging of tuitions, student fees
10 and charges, and institutional income to finance the
11 cost of providing academic and administrative
12 buildings and facilities and utility services at the
13 institutions:

14\$ 16,843,772

15	___.	For funds to be allocated to the southwest		
16		Iowa graduate studies center:		
17		.....	\$	109,741
18	___.	For funds to be allocated to the siouxland		
19		interstate metropolitan planning council for the		
20		tristate graduate center under section 262.9,		
21		subsection 21:		
22		.....	\$	80,024
23	___.	For funds to be allocated to the quad-cities		
24		graduate studies center:		
25		.....	\$	163,392
26	2.	STATE UNIVERSITY OF IOWA		
27	a.	General university, including lakeside		
28		laboratory		
29		For salaries, support, maintenance, equipment,		
30		miscellaneous purposes, and for not more than the		
31		following full-time equivalent positions:		
32		.....	\$	241,831,144
33		.....	FTEs	4,055.62
34		The university may continue progress on the school		
35		of public health and the public health initiative for		
36		the purposes of establishing an accredited school of		
37		public health and for funding an initiative for the		
38		health and independence of elderly Iowans. From the		
39		funds appropriated in this lettered paragraph, the		
40		university may use up to \$2,100,000 for the school of		
41		public health and the public health initiative.		
42		Funds appropriated in this lettered paragraph shall		
43		not be available for expenditure for medically induced		
44		termination of a pregnancy, including but not limited		
45		to usage of mifepristone or RU-486, offered or		
46		administered by the student health center.		
47	b.	University hospitals		
48		For salaries, support, maintenance, equipment, and		
49		miscellaneous purposes and for medical and surgical		
50		treatment of indigent patients as provided in chapter		

Page 2

1	255,	for medical education, and for not more than the		
2		following full-time equivalent positions:		
3		.....	\$	30,466,492
4		.....	FTEs	5,485.01
5		The university of Iowa hospitals and clinics shall,		
6		within the context of chapter 255 and when medically		
7		appropriate, make reasonable efforts to extend the		
8		university of Iowa hospitals and clinics' use of home		
9		telemedicine and other technologies to reduce the		
10		frequency of visits to the hospital required by		
11		indigent patients. The university of Iowa hospitals		
12		and clinics shall submit a report to the general		
13		assembly and the legislative fiscal bureau by January		

14 15, 2003, describing its use of these technologies to
15 accomplish this purpose.
16 The university of Iowa hospitals and clinics shall
17 submit quarterly a report regarding the portion of the
18 appropriation in this lettered paragraph expended on
19 medical education. The report shall be submitted in a
20 format jointly developed by the university of Iowa
21 hospitals and clinics, the legislative fiscal bureau,
22 and the department of management, and shall delineate
23 the expenditures and purposes of the funds.
24 Funds appropriated in this lettered paragraph shall
25 not be used to perform abortions except medically
26 necessary abortions, and shall not be used to operate
27 the early termination of pregnancy clinic except for
28 the performance of medically necessary abortions. For
29 the purpose of this lettered paragraph, an abortion is
30 the purposeful interruption of pregnancy with the
31 intention other than to produce a live-born infant or
32 to remove a dead fetus, and a medically necessary
33 abortion is one performed under one of the following
34 conditions:
35 (1) The attending physician certifies that
36 continuing the pregnancy would endanger the life of
37 the pregnant woman.
38 (2) The attending physician certifies that the
39 fetus is physically deformed, mentally deficient, or
40 afflicted with a congenital illness.
41 (3) The pregnancy is the result of a rape which is
42 reported within 45 days of the incident to a law
43 enforcement agency or public or private health agency
44 which may include a family physician.
45 (4) The pregnancy is the result of incest which is
46 reported within 150 days of the incident to a law
47 enforcement agency or public or private health agency
48 which may include a family physician.
49 (5) The abortion is a spontaneous abortion,
50 commonly known as a miscarriage, wherein not all of

Page 3

1 the products of conception are expelled.
2 The total quota allocated to the counties for
3 indigent patients for the fiscal year beginning July
4 1, 2002, shall not be lower than the total quota
5 allocated to the counties for the fiscal year
6 commencing July 1, 1998. The total quota shall be
7 allocated among the counties on the basis of the 2000
8 census pursuant to section 255.16.
9 c. Psychiatric hospital
10 For salaries, support, maintenance, equipment,
11 miscellaneous purposes, and for the care, treatment,
12 maintenance of committed and voluntary public

13	patients, and for not more than the following full-		
14	time equivalent positions:		
15	.....	\$	7,809,505
16	.....	FTEs	273.19
17	d. Center for disabilities and development		
18	For salaries, support, maintenance, miscellaneous		
19	purposes, and for not more than the following full-		
20	time equivalent positions:		
21	.....	\$	7,016,917
22	.....	FTEs	148.91
23	From the funds appropriated in this lettered		
24	paragraph, \$200,000 shall be allocated for purposes of		
25	the creative employment options program.		
26	e. Oakdale campus		
27	For salaries, support, maintenance, miscellaneous		
28	purposes, and for not more than the following full-		
29	time equivalent positions:		
30	.....	\$	2,948,667
31	.....	FTEs	43.25
32	f. State hygienic laboratory		
33	For salaries, support, maintenance, miscellaneous		
34	purposes, and for not more than the following full-		
35	time positions:		
36	.....	\$	4,158,633
37	.....	FTEs	102.49
38	g. Family practice program		
39	For allocation by the dean of the college of		
40	medicine, with approval of the advisory board, to		
41	qualified participants, to carry out chapter 148D for		
42	the family practice program, including salaries and		
43	support, and for not more than the following full-time		
44	equivalent positions:		
45	.....	\$	2,305,212
46	.....	FTEs	192.40
47	h. Child health care services		
48	For specialized child health care services,		
49	including childhood cancer diagnostic and treatment		
50	network programs, rural comprehensive care for		

Page 4

1	hemophilia patients, the Iowa high-risk infant follow-		
2	up program, including salaries and support, and for		
3	not more than the following full-time equivalent		
4	positions:		
5	.....	\$	691,332
6	.....	FTEs	63.27
7	i. Statewide cancer registry		
8	For the statewide cancer registry, and for not more		
9	than the following full-time equivalent positions:		
10	.....	\$	199,762
11	.....	FTEs	2.40

12	j. Substance abuse consortium		
13	For funds to be allocated to the Iowa consortium		
14	for substance abuse research and evaluation, and for		
15	not more than the following full-time equivalent		
16	positions:		
17	.....	\$	72,108
18	.....	FTEs	1.50
19	k. Center for biocatalysis		
20	For the center for biocatalysis, and for not more		
21	than the following full-time equivalent positions:		
22	.....	\$	991,651
23	.....	FTEs	5.20
24	l. Primary health care initiative		
25	For the primary health care initiative in the		
26	college of medicine, and for more than the following		
27	full-time equivalent positions:		
28	.....	\$	849,070
29	.....	FTEs	7.75
30	From the funds appropriated in this lettered		
31	paragraph, \$330,000 shall be allocated to the		
32	department of family practice at the state university		
33	of Iowa college of medicine for family practice		
34	faculty and support staff.		
35	m. Birth defects registry		
36	For the birth defects registry, and for not more		
37	than the following full-time equivalent positions:		
38	.....	\$	49,702
39	.....	FTEs	1.30
40	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY		
41	a. General university		
42	For salaries, support, maintenance, equipment,		
43	miscellaneous purposes, and for not more than the		
44	following full-time equivalent positions:		
45	.....	\$	190,866,120
46	.....	FTEs	3,647.42
47	The university may continue progress on the center		
48	for excellence in fundamental plant sciences. From		
49	the funds appropriated in this lettered paragraph, the		
50	university may use up to \$4,760,000 for the center for		

1 excellence in fundamental plant sciences.
2 It is possible that a few large companies may be
3 able to control all levels of the food chain,
4 including production, because these companies own the
5 genetics needed to participate in the food system of
6 the future, and this possibility may be a major threat
7 to the independence and profitability of Iowa's
8 agricultural producers. To ensure public ownership of
9 plant genetic material, all rights to the research
10 products developed by the Iowa state university of

11 science and technology's botany institute using state-
12 appropriated funds will be made available to the
13 extent practicable for commercialization, for the
14 benefit of all Iowans, including Iowa's agricultural
15 producers, through a public process which normally
16 involves nonexclusive licensing of genes and
17 germplasm.

18 Funds appropriated in this lettered paragraph shall
19 not be available for expenditure for medically induced
20 termination of a pregnancy, including but not limited
21 to usage of mifepristone or RU-486, offered or
22 administered by the student health center.

23 b. Agricultural experiment station

24 For salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-
26 time equivalent positions:

27	\$	34,601,714
28	FTEs	546.98

29 c. Cooperative extension service in agriculture
30 and home economics

31 For salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-
33 time equivalent positions:

34	\$	21,866,928
35	FTEs	431.20

36 d. Leopold center

37 For agricultural research grants at Iowa state
38 university under section 266.39B, and for not more
39 than the following full-time equivalent positions:

40	\$	528,928
41	FTEs	11.25

42 e. Livestock disease research

43 For deposit in and the use of the livestock disease
44 research fund under section 267.8, and for not more
45 than the following full-time equivalent positions:

46	\$	251,679
47	FTEs	3.16

48 4. UNIVERSITY OF NORTHERN IOWA

49 a. General university

50 For salaries, support, maintenance, equipment,

Page 6

1 miscellaneous purposes, and for not more than the
2 following full-time equivalent positions:

3	\$	85,458,047
4	FTEs	1,454.35

5 The university may continue progress on the
6 implementation of a masters in social work program.
7 From the funds appropriated in this lettered
8 paragraph, the university may use up to \$450,000 for
9 the implementation of the masters in social work

10	program, up to \$100,000 for the roadside vegetation		
11	project, and up to \$200,000 for the Iowa office for		
12	staff development.		
13	Funds appropriated in this lettered paragraph shall		
14	not be available for expenditure for medically induced		
15	termination of a pregnancy, including but not limited		
16	to usage of mifepristone or RU-486, offered or		
17	administered by the student health center.		
18	b. Recycling and reuse center		
19	For purposes of the recycling and reuse center, and		
20	for not more than the following full-time equivalent		
21	positions:		
22	.....	\$	230,602
23	.....	FTEs	1.50
24	5. STATE SCHOOL FOR THE DEAF		
25	For salaries, support, maintenance, miscellaneous		
26	purposes, and for not more than the following full-		
27	time equivalent positions:		
28	.....	\$	7,946,772
29	.....	FTEs	126.60
30	6. IOWA BRAILLE AND SIGHT SAVING SCHOOL		
31	For salaries, support, maintenance, miscellaneous		
32	purposes, and for not more than the following full-		
33	time equivalent positions:		
34	.....	\$	4,454,332
35	.....	FTEs	89.00
36	7. TUITION AND TRANSPORTATION COSTS		
37	For payment to local school boards for the tuition		
38	and transportation costs of students residing in the		
39	Iowa braille and sight saving school and the state		
40	school for the deaf pursuant to section 262.43 and for		
41	payment of certain clothing and transportation costs		
42	for students at these schools pursuant to section		
43	270.5:		
44	.....	\$	15,256".
45	2. By renumbering as necessary.		

ROBERT E. DVORSKY
JOHNIE HAMMOND
JOE BOLKCOM
PATRICIA HARPER
BILL FINK
PATRICK J. DELUHERY
MIKE CONNOLLY

S-5307

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 128, line 22, by striking the figure
- 3 "11,848,605" and inserting the following:
- 4 "11,914,484".
- 5 2. Page 128, line 23, by striking the figure

6 "356.00" and inserting the following: "357.00".
 7 3. Page 129, by inserting after line 8, the
 8 following:
 9 "____. Of the funds appropriated in this section,
 10 \$65,879 is allocated to provide funding for child
 11 abuse prevention grants and adolescent pregnancy
 12 prevention grants. The department may use the funds
 13 allocated in this subsection to employ 1.00 full-time
 14 equivalent position to assist with the adolescent
 15 pregnancy prevention program."
 16 4. By renumbering as necessary.

PATRICIA HARPER
 JOHNIE HAMMOND

S-5308

1 Amend Senate File 2326, as follows:
 2 1. Page 110, by inserting after line 34, the
 3 following:
 4 "Notwithstanding section 232.143, subsection 1, a
 5 service area may exceed its budget target for group
 6 foster care by up to twenty percent in the fiscal year
 7 beginning July 1, 2002, and ending June 30, 2003,
 8 provided the overall funding allocated by the
 9 department for all child welfare services in the
 10 service area is not exceeded."

PATRICIA HARPER

S-5309

1 Amend Senate File 2324 as follows:
 2 1. Page 2, line 6, by inserting after the word
 3 "SERVICES." the following: "A public owner is not
 4 required to engage a construction manager."

STEVE KING
 TOM FLYNN
 JOHN W. JENSEN
 KEN VEENSTRA

S-5310

1 Amend Senate File 2326 as follows:
 2 1. By striking page 60, line 15 through page 68,
 3 line 12 and inserting the following:
 4 "For salaries, support, maintenance, miscellaneous
 5 purposes, and for not more than the following full-
 6 time equivalent positions:
 7\$ 1,237,427
 8 FTEs 16.00

9 The state board of regents, the department of
 10 management, and the legislative fiscal bureau shall
 11 cooperate to determine and agree upon, by November 15,
 12 2002, the amount that needs to be appropriated for
 13 tuition replacement for the fiscal year beginning July
 14 1, 2003.

15 The state board of regents shall submit a monthly
 16 financial report in a format agreed upon by the state
 17 board of regents office and the legislative fiscal
 18 bureau.

19 _____. For allocation by the state board of regents
 20 to the state university of Iowa, the Iowa state
 21 university of science and technology, and the
 22 university of northern Iowa to reimburse the
 23 institutions for deficiencies in their operating funds
 24 resulting from the pledging of tuitions, student fees
 25 and charges, and institutional income to finance the
 26 cost of providing academic and administrative
 27 buildings and facilities and utility services at the
 28 institutions:

29\$ 16,843,772

30 _____. For funds to be allocated to the southwest
 31 Iowa graduate studies center:

32\$ 109,741

33 _____. For funds to be allocated to the siouxland
 34 interstate metropolitan planning council for the
 35 tristate graduate center under section 262.9,
 36 subsection 21:

37\$ 80,024

38 _____. For funds to be allocated to the quad-cities
 39 graduate studies center:

40\$ 163,392

41 2. STATE UNIVERSITY OF IOWA

42 a. General university, including lakeside
 43 laboratory

44 For salaries, support, maintenance, equipment,
 45 miscellaneous purposes, and for not more than the
 46 following full-time equivalent positions:

47\$ 241,831,144

48 FTEs 4,055.62

49 The university may continue progress on the school
 50 of public health and the public health initiative for

1 the purposes of establishing an accredited school of
 2 public health and for funding an initiative for the
 3 health and independence of elderly Iowans. From the
 4 funds appropriated in this lettered paragraph, the
 5 university may use up to \$2,100,000 for the school of
 6 public health and the public health initiative.

7 Funds appropriated in this lettered paragraph shall

8 not be available for expenditure for medically induced
9 termination of a pregnancy, including but not limited
10 to usage of mifepristone or RU-486, offered or
11 administered by the student health center.

12 b. University hospitals

13 For salaries, support, maintenance, equipment, and
14 miscellaneous purposes and for medical and surgical
15 treatment of indigent patients as provided in chapter
16 255, for medical education, and for not more than the
17 following full-time equivalent positions:

18	\$	30,466,492
19	FTEs	5,485.01

20 The university of Iowa hospitals and clinics shall,
21 within the context of chapter 255 and when medically
22 appropriate, make reasonable efforts to extend the
23 university of Iowa hospitals and clinics' use of home
24 telemedicine and other technologies to reduce the
25 frequency of visits to the hospital required by
26 indigent patients. The university of Iowa hospitals
27 and clinics shall submit a report to the general
28 assembly and the legislative fiscal bureau by January
29 15, 2003, describing its use of these technologies to
30 accomplish this purpose.

31 The university of Iowa hospitals and clinics shall
32 submit quarterly a report regarding the portion of the
33 appropriation in this lettered paragraph expended on
34 medical education. The report shall be submitted in a
35 format jointly developed by the university of Iowa
36 hospitals and clinics, the legislative fiscal bureau,
37 and the department of management, and shall delineate
38 the expenditures and purposes of the funds.

39 Funds appropriated in this lettered paragraph shall
40 not be used to perform abortions except medically
41 necessary abortions, and shall not be used to operate
42 the early termination of pregnancy clinic except for
43 the performance of medically necessary abortions. For
44 the purpose of this lettered paragraph, an abortion is
45 the purposeful interruption of pregnancy with the
46 intention other than to produce a live-born infant or
47 to remove a dead fetus, and a medically necessary
48 abortion is one performed under one of the following
49 conditions:

50 (1) The attending physician certifies that

Page 3

1 continuing the pregnancy would endanger the life of
2 the pregnant woman.

3 (2) The attending physician certifies that the
4 fetus is physically deformed, mentally deficient, or
5 afflicted with a congenital illness.

6 (3) The pregnancy is the result of a rape which is

7 reported within 45 days of the incident to a law
8 enforcement agency or public or private health agency
9 which may include a family physician.

10 (4) The pregnancy is the result of incest which is
11 reported within 150 days of the incident to a law
12 enforcement agency or public or private health agency
13 which may include a family physician.

14 (5) The abortion is a spontaneous abortion,
15 commonly known as a miscarriage, wherein not all of
16 the products of conception are expelled.

17 The total quota allocated to the counties for
18 indigent patients for the fiscal year beginning July
19 1, 2002, shall not be lower than the total quota
20 allocated to the counties for the fiscal year
21 commencing July 1, 1998. The total quota shall be
22 allocated among the counties on the basis of the 2000
23 census pursuant to section 255.16.

24 c. Psychiatric hospital

25 For salaries, support, maintenance, equipment,
26 miscellaneous purposes, and for the care, treatment,
27 maintenance of committed and voluntary public
28 patients, and for not more than the following full-
29 time equivalent positions:

30	\$	7,809,505
31	FTEs	273.19

32 d. Center for disabilities and development

33 For salaries, support, maintenance, miscellaneous
34 purposes, and for not more than the following full-
35 time equivalent positions:

36	\$	7,016,917
37	FTEs	148.91

38 From the funds appropriated in this lettered
39 paragraph, \$200,000 shall be allocated for purposes of
40 the creative employment options program.

41 e. Oakdale campus

42 For salaries, support, maintenance, miscellaneous
43 purposes, and for not more than the following full-
44 time equivalent positions:

45	\$	2,948,667
46	FTEs	43.25

47 f. State hygienic laboratory

48 For salaries, support, maintenance, miscellaneous
49 purposes, and for not more than the following full-
50 time positions:

Page 4

1	\$	4,158,633
2	FTEs	102.49

3 g. Family practice program

4 For allocation by the dean of the college of
5 medicine, with approval of the advisory board, to

6	qualified participants, to carry out chapter 148D for		
7	the family practice program, including salaries and		
8	support, and for not more than the following full-time		
9	equivalent positions:		
10	.....	\$	2,305,212
11	.....	FTEs	192.40
12	h. Child health care services		
13	For specialized child health care services,		
14	including childhood cancer diagnostic and treatment		
15	network programs, rural comprehensive care for		
16	hemophilia patients, the Iowa high-risk infant follow-		
17	up program, including salaries and support, and for		
18	not more than the following full-time equivalent		
19	positions:		
20	.....	\$	691,332
21	.....	FTEs	63.27
22	i. Statewide cancer registry		
23	For the statewide cancer registry, and for not more		
24	than the following full-time equivalent positions:		
25	.....	\$	199,762
26	.....	FTEs	2.40
27	j. Substance abuse consortium		
28	For funds to be allocated to the Iowa consortium		
29	for substance abuse research and evaluation, and for		
30	not more than the following full-time equivalent		
31	positions:		
32	.....	\$	72,108
33	.....	FTEs	1.50
34	k. Center for biocatalysis		
35	For the center for biocatalysis, and for not more		
36	than the following full-time equivalent positions:		
37	.....	\$	991,651
38	.....	FTEs	5.20
39	l. Primary health care initiative		
40	For the primary health care initiative in the		
41	college of medicine, and for more than the following		
42	full-time equivalent positions:		
43	.....	\$	849,070
44	.....	FTEs	7.75
45	From the funds appropriated in this lettered		
46	paragraph, \$330,000 shall be allocated to the		
47	department of family practice at the state university		
48	of Iowa college of medicine for family practice		
49	faculty and support staff.		
50	m. Birth defects registry		

1	For the birth defects registry, and for not more		
2	than the following full-time equivalent positions:		
3	.....	\$	49,702
4	.....	FTEs	1.30

5	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY		
6	a. General university		
7	For salaries, support, maintenance, equipment,		
8	miscellaneous purposes, and for not more than the		
9	following full-time equivalent positions:		
10	.....	\$	190,866,120
11	.....	FTEs	3,647.42
12	The university may continue progress on the center		
13	for excellence in fundamental plant sciences. From		
14	the funds appropriated in this lettered paragraph, the		
15	university may use up to \$4,760,000 for the center for		
16	excellence in fundamental plant sciences.		
17	It is possible that a few large companies may be		
18	able to control all levels of the food chain,		
19	including production, because these companies own the		
20	genetics needed to participate in the food system of		
21	the future, and this possibility may be a major threat		
22	to the independence and profitability of Iowa's		
23	agricultural producers. To ensure public ownership of		
24	plant genetic material, all rights to the research		
25	products developed by the Iowa state university of		
26	science and technology's botany institute using state-		
27	appropriated funds will be made available to the		
28	extent practicable for commercialization, for the		
29	benefit of all Iowans, including Iowa's agricultural		
30	producers, through a public process which normally		
31	involves nonexclusive licensing of genes and		
32	germplasm.		
33	Funds appropriated in this lettered paragraph shall		
34	not be available for expenditure for medically induced		
35	termination of a pregnancy, including but not limited		
36	to usage of mifepristone or RU-486, offered or		
37	administered by the student health center.		
38	b. Agricultural experiment station		
39	For salaries, support, maintenance, miscellaneous		
40	purposes, and for not more than the following full-		
41	time equivalent positions:		
42	.....	\$	34,601,714
43	.....	FTEs	546.98
44	c. Cooperative extension service in agriculture		
45	and home economics		
46	For salaries, support, maintenance, miscellaneous		
47	purposes, and for not more than the following full-		
48	time equivalent positions:		
49	.....	\$	21,866,928
50	.....	FTEs	431.20

- 1 d. Leopold center
- 2 For agricultural research grants at Iowa state
- 3 university under section 266.39B, and for not more

4	than the following full-time equivalent positions:		
5	.....	\$	528,928
6	.....	FTEs	11.25
7	e. Livestock disease research		
8	For deposit in and the use of the livestock disease		
9	research fund under section 267.8, and for not more		
10	than the following full-time equivalent positions:		
11	.....	\$	251,679
12	.....	FTEs	3.16
13	4. UNIVERSITY OF NORTHERN IOWA		
14	a. General university		
15	For salaries, support, maintenance, equipment,		
16	miscellaneous purposes, and for not more than the		
17	following full-time equivalent positions:		
18	.....	\$	85,458,047
19	.....	FTEs	1,454.35
20	The university may continue progress on the		
21	implementation of a masters in social work program.		
22	From the funds appropriated in this lettered		
23	paragraph, the university may use up to \$450,000 for		
24	the implementation of the masters in social work		
25	program, up to \$100,000 for the roadside vegetation		
26	project, and up to \$200,000 for the Iowa office for		
27	staff development.		
28	Funds appropriated in this lettered paragraph shall		
29	not be available for expenditure for medically induced		
30	termination of a pregnancy, including but not limited		
31	to usage of mifepristone or RU-486, offered or		
32	administered by the student health center.		
33	b. Recycling and reuse center		
34	For purposes of the recycling and reuse center, and		
35	for not more than the following full-time equivalent		
36	positions:		
37	.....	\$	230,602
38	.....	FTEs	1.50
39	5. STATE SCHOOL FOR THE DEAF		
40	For salaries, support, maintenance, miscellaneous		
41	purposes, and for not more than the following full-		
42	time equivalent positions:		
43	.....	\$	7,946,772
44	.....	FTEs	126.60
45	6. IOWA BRAILLE AND SIGHT SAVING SCHOOL		
46	For salaries, support, maintenance, miscellaneous		
47	purposes, and for not more than the following full-		
48	time equivalent positions:		
49	.....	\$	4,454,332
50	.....	FTEs	89.00

- 1 7. TUITION AND TRANSPORTATION COSTS
- 2 For payment to local school boards for the tuition

3 and transportation costs of students residing in the
4 Iowa braille and sight saving school and the state
5 school for the deaf pursuant to section 262.43 and for
6 payment of certain clothing and transportation costs
7 for students at these schools pursuant to section
8 270.5:
9\$ 15,256"
10 2. By renumbering as necessary.

ROBERT E. DVORSKY
JOHNIE HAMMOND
JOE BOLKCOM
PATRICIA HARPER
MIKE CONNOLLY
BILL FINK
PATRICK J. DELUHERY

S-5311

1 Amend Senate File 2319 as follows:
2 1. Page 1, by striking lines 31 and 32, and
3 inserting the following:
4 "Sec. 100. Section 422.12E, Code Supplement 2001,
5 is amended to read as follows:
6 422.12E INCOME TAX RETURN CHECKOFFS LIMITED.
7 For tax years beginning on or after January 1,
8 1995, there shall be allowed no more than ~~three~~ four
9 income tax return checkoffs on each income tax return.
10 When the same ~~three~~ four income tax return checkoffs
11 have been provided on the income tax return for three
12 consecutive years, the checkoff for which the least
13 amount has been contributed, in the aggregate for the
14 first two tax years and through March 15 of the third
15 tax year, ~~shall be~~ is repealed. This section does not
16 apply to the income tax return checkoff provided in
17 section 56.18."
18 2. Page 2, by inserting after line 26, the
19 following:
20 "4. This section is subject to repeal under
21 section 422.12E."
22 3. Page 2, by striking lines 33 and 34.
23 4. Page 3, line 2, by inserting after the word
24 "date" and following: ", and the income tax checkoff
25 for fire fighter preparedness shall be eligible for
26 placement on the individual income tax return form for
27 the tax year beginning January 1, 2002."
28 5. Title page, line 3, by striking the word
29 "removing" and inserting the following: "increasing".
30 6. By renumbering as necessary.

KITTY REHBERG

S-5312

- 1 Amend Senate File 2319 as follows:
2 1. Page 1, by striking lines 31 and 32, and
3 inserting the following:
4 "Sec. 100. Section 422.12E, Code Supplement 2001,
5 is amended to read as follows:
6 422.12E INCOME TAX RETURN CHECKOFFS LIMITED.
7 For tax years beginning on or after January 1,
8 1995, there shall be allowed no more than three income
9 tax return checkoffs on each income tax return. When
10 the same three income tax return checkoffs have been
11 provided on the income tax return for three
12 consecutive years, the checkoff for which the least
13 amount has been contributed, in the aggregate for the
14 first two tax years and through March 15 of the third
15 tax year, ~~shall be is~~ repealed. This section does not
16 apply to the income tax return checkoff provided in
17 section 56.18."
18 2. Page 2, by inserting after line 26, the
19 following:
20 "4. This section is subject to repeal under
21 section 422.12E."
22 3. Page 2, by striking lines 33 and 34.
23 4. Page 3, line 2, by inserting after the word
24 "date" the following: ", and the income tax checkoff
25 for fire fighter preparedness shall be eligible for
26 placement on the individual income tax return form for
27 the tax year beginning January 1, 2004."
28 5. Title page, lines 3 and 4, by striking the
29 words "by removing the limitation on income tax
30 checkoffs,".
31 6. By renumbering as necessary.

KITTY REHBERG

S-5313

- 1 Amend Senate File 2326 as follows:
2 1. Page 39, line 13, by striking the figure
3 "4,734,063" and inserting the following: "5,591,126".
4 2. Page 40, line 27, by striking the figure
5 "485,463" and inserting the following: "570,577".
6 3. Page 41, line 23, by striking the figure
7 "702,889" and inserting the following: "870,197".

PATRICIA HARPER
JOHNIE HAMMOND
ROBERT E. DVORSKY
JOE BOLKCOM
MIKE CONNOLLY

JACK HOLVECK
MARK SHEARER
MICHAEL E. GRONSTAL

S-5314

1 Amend Senate File 2326 as follows:

2 1. Page 42, by striking line 15 and inserting the
3 following:

4 ".....\$ 5,133,029"

THOMAS FIEGEN
JACK HOLVECK
DICK L. DEARDEN
MARK SHEARER
MICHAEL E. GRONSTAL

S-5315

1 Amend Senate File 2326 as follows:

2 1. Page 42, by striking line 15 and inserting the
3 following:

4 ".....\$ 5,034,624"

JACK HOLVECK
DICK L. DEARDEN
MARK SHEARER
MICHAEL E. GRONSTAL

S-5316

1 Amend Senate File 2326 as follows:

2 1. Page 48, line 2, by striking the figure
3 "95,700" and inserting the following: "415,700".

4 2. Page 48, by inserting after line 22 the
5 following:

6 "8. WORK-STUDY PILOT PROGRAM

7 For the pilot program to foster public-private
8 work-study partnerships as provided in this
9 subsection:

10\$ 300,000

11 Notwithstanding sections 261.81 and 261.85, for the
12 fiscal year beginning July 1, 2002, and ending June
13 30, 2003, the college student aid commission shall
14 develop and implement a pilot project to foster
15 public-private work-study partnerships between
16 accredited higher education institutions as defined in
17 section 261.92, subsection 1, and Iowa employers. The
18 commission shall develop a grant application process
19 and grant criteria and from the moneys appropriated as
20 provided in this subsection, shall award grants on a
21 competitive basis to accredited higher education

22 institutions that meet the criteria adopted by the
 23 commission. The grant criteria adopted by the
 24 commission shall include a local match requirement."
 25 3. By renumbering as necessary.

MARK SHEARER
 ROBERT E. DVORSKY
 JOHNNIE HAMMOND
 PATRICIA HARPER
 BILL FINK
 JOE BOLKCOM
 MIKE CONNOLLY
 PATRICK J. DELUHERY
 TOM FLYNN
 THOMAS FIEGEN
 AMANDA RAGAN
 BETTY A. SOUKUP

S-5317

1 Amend Senate File 2326 as follows:
 2 1. Page 79, by inserting after line 28 the
 3 following:
 4 "ff. The board of nursing may retain and expend
 5 not more than \$181,000 from revenue generated pursuant
 6 to section 147.80. Fees retained by the board
 7 pursuant to this lettered paragraph are appropriated
 8 to the department to be used for the purposes of
 9 performing the functions of the board of nursing."

JOE BOLKCOM

S-5318

1 Amend Senate File 2326 as follows:
 2 1. Page 73, line 24, by striking the figure
 3 "4,113,252" and inserting the following: "4,274,120".
 4 2. Page 73, by inserting after line 34 the
 5 following:
 6 "aa. Of the funds appropriated in this section,
 7 \$160,868 is allocated for funding of Alzheimer's
 8 support."

JOE BOLKCOM

S-5319

1 Amend Senate File 2326 as follows:
 2 1. Page 83, line 35, by striking the figure

- 3 "14,445,694" and inserting the following:
4 "14,937,583".

JOE BOLKCOM

S-5320

- 1 Amend Senate File 2326 as follows:
2 1. Page 77, line 1, by striking the figure
3 "9,900,801" and inserting the following:
4 "10,045,351".

AMANDA RAGAN

S-5321

- 1 Amend Senate File 2326 as follows:
2 1. Page 110, line 4, by striking the figure
3 "100,351,905" and inserting the following:
4 "100,564,258".
5 2. Page 128, line 22, by striking the figure
6 "11,848,605" and inserting the following:
7 "12,043,178".
8 3. Page 128, line 23, by striking the figure
9 "356.00" and inserting the following: "361.00".

JOHNIE HAMMOND

S-5322

- 1 Amend Senate File 2326 as follows:
2 1. Page 139, by inserting after line 26, the
3 following:
4 "Sec. _____. 2001 Iowa Acts, chapter 191, section
5 14, subsection 2, is amended by adding the following
6 new paragraph:
7 NEW PARAGRAPH. f. Notwithstanding section
8 232.143, subsection 1, a region may exceed its budget
9 target for group foster care by up to twenty percent
10 in the fiscal year beginning July 1, 2001, and ending
11 June 30, 2002, provided the overall funding allocated
12 by the department for all child welfare services in
13 the region is not exceeded."
14 2. Page 142, by inserting after line 20, the
15 following:
16 "_____. The provision relating to the department of
17 human services exceeding its budget target for group
18 foster care by up to twenty percent in fiscal year
19 2001-2002."
20 3. By renumbering as necessary.

JOHNIE HAMMOND

S-5323

1 Amend Senate File 2326 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. EXECUTIVE AND JUDICIAL BRANCHES.

5 1. There is appropriated from the general fund of
6 the state to the office of the governor for the fiscal
7 year beginning July 1, 2002, and ending June 30, 2003,
8 the following amount, or so much thereof as is
9 necessary, to be used for the purposes designated:

10 For funding the responsibilities of the executive
11 and judicial branches of state government in
12 accordance with law, including salaries, support,
13 maintenance, and miscellaneous purposes:

14\$ 2,710,480,363

15 2. It is the intent of the general assembly that
16 the governor allocate the funds appropriated in this
17 section to state departments and programs and the
18 judicial branch as outlined in the governor's budget
19 submitted to the general assembly on March 8, 2002, in
20 accordance with section 8.21.

21 3. Of the funds appropriated in this section,
22 \$384,988,889 is allocated to the department of human
23 services for the medical assistance program under
24 chapter 249A.

25 4. Effective for the tax year beginning January 1,
26 2002, the director of revenue and finance shall
27 withdraw from the reciprocal agreement to further tax
28 administration and eliminate duplicate withholding
29 entered into under section 422.8, subsection 5, with
30 the tax administration agency of the state of
31 Illinois.

32 Sec. 2. ECONOMIC EMERGENCY FUND APPROPRIATION.

33 There is appropriated from the Iowa economic emergency
34 fund created in section 8.55 to the general fund of
35 the state for the fiscal year beginning July 1, 2002,
36 and ending June 30, 2003, the following amount:

37\$ 93,000,000

38 Moneys appropriated in this section are declared to
39 be appropriated for emergency expenditures as required
40 in section 8.55, subsection 3, paragraph "a".

41 Sec. 3. REBUILD IOWA INFRASTRUCTURE FUND —

42 GAMBLING REVENUES. Notwithstanding section 8.57,
43 subsection 5, there is transferred from pari-mutuel
44 wagering and gambling revenues credited to the rebuild
45 Iowa infrastructure fund created in section 8.57,
46 subsection 5, for public vertical infrastructure
47 projects, to the general fund of the state for the
48 fiscal year beginning July 1, 2002, and ending June
49 30, 2003, the following amount:

50\$ 4,000,000

Page 2

1 Sec. 4. DEPARTMENT OF PUBLIC SAFETY — USE TAX

2 APPROPRIATION. There is appropriated from use tax
3 receipts collected pursuant to sections 423.7 and
4 423.7A prior to their deposit in the road use tax fund
5 pursuant to section 423.24, to the department of
6 public safety use tax clearing fund that is
7 established in the state treasury, for use of the
8 department of public safety for the fiscal year
9 beginning July 1, 2002, and ending June 30, 2003, the
10 following amounts, or so much thereof as is necessary,
11 to be allocated as follows:

12 1. For the operations, salaries, support,
13 maintenance and miscellaneous purposes in the
14 department of public safety:
15 a. For the department's administrative functions,
16 including the criminal justice information system:
17\$ 2,462,881

18 b. For the division of criminal investigation and
19 bureau of identification, including the state's
20 contribution to the peace officers' retirement,
21 accident, and disability system provided in chapter
22 97A in the amount of 17 percent of the salaries for
23 which the funds are appropriated, and to meet federal
24 matching requirements:
25\$ 12,620,790

26 Riverboat enforcement costs shall be billed in
27 accordance with section 99F.10, subsection 4. The
28 costs shall be based upon the total costs for the
29 fiscal year.

30 The department of public safety, with the approval
31 of the department of management, may employ no more
32 than two special agents and four gaming enforcement
33 officers for each additional riverboat regulated after
34 July 1, 2002, and one special agent for each racing
35 facility which becomes operational during the fiscal
36 year which begins July 1, 2002.

37 2. For the division of narcotics enforcement for
38 undercover purchases:
39\$ 129,804

40 3. For the division of capitol police, including
41 the state's contribution to the peace officers'
42 retirement, accident, and disability system provided
43 in chapter 97A in the amount of 17 percent of the
44 salaries for which the funds are appropriated:
45\$ 1,298,828

46 4. For the division of the Iowa state patrol of
47 the department of public safety, for salaries,
48 support, maintenance, workers' compensation costs, and
49 miscellaneous purposes, including the state's
50 contribution to the peace officers' retirement,

Page 3

1	accident, and disability system provided in chapter	
2	97A in the amount of 17 percent of the salaries for	
3	which the funds are appropriated:	
4	.....	\$ 37,489,890
5	5. For deposit in the public safety law	
6	enforcement sick-leave benefit fund established under	
7	section 80.42, for all departmental employees eligible	
8	to receive benefits for accrued sick leave under the	
9	collective bargaining agreement:	
10	.....	\$ 285,258
11	6. For the state fire marshal's office, for fire	
12	protection services as provided through the state fire	
13	service and emergency response council as created in	
14	the department:	
15	.....	\$ 599,110
16	7. For costs associated with the training and	
17	equipment needs of volunteer fire fighters:	
18	.....	\$ 570,091
19	Notwithstanding section 8.33, moneys appropriated	
20	in this subsection that remain unobligated or	
21	unexpended at the close of the fiscal year shall not	
22	revert but shall remain available for expenditure only	
23	for the purpose designated in this subsection until	
24	the close of the succeeding fiscal year.	
25	8. Notwithstanding section 12C.7, subsection 2,	
26	interest or earnings on moneys in the department of	
27	public safety use tax clearing fund shall be credited	
28	to the road use tax fund.	
29	Notwithstanding section 8.33, moneys appropriated	
30	in subsections 1 through 6 that remain unobligated or	
31	unencumbered at the close of the fiscal year shall not	
32	revert to the department of public safety use tax	
33	clearing fund, but shall be deposited in the road use	
34	tax fund."	

JEFF LAMBERTI

S-5324

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 149, by inserting after line 21, the
- 3 following:
- 4 "____. For maintaining canine units at the Fort
- 5 Madison correctional facility, Anamosa correctional
- 6 facility, Oakdale correctional facility, Newton
- 7 correctional facility, Mt. Pleasant correctional

8 facility, and the Clarinda correctional facility:
9\$ 24,000".

MARK SHEARER
EUGENE S. FRAISE

S-5325

1 Amend Senate File 2326 as follows:
2 1. Page 49, by inserting after line 26 the
3 following:
4 "The department shall conduct a study to identify
5 an appropriate location in the state capitol for a
6 plaque and display honoring the Iowa recipients of the
7 congressional medal of honor. The department shall
8 report the findings and recommendations of the study
9 to the governor and general assembly on or before
10 December 31, 2002."

DENNIS H. BLACK

S-5326

1 Amend Senate File 2326 as follows:
2 1. Page 6, line 4, by striking the figure
3 "1,857,970" and inserting the following: "2,185,847".

TOM FLYNN

S-5327

1 Amend Senate File 2325 as follows:
2 1. By striking page 26, line 5, through page 27,
3 line 14, and inserting the following:
4 "Sec. ____ Section 10A.104, subsection 9, Code
5 2001, is amended to read as follows:
6 9. Administer and enforce this chapter, and
7 chapters 99B, 135B, 135C, ~~135G~~, 135H, 135J, 137C,
8 137D, and 137F.
9 Sec. ____ Section 10A.702, subsections 1 and 2,
10 Code 2001, are amended to read as follows:
11 1. Investigations relative to the standards and
12 practices of hospitals, hospices, ~~birth centers~~, and
13 health care facilities.
14 2. Inspections and other licensing procedures
15 relative to the hospice program, hospitals, ~~birth~~
16 ~~centers~~, and health care facilities. The division is
17 designated as the sole licensing authority for these
18 programs and facilities.
19 Sec. ____ Section 135.61, subsection 2, Code 2001,
20 is amended by striking the subsection.
21 Sec. ____ Section 135.61, subsection 14, paragraph

22 f, Code 2001, is amended by striking the lettered
23 paragraph.

24 Sec. ____ Section 252A.2, Code 2001, is amended to
25 read as follows:

26 252A.2 DEFINITIONS.

27 As used in this chapter, unless the context shall
28 require otherwise, the following terms shall have the
29 meanings ascribed to them by this section:

30 ~~1. "Birth center" means birth center as defined in~~
31 ~~section 135C.2.~~

32 2. 1. "Birthing hospital" means a private or
33 public hospital licensed pursuant to chapter 135B that
34 has a licensed obstetric unit or is licensed to
35 provide obstetric services, or a licensed birthing
36 center associated with a hospital.

37 ~~3. 2. "Child" includes but shall not be limited to~~
38 ~~a stepchild, foster child or legally adopted child and~~
39 ~~means a child actually or apparently under eighteen~~
40 ~~years of age, and a dependent person eighteen years of~~
41 ~~age or over who is unable to maintain the person's~~
42 ~~self and is likely to become a public charge.~~

43 4. 3. "Court" shall mean and include any court
44 upon which jurisdiction has been conferred to
45 determine the liability of persons for the support of
46 dependents.

47 ~~5. 4. "Dependent" shall mean and include a spouse,~~
48 ~~child, mother, father, grandparent or grandchild who~~
49 ~~is in need of and entitled to support from a person~~
50 ~~who is declared to be legally liable for such support.~~

Page 2

1 ~~6. 5. "Institution" means a birthing hospital or~~
2 ~~birth center.~~

3 ~~7. "Petitioner" includes each dependent person for~~
4 ~~whom support is sought in a proceeding instituted~~
5 ~~pursuant to this chapter or a mother or putative~~
6 ~~father of a dependent. However, in an action brought~~
7 ~~by the child support recovery unit, the state is the~~
8 ~~petitioner.~~

9 8. 6. "Party" means a petitioner, a respondent, or
10 a person who intervenes in a proceeding instituted
11 under this chapter.

12 7. "Petitioner" includes each dependent person for
13 whom support is sought in a proceeding instituted
14 pursuant to this chapter or a mother or putative
15 father of a dependent. However, in an action brought
16 by the child support recovery unit, the state is the
17 petitioner.

18 9. 8. "Petitioner's representative" includes
19 counsel of a dependent person for whom support is
20 sought and counsel for a mother or putative father of

21 a dependent. In an action brought by the child
22 support recovery unit, "petitioner's representative"
23 includes a county attorney, state's attorney and any
24 other public officer, by whatever title the officer's
25 public office may be known, charged by law with the
26 duty of instituting, maintaining, or prosecuting a
27 proceeding under this chapter or under the laws of the
28 state.

29 ~~10.~~ 9. "Putative father" means a man who is
30 alleged to be or who claims to be the biological
31 father of a child born to a woman to whom the man is
32 not married at the time of the birth of the child.

33 ~~11.~~ 10. "Register" means to file a foreign support
34 order in the registry of foreign support orders
35 maintained as a filing in equity by the clerk of
36 court.

37 ~~12.~~ 11. "Respondent" includes each person against
38 whom a proceeding is instituted pursuant to this
39 chapter. "Respondent" may include the mother or the
40 putative father of a dependent.

41 ~~13.~~ 12. "State registrar" means state registrar as
42 defined in section 144.1.

43 Sec. ____ Chapter 135G, Code 2001, is repealed."
44 2. By renumbering as necessary.

JOHN REDWINE
NEAL SCHUERER

S-5328

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 142, line 32, by striking the figure
- 3 "7,143,891" and inserting the following: "7,220,147".

ROBERT E. DVORSKY
JOE BOLKCOM

S-5329

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 149, by inserting after line 21, the
- 3 following:
- 4 " . For maintaining canine units at the Fort
- 5 Madison correctional facility, Anamosa correctional
- 6 facility, Oakdale correctional facility, Newton
- 7 correctional facility, Mt. Pleasant correctional
- 8 facility, and the Clarinda correctional facility:
- 9\$ 24,000".

MARK SHEARER
EUGENE S. FRAISE
ROBERT E. DVORSKY

S-5330

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 152, line 7, by striking the figure
- 3 "100,000" and inserting the following: "2,913,361".

MARK SHEARER

S-5331

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 147, by striking lines 14 and 15 and
- 3 inserting the following:
- 4 ".....\$ 32,718,605
- 5 FTEs 552.19"
- 6 2. Page 147, by striking lines 26 and 27 and
- 7 inserting the following:
- 8 ".....\$ 23,943,913
- 9 FTEs 383.75"
- 10 3. Page 148, by striking lines 15 and 16 and
- 11 inserting the following:
- 12 ".....\$ 21,318,417
- 13 FTEs 334.56"
- 14 4. By renumbering as necessary.

EUGENE S. FRAISE
 TOM FLYNN
 ROBERT E. DVORSKY
 MARK SHEARER

S-5332

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 147, by striking line 14 and inserting
- 3 the following:
- 4 ".....\$ 33,461,829"
- 5 2. Page 147, by striking line 26 and inserting
- 6 the following:
- 7 ".....\$ 23,941,648"
- 8 3. Page 148, by striking line 1 and inserting the
- 9 following:
- 10 ".....\$ 21,640,188"
- 11 4. Page 148, by striking line 7 and inserting the
- 12 following:
- 13 ".....\$ 22,688,016"
- 14 5. Page 148, by striking line 15 and inserting
- 15 the following:
- 16 ".....\$ 21,301,390"
- 17 6. Page 148, by striking line 21 and inserting
- 18 the following:
- 19 ".....\$ 7,314,501"
- 20 7. Page 148, by striking line 27 and inserting

21	the following:	
22	".....	\$ 18,448,063"
23	8. Page 149, by striking line 3 and inserting the	
24	following:	
25	".....	\$ 12,104,304"
26	9. Page 149, by striking line 9 and inserting the	
27	following:	
28	".....	\$ 24,541,649"
29	10. Page 154, by striking line 24 and inserting	
30	the following:	
31	".....	\$ 9,190,925"
32	11. Page 154, by striking line 30 and inserting	
33	the following:	
34	".....	\$ 7,171,418"
35	12. Page 155, by striking line 1 and inserting	
36	the following:	
37	".....	\$ 4,180,916"
38	13. Page 155, by striking line 7 and inserting	
39	the following:	
40	".....	\$ 3,947,415"
41	14. Page 155, by striking line 13 and inserting	
42	the following:	
43	".....	\$ 12,018,543"
44	15. Page 155, by striking line 19 and inserting	
45	the following:	
46	".....	\$ 9,300,888"
47	16. Page 155, by striking line 25 and inserting	
48	the following:	
49	".....	\$ 5,261,193"
50	17. Page 155, by striking line 31 and inserting	

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1	the following:	
2	".....	\$ 5,224,668"

ROBERT E. DVORSKY
EUGENE S. FRAISE
TOM FLYNN
MARK SHEARER

S-5333

1 Amend Senate File 2326 as follows:
2 1. Page 26, by inserting after line 26 the
3 following:
4 "Sec. ____ Section 49.13, Code 2001, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 5. The commissioner may appoint
7 high school students who are not yet qualified to be
8 registered voters to serve as precinct election board
9 members.

- 10 a. To qualify to serve as a precinct election
 11 board member, a high school student shall:
 12 (1) Be a United States citizen.
 13 (2) Be a junior or senior in good standing
 14 enrolled in a public or private secondary school in
 15 Iowa.
 16 (3) Have a cumulative grade point average
 17 equivalent to at least 2.0 on a 4.0 scale.
 18 (4) At the time of appointment, have the written
 19 approval of the principal of the secondary school the
 20 student attends.
 21 (5) Have the written approval of the student's
 22 parent or legal guardian.
 23 (6) Have satisfactorily completed the training
 24 course for election officials.
 25 (7) Meet all other qualifications for appointment
 26 and service as an election board member except the
 27 requirement of being a registered voter.
 28 b. No more than one student precinct election
 29 board member may serve on each precinct election
 30 board.
 31 c. Student precinct election board members shall
 32 not serve as the chairperson of a precinct election
 33 board.
 34 d. Before serving at a partisan election, the
 35 student election precinct board member must certify in
 36 writing to the commissioner the political party with
 37 which the student is affiliated.
 38 e. Student precinct election board members shall
 39 not be counted as absent from school on the day they
 40 serve as election officials.
 41 f. Student precinct election board members shall
 42 not be allowed to work more hours than allowed under
 43 the applicable labor laws."
 44 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5334

- 1 Amend House File 2515, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, by inserting after line 13 the
 4 following:
 5 "Sec. ___. Section 279.59, Code Supplement 2001,
 6 is amended to read as follows:
 7 279.59 ACCESS BY ASSOCIATIONS.
 8 The board of directors of a school district shall
 9 provide not-for-profit, professional education
 10 associations that offer membership to teachers or
 11 administrators equal access to teacher or
 12 administrator mailboxes for distribution of

13 professional literature. Notwithstanding section
 14 20.9, a school district may collect voluntary
 15 membership fees for such an association through
 16 payroll deduction upon the member's written
 17 authorization and the member may terminate the payroll
 18 deduction authorization at any time by giving thirty
 19 days' written notice."
 20 2. Title page, line 2, by inserting after the
 21 word "education" the following: "and school
 22 districts".

KITTY REHBERG

S-5335

1 Amend Senate File 2326 as follows:
 2 1. Page 129, by inserting after line 29, the
 3 following:
 4 "aa. For the fiscal year beginning July 1, 2002,
 5 the department shall reduce reimbursement for nursing
 6 facility bed-hold based on an analysis of nursing
 7 facility cost, occupancy, and utilization."
 8 2. Page 130, by inserting after line 32, the
 9 following:
 10 "cc. For the fiscal year beginning July 1, 2002,
 11 reimbursement for hospital crossover payments shall be
 12 the lesser of the following:
 13 (1) The medical assistance program allowed cost
 14 amount minus the federal Medicare payment amount.
 15 (2) The federal Medicare coinsurance and
 16 deductible amounts."
 17 3. Page 136, by inserting after line 6, the
 18 following:
 19 "Sec. ____ NEW SECTION. 249A.20B NURSING
 20 FACILITY CROSSOVER PAYMENTS.
 21 Beginning July 1, 2002, reimbursement under the
 22 medical assistance program for nursing facility
 23 crossover payments shall be the lesser of the
 24 following:
 25 1. The cost amount allowed under the medical
 26 assistance program minus the federal Medicare payment.
 27 2. The federal Medicare coinsurance and deductible
 28 amounts.
 29 Sec. ____ NEW SECTION. 249A.21 INTERMEDIATE CARE
 30 FACILITIES FOR PERSONS WITH MENTAL RETARDATION —
 31 ASSESSMENT.
 32 1. The department may assess intermediate care
 33 facilities for persons with mental retardation, as
 34 defined in section 135C.1, that are not operated by
 35 the state, a fee in an amount not to exceed six
 36 percent of the total annual revenue of the facility
 37 for the preceding fiscal year.

- 38 2. The assessment shall be paid to the department
 39 in equal monthly amounts on or before the fifteenth
 40 day of each month. The department may deduct the
 41 monthly amount from medical assistance payments to a
 42 facility described in subsection 1. The amount
 43 deducted from payments shall not exceed the total
 44 amount of the assessments due.
- 45 3. Revenue from the assessments shall be credited
 46 to the state medical assistance appropriation. This
 47 revenue may be used only for services for which
 48 federal financial participation under the medical
 49 assistance program is available to match state funds.
- 50 4. If federal financial participation to match the

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- 1 assessments made under subsection 1 becomes
 2 unavailable under federal law, the department shall
 3 terminate the imposing of the assessments beginning on
 4 the date that the federal statutory, regulatory, or
 5 interpretive change takes effect.
- 6 5. The department of human services may procure a
 7 sole source contract to implement the provisions of
 8 this section."
- 9 4. Page 142, by inserting after line 20, the
 10 following:
 11 "___". The section in this division of this Act
 12 relating to the assessment on intermediate care
 13 facilities for persons with mental retardation."
- 14 5. By renumbering as necessary.

JOHNIE HAMMOND

S-5336

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 110, line 4, by striking the figure
 3 "100,351,905" and inserting the following:
 4 "100,564,258".
- 5 2. Page 128, line 22, by striking the figure
 6 "11,848,605" and inserting the following:
 7 "12,043,178".
- 8 3. Page 129, by inserting before line 9, the
 9 following:
 10 "___". For the fiscal year beginning July 1, 2002,
 11 notwithstanding contrary provisions of chapter 237A,
 12 the department is not required to perform the child
 13 care regulatory functions required of the department
 14 under chapter 237A."

JOHNIE HAMMOND

S-5337

1 Amend House File 2515, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 20 the
4 following:

5 "Sec. 201. Section 257.14, subsection 2, Code
6 Supplement 2001, is amended to read as follows:

7 2. For the budget years commencing July 1, 2002,
8 and July 1, 2003, if the department of management
9 determines that the regular program district cost of a
10 school district for a budget year is less than the
11 total of the regular program district cost plus any
12 adjustment added under this section for the base year
13 for that school district, the school district shall be
14 eligible to receive a budget adjustment for that
15 district for that budget year up to an amount equal to
16 the difference. The board of directors of a school
17 district that wishes to receive a budget adjustment
18 pursuant to this subsection shall adopt a resolution
19 to receive the budget adjustment ~~and shall~~, by April
20 ~~1~~, 15, annually, ~~and shall~~ notify the department of
21 management of the adoption of the resolution and the
22 amount of the budget adjustment to be received.

23 Sec. 202. Section 257.14, subsection 3, unnumbered
24 paragraph 3, Code Supplement 2001, is amended to read
25 as follows:

26 The board of directors of a school district that
27 wishes to receive a budget adjustment pursuant to this
28 subsection shall adopt a resolution to receive the
29 budget adjustment ~~and shall~~, by April ~~1~~, 15, annually,
30 ~~and shall~~ notify the department of management of the
31 adoption of the resolution and the amount of the
32 budget adjustment to be received."

33 2. Page 21, by striking line 33 and inserting the
34 following:

35 "Sec. ____ EFFECTIVE DATES — APPLICABILITY.

36 1. Sections 201 and 202 of this Act, relating to
37 the date of adoption of a budget adjustment resolution
38 and notification of that adoption, being deemed of
39 immediate importance, take effect upon enactment and
40 apply retroactively for budget adjustment notification
41 for the school budget year beginning July 1, 2002.

42 2. Section 36 of".

43 3. Title page, line 1, by inserting after the
44 word "duties" the following: "of school boards and
45 related duties".

46 4. By renumbering as necessary.

S-5338

1 Amend House File 2515, 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 256.3, Code 2001, is amended
6 to read as follows:

7 256.3 STATE BOARD ESTABLISHED.

8 The state board of education is established for the
9 department. The state board consists of ~~nine~~ ten
10 members, nine voting members and one nonvoting student
11 member. The voting members shall be appointed by the
12 governor subject to senate confirmation. The
13 nonvoting student members shall be appointed as
14 provided in section 256.5A. The voting members shall
15 be registered voters of the state and hold no other
16 elective or appointive state office. A voting member
17 shall not be engaged in professional education for a
18 major portion of the member's time nor shall the
19 member derive a major portion of income from any
20 business or activity connected with education. Not
21 more than five voting members shall be of the same
22 political party.

23 The terms of office for voting members are for six
24 years beginning and ending as provided in section
25 69.19.

26 Three of the ~~state board~~ voting members shall have
27 substantial knowledge related to the community college
28 system. The remaining six voting members shall be
29 members of the general public.

30 Sec. 2. Section 256.4, Code 2001, is amended to
31 read as follows:

32 256.4 OATH — VACANCIES.

33 The members of the state board shall qualify by
34 taking the regular oath of office as prescribed by law
35 for state officers. Vacancies in the voting
36 membership shall be filled in the same manner in which
37 regular appointments are required to be made.

38 Sec. 3. NEW SECTION. 256.5A NONVOTING MEMBER.

39 The governor shall appoint one nonvoting student
40 member of the state board for a term of one year
41 beginning and ending as provided in section 69.19.
42 The nonvoting student member shall be appointed from a
43 list of names submitted by the state board of
44 education. Students enrolled in either grade ten or
45 eleven in a public school may apply to the state board
46 to serve as a nonvoting student member. The
47 department shall develop an application process that
48 requires the consent of the student's parent or
49 guardian if the student is a minor, initial
50 application approval by the school district in which

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1 the student applicant is enrolled, and submission of
 2 approved applications by a school district to the
 3 department. The nonvoting student member's school
 4 district of enrollment shall notify the student's
 5 parents if the student's grade point average falls
 6 during the period in which the student is a member of
 7 the state board. The state board shall adopt rules
 8 under chapter 17A specifying criteria for the
 9 selection of applicants whose names shall be submitted
 10 to the governor. Criteria shall include, but is not
 11 limited to, academic excellence, participation in
 12 extracurricular and community activities, and interest
 13 in serving on the board. Rules adopted by the state
 14 board shall also require, if the student is a minor,
 15 supervision of the student by the student's parent or
 16 guardian while the student is engaged in authorized
 17 state board business at a location other than the
 18 community in which the student resides, unless the
 19 student's parent or guardian submits to the state
 20 board a signed release indicating the parent or
 21 guardian has determined that supervision of the
 22 student by the parent or guardian is unnecessary. The
 23 nonvoting student member shall be appointed without
 24 regard to political affiliation. The nonvoting
 25 student member shall have been enrolled in a public
 26 school in Iowa for at least one year prior to the
 27 member's appointment. A nonvoting student member who
 28 will not graduate from high school prior to the end of
 29 a second term may apply to the state board for
 30 submission of candidacy to the governor for a second
 31 one-year term. A nonvoting student member shall be
 32 paid a per diem as provided in section 7E.6 and the
 33 student and the student's parent or guardian shall be
 34 reimbursed for actual and necessary expenses incurred
 35 in the performance of the student's duties as a
 36 nonvoting member of the state board. A vacancy in the
 37 membership of the nonvoting student member shall not
 38 be filled until the expiration of the term."
 39 2. By renumbering as necessary.

KITTY REHBERG

S-5339

1 Amend House File 2416, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 35 the
 4 following:
 5 "Sec. ____ Section 249A.20, Code 2001, is amended
 6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. A provider reimbursed
8 under section 249A.31 is not a noninstitutional health
9 provider.

10 Sec. ____ Section 249A.26, Code Supplement 2001,
11 is amended by adding the following new subsection:

12 NEW SUBSECTION. 4. The county of legal settlement
13 shall pay for one hundred percent of the nonfederal
14 share of the cost of services provided to persons with
15 chronic mental illness implemented under the adult
16 rehabilitation option of the state medical assistance
17 plan. The state shall pay for one hundred percent of
18 the nonfederal share of the cost of such services
19 provided to such persons without a county of legal
20 settlement."

21 2. Page 2, by inserting after line 18 the
22 following:

23 "Sec. ____ NEW SECTION. 249A.31 COST-BASED
24 REIMBURSEMENT — MENTAL HEALTH AND DEVELOPMENTAL
25 DISABILITIES PROVIDERS.

26 All of the following shall receive cost-based
27 reimbursement for one hundred percent of the
28 reasonable costs for the provision of services to
29 recipients of medical assistance:

30 1. Providers of individual case management
31 services for persons with mental retardation, a
32 developmental disability, or chronic mental illness in
33 accordance with standards adopted by the mental health
34 and developmental disabilities commission pursuant to
35 section 225C.6.

36 2. Providers of services to persons with chronic
37 mental illness implemented under the adult
38 rehabilitation option of the state medical assistance
39 plan."

40 3. Page 3, by inserting before line 29 the
41 following:

42 "Sec. ____ EFFECTIVE DATE. The provisions of this
43 division of this Act amending and enacting sections
44 249A.20, 249A.26, and 249A.31, being deemed of
45 immediate importance, take effect upon enactment."

46 4. Title page, line 2, by inserting after the
47 word "requirements" the following: "and providing an
48 effective date".

49 5. By renumbering as necessary.

JOHNIE HAMMOND
HUBERT M. HOUSER

S-5340

1 Amend the amendment, S-5173, to House File 2430, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. Page 1, by inserting after line 2 the
 5 following:
 6 "___ Page 1, line 22, by inserting before the
 7 word "Members" the following: "The commission shall
 8 meet at least four times per year."
 9 2. Page 1, by striking lines 5 through 8 and
 10 inserting the following:
 11 "___ Page 2, by striking lines 19 through 21 and
 12 inserting the following:
 13 "h. Three members shall be service consumers or
 14 family members of service consumers. Of these
 15 members, one shall be a service consumer, one shall be
 16 a parent of a child service consumer, and one shall be
 17 a parent or other family member of a person admitted
 18 to and living at a state resource center."
 19 3. By renumbering as necessary.

JOHNIE HAMMOND
 HUBERT M. HOUSER
 DAVID MILLER
 PATRICIA HARPER

S-5341

- 1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. By striking page 1, line 42, through page 2,
 5 line 43.
 6 2. By renumbering as necessary.

DICK L. DEARDEN

S-5342

- 1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 3 and 4.
 5 2. By renumbering as necessary.

JACK HOLVECK

S-5343

- 1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 2, by striking lines 22 and 23, and
 5 inserting the following: "resulted from a congenital

6 defect or condition regardless of when the defect or
7 condition manifested itself or became apparent".

JOHNIE HAMMOND

S-5344

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 6 the
5 following:
6 ""Sec. ___. Section 85.33, subsection 2, Code
7 2001, is amended by striking the subsection and
8 inserting in lieu thereof the following:
9 2. "Temporary partial disability" or "temporarily,
10 partially disabled" means the condition of an employee
11 which, as the result of care or treatment of a
12 personal injury arising out of and in the course of
13 employment, the actual gross weekly earnings of the
14 employee is less than the weekly earnings computed in
15 accordance with section 85.36."
16 2. By renumbering as necessary.

THOMAS FIEGEN

S-5345

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, line 43, by inserting after the word
5 "benefits." the following: "However, the applicable
6 previous payment does not include compensation
7 received by the employee but subsequently repaid by
8 the employee pursuant to section 85.22.""

THOMAS FIEGEN

S-5346

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. By striking page 1, line 50, through page 2,
5 line 1 and inserting the following: "the
6 preexisting".
7 2. Page 2, line 2, by striking the words "or
8 industrial disability".
9 3. Page 2, line 4, by striking the words "or
10 disability".
11 4. Page 2, by striking lines 7 through 9 and

12 inserting the following: "in the permanent impairment
 13 to the same member. However, the".
 14 5. Page 2, lines 11 and 12, by striking the words
 15 "or preexisting industrial disability".
 16 6. Page 2, lines 15 and 16, by striking the words
 17 "or preexisting industrial disability".
 18 7. Page 2, line 17, by striking the words "or
 19 preexisting industrial disability".
 20 8. Page 2, line 21, by striking the words "or
 21 preexisting industrial disability".

JACK HOLVECK

S-5347

1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 2, line 27, by inserting after the figure
 5 "2," the following: "paragraphs "a" through "t",".
 6 2. Page 2, line 33, by striking the word
 7 "disability" and inserting the following:
 8 "impairment".

JACK HOLVECK

S-5348

1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 2, by inserting after line 45 the
 5 following:
 6 "____. Page 3, by inserting before line 7 the
 7 following:
 8 "Sec. ____ Section 85.70, Code 2001, is amended to
 9 read as follows:
 10 85.70 ADDITIONAL PAYMENT FOR ATTENDANCE.
 11 An employee who has sustained an injury resulting
 12 in permanent partial or permanent total disability,
 13 for which compensation is payable under this chapter,
 14 and ~~who cannot return to gainful employment because of~~
 15 ~~such disability which prevents the employee from~~
 16 ~~returning to the same or similar employment,~~ shall
 17 upon application to and approval by the workers'
 18 compensation commissioner be entitled to a ~~twenty-~~
 19 ~~dollar one-hundred-dollar~~ weekly payment from the
 20 employer in addition to any other benefit payments,
 21 during each full week in which the employee is
 22 actively participating in a vocational rehabilitation
 23 program recognized by the vocational rehabilitation
 24 services division of the department of education. The

25 workers' compensation commissioner's approval of such
 26 application for payment may be given only after a
 27 careful evaluation of available facts, and after
 28 consultation with the employer or the employer's
 29 representative. Judicial review of the decision of
 30 the workers' compensation commissioner may be obtained
 31 in accordance with the terms of the Iowa
 32 administrative procedure Act and in section 86.26.
 33 Such additional benefit payment shall be paid for a
 34 period not to exceed ~~thirteen~~ twenty-six consecutive
 35 weeks except that the workers' compensation
 36 commissioner may extend the period of payment not to
 37 exceed an additional ~~thirteen~~ twenty-six weeks if the
 38 circumstances indicate that a continuation of training
 39 will in fact accomplish rehabilitation.""
 40 2. By renumbering as necessary.

BILL FINK

S-5349

1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 3, by inserting after line 2 the
 5 following:
 6 "___ . Page 5, by inserting after line 5 the
 7 following:
 8 "Sec. ___ . Section 91D.1, subsection 1, paragraphs
 9 a and d, Code 2001, are amended to read as follows:
 10 a. The hourly wage stated in the federal minimum
 11 wage law, pursuant to 29 U.S.C. § 206, shall be
 12 increased to ~~\$3.85~~ \$5.65 on January 1, ~~of 1990, 2003,~~
 13 ~~\$4.25 on January 1 of 1991,~~ and ~~\$4.65 to \$6.15~~ on
 14 January 1, ~~of 1992~~ 2004.
 15 d. An employer is not required to pay an employee
 16 the applicable minimum wage provided in paragraph "a"
 17 until the employee has completed ninety calendar days
 18 of employment with the employer. An employee who has
 19 completed ninety calendar days of employment with the
 20 employer prior to ~~January 1 of 1990, 1991~~ July 1,
 21 2002, or 1992 July 1, 2003, shall earn the applicable
 22 hourly minimum wage. An employer shall pay an
 23 employee who has not completed ninety calendar days of
 24 employment with the employer an hourly wage of at
 25 least ~~\$3.35~~ \$5.15 as of ~~January 1 of 1990~~ July 1,
 26 2002, ~~\$3.85 as of January 1 of 1991,~~ and ~~\$4.25~~ \$5.65
 27 as of ~~January 1 of 1992~~ July 1, 2003."
 28 2. By renumbering as necessary.

TOM FLYNN

S-5350

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by inserting after line 45 the
5 following:
6 "Sec. 85.70. Section 85.70, Code 2001, is amended to
7 read as follows:
8 85.70 ADDITIONAL PAYMENT FOR ATTENDANCE.
9 An employee who has sustained an injury resulting
10 in permanent partial or permanent total disability,
11 for which compensation is payable under this chapter,
12 and who ~~cannot is unable to~~ return to ~~gainful~~
13 employment in the job the employee held at the time of
14 the injury because of such disability, shall upon
15 application to and approval by the workers'
16 compensation commissioner be entitled to a ~~twenty-~~
17 dollar weekly ~~an additional worker training~~ payment
18 from the employer. The worker training payment shall
19 be in addition to any other benefit payments to the
20 employee, during each full week in which the employee
21 is not receiving healing period benefits pursuant to
22 section 85.34, and is actively participating in a
23 vocational rehabilitation program recognized by the
24 vocational rehabilitation services division of the
25 department of education or participating in any other
26 training program, including apprenticeship training,
27 recognized by the department of education. The
28 additional worker training payment authorized by this
29 section shall be in an amount determined in the same
30 manner as healing period benefits are calculated
31 pursuant to section 85.37. The workers' compensation
32 commissioner's approval of such application for
33 payment may be given only after a careful evaluation
34 of available facts, and after consultation with the
35 employer or the employer's representative. Judicial
36 review of the decision of the workers' compensation
37 commissioner may be obtained in accordance with the
38 terms of the Iowa administrative procedure Act and in
39 section 86.26. Such additional benefit payment shall
40 be paid for a period not to exceed thirteen
41 consecutive weeks except that the workers'
42 compensation commissioner may extend the period of
43 payment not to exceed an additional ~~thirteen ninety-~~
44 one weeks if the circumstances indicate that a
45 continuation of training will in fact ~~accomplish~~

48 assist the employee's rehabilitation.""

49 2. By renumbering as necessary.

BILL FINK

S-5351

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 43 the
5 following:

6 "Sec. ____ Section 85.36, unnumbered paragraph 1,
7 Code Supplement 2001, is amended to read as follows:

8 The basis of compensation shall be the weekly
9 earnings of the injured employee at the time of the
10 injury. "Weekly earnings" means gross earnings as
11 defined in section 85.61. "Weekly earnings" also
12 means gross salary, wages, or earnings of an employee
13 to which such employee would have been entitled had
14 the employee worked the customary hours for the full
15 pay period in which the employee was injured, as
16 regularly required by the employee's employer for the
17 work or employment for which the employee was
18 employed, computed or determined as follows and then
19 rounded to the nearest dollar: ""

20 2. Page 2, by inserting after line 45 the
21 following:

22 "____. Page 3, by inserting before line 7 the
23 following:

24 "Sec. ____ Section 85.61, subsection 3, Code
25 Supplement 2001, is amended to read as follows:

26 3. "Gross earnings" means recurring payments by
27 employer to the employee for employment, before any
28 authorized or lawfully required deduction or
29 withholding of funds by the employer, excluding
30 ~~irregular bonuses~~, retroactive pay, overtime, penalty
31 pay, reimbursement of expenses, expense allowances,
32 and the employer's contribution for welfare benefits,
33 and specifically including all bonuses of any kind. ""

34 3. By renumbering as necessary.

MARK SHEARER

S-5352

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 45, the
5 following:

6 "____. Page 3, by inserting before line 7, the

7 following:
 8 "Sec. ____ Section 85.55, Code 2001, is amended to
 9 read as follows:
 10 85.55 WAIVERS PROHIBITED —~~PHYSICAL DEFECTS.~~
 11 No employee or dependent to whom this chapter
 12 applies, shall have power to waive any of the
 13 provisions of this chapter in regard to the amount of
 14 compensation which may be payable to such employee or
 15 dependent hereunder. ~~However, any person who has some~~
 16 ~~physical defect which increases the risk of injury,~~
 17 ~~may, subject to the approval of the workers'~~
 18 ~~compensation commissioner, enter into a written~~
 19 ~~agreement with the employee's employer waiving~~
 20 ~~compensation for injuries which may occur directly or~~
 21 ~~indirectly because of such physical defect, provided,~~
 22 ~~however, that such waiver shall not affect the~~
 23 ~~employee's benefits to be paid from the second injury~~
 24 ~~fund under the provisions of section 85.64."~~

PATRICIA HARPER

S-5353

1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting before line 7, the
 5 following:
 6 ""Sec. ____ Section 85.33, subsection 4, Code
 7 2001, is amended to read as follows:
 8 4. If an employee is entitled to temporary partial
 9 benefits under subsection 3 of this section, the
 10 employer for whom the employee was working at the time
 11 of injury shall pay to the employee weekly
 12 compensation benefits, as provided in section 85.32,
 13 for and during the period of temporary partial
 14 disability. The temporary partial benefit shall be
 15 sixty-six and two-thirds percent of the difference
 16 between the employee's weekly earnings at the time of
 17 injury, computed in compliance with section 85.36, and
 18 the employee's actual gross weekly income from
 19 employment during the period of temporary partial
 20 disability. ~~If at the time of injury an employee is~~
 21 ~~paid on the basis of the output of the employee, with~~
 22 ~~a minimum guarantee pursuant to a written employment~~
 23 ~~agreement, the minimum guarantee shall be used as the~~
 24 ~~employee's weekly earnings at the time of injury.~~
 25 However, the weekly compensation benefits shall not
 26 exceed the payments to which the employee would be

27 entitled under section 85.36 or section 85.37, or
28 under subsection 1 of this section."

MARK SHEARER

S-5354

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 45 the
5 following:
6 "___ . Page 3, by inserting before line 7 the
7 following:

8 "Sec. ___. Section 85A.12, unnumbered paragraph 1,
9 Code 2001, is amended to read as follows:

10 An employer shall not be liable for any
11 compensation for an occupational disease unless such
12 disease shall be due to the nature of an employment in
13 which the hazards of such disease actually exist, and
14 which hazards are characteristic thereof and peculiar
15 to the trade, occupation, process, or employment, and
16 such disease actually arises out of the employment,
17 ~~and unless disablement or death results within three~~
18 ~~years in case of pneumoconiosis, or within one year in~~
19 ~~case of any other occupational disease, after the last~~
20 ~~injurious exposure to such disease in such employment,~~
21 ~~or in case of death, unless death follows continuous~~
22 ~~disability from such disease commencing within the~~
23 ~~period above limited for which compensation has been~~
24 ~~paid or awarded or timely claim made as provided by~~
25 ~~this chapter and results within seven years after such~~
26 ~~exposure."~~

ROBERT E. DVORSKY

S-5355

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 43 the
5 following:
6 "Sec. ___. Section 85.36, unnumbered paragraph 1,
7 Code Supplement 2001, is amended to read as follows:

8 The basis of compensation shall be the weekly
9 earnings of the injured employee at the time of the
10 injury. "Weekly earnings" means gross earnings as
11 defined in section 85.61. "Weekly earnings" also
12 means gross salary, wages, or earnings of an employee
13 to which such employee would have been entitled had
14 the employee worked the customary hours for the full

15 pay period in which the employee was injured, as
16 regularly required by the employee's employer for the
17 work or employment for which the employee was
18 employed, computed or determined as follows and then
19 rounded to the nearest dollar:

20 Sec. ____ Section 85.36, subsections 6 and 7, Code
21 Supplement 2001, are amended to read as follows:

22 6. In the case of an employee who is paid on a
23 daily or hourly basis, or by the output of the
24 employee, the weekly earnings shall be computed by
25 dividing by thirteen the earnings, not including
26 overtime or premium pay, of the employee earned in the
27 employ of ~~the employer~~ all employers in the last
28 completed period of thirteen consecutive calendar
29 weeks immediately preceding the injury. If the
30 employee was absent from employment for reasons
31 personal to the employee during part of the thirteen
32 calendar weeks preceding the injury, the employee's
33 weekly earnings shall be the amount the employee would
34 have earned had the employee worked when work was
35 available to other employees of the employer in a
36 similar occupation. A week which does not fairly
37 reflect the employee's customary earnings shall be
38 replaced by the closest previous week with earnings
39 that fairly represent the employee's customary
40 earnings.

41 7. In the case of an employee who has been in the
42 employ of the employer less than thirteen calendar
43 weeks immediately preceding the injury, the employee's
44 weekly earnings shall be computed under subsection 6,
45 taking the earnings, not including overtime or premium
46 pay, for such purpose to be the amount the employee
47 would have earned had the employee been so employed by
48 ~~the employer~~ all employers during the full thirteen
49 calendar weeks immediately preceding the injury and
50 had worked, when work was available to other employees

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1 in a similar occupation. If the earnings of other
2 employees cannot be determined, the employee's weekly
3 earnings shall be the average computed for the number
4 of weeks the employee has been in the employ of ~~the~~
5 employer all employers."'

6 2. Page 2, by inserting after line 45 the
7 following:

8 "____. Page 3, by inserting before line 7 the
9 following:

10 "Sec. ____ Section 85.61, subsection 3, Code
11 Supplement 2001, is amended to read as follows:

12 3. "Gross earnings" means recurring payments by
13 any employer to the employee for employment, before

14 any authorized or lawfully required deduction or
 15 withholding of funds by the employer, excluding
 16 irregular bonuses, retroactive pay, overtime, penalty
 17 pay, reimbursement of expenses, expense allowances,
 18 and the employer's contribution for welfare
 19 benefits.""
 20 3. By renumbering as necessary.

BILL FINK

S-5356

1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 4 the
 5 following:
 6 "____. Page 2, by inserting before line 6 the
 7 following:
 8 "Sec. ____ Section 85.27, subsection 4, Code
 9 Supplement 2001, is amended to read as follows:
 10 4. For purposes of this section, the employer is
 11 obliged to furnish reasonable services and supplies to
 12 treat an injured employee, ~~and has the right to choose~~
 13 ~~the care but the choice of care shall be made jointly~~
 14 by the employer and the employee. The treatment must
 15 be offered promptly and be reasonably suited to treat
 16 the injury without undue inconvenience to the
 17 employee. ~~If the employee has reason to be~~
 18 ~~dissatisfied with the care offered, the employee~~
 19 ~~should communicate the basis of such dissatisfaction~~
 20 ~~to the employer, in writing if requested, following~~
 21 ~~which the employer and the employee may agree to~~
 22 ~~alternate care reasonably suited to treat the injury.~~
 23 If the employer and employee cannot agree on such
 24 ~~alternate~~ care, the commissioner may, upon application
 25 and reasonable proofs of the necessity therefor, allow
 26 and order ~~other~~ alternate care. In an emergency, or
 27 if, at any time prior to an alternate care decision
 28 being issued by the commissioner, the employee
 29 reasonably needs care, the employee may choose the
 30 employee's care at the employer's expense, provided
 31 the employer or the employer's agent cannot be reached
 32 immediately. An application made under this
 33 subsection shall be considered an original proceeding
 34 for purposes of commencement and contested case
 35 proceedings under section 85.26. The hearing shall be
 36 conducted pursuant to chapter 17A. Before a hearing
 37 is scheduled, the parties may choose a telephone
 38 hearing or an in-person hearing. A request for an in-
 39 person hearing shall be approved unless the in-person
 40 hearing would be impractical because of the distance

41 between the parties to the hearing. The workers'
 42 compensation commissioner shall issue a decision
 43 within ten working days of receipt of an application
 44 for alternate care made pursuant to a telephone
 45 hearing or within fourteen working days of receipt of
 46 an application for alternate care made pursuant to an
 47 in-person hearing. ~~The employer shall notify an~~
 48 ~~injured employee of the employee's ability to contest~~
 49 ~~the employer's choice of care pursuant to this~~
 50 ~~subsection."~~

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- 1 2. By renumbering as necessary.

BETTY A. SOUKUP

S-5357

1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 4, the
 5 following:
 6 "____. Page 2, by inserting before line 6, the
 7 following:
 8 "Sec. ____ Section 85.27, subsection 4, Code
 9 Supplement 2001, is amended to read as follows:
 10 4. For purposes of this section, the employer is
 11 obliged to furnish reasonable services and supplies to
 12 treat an injured employee, and ~~has the right to choose~~
 13 ~~the care the employee has the right to choose the~~
 14 ~~employee's care at the employer's expense if the~~
 15 ~~employer is notified of the choice.~~ The treatment
 16 must be offered promptly and be reasonably suited to
 17 treat the injury without undue inconvenience to the
 18 employee. If the ~~employee~~ ~~employer~~ has reason to be
 19 dissatisfied with the care offered, the ~~employee~~
 20 ~~employer~~ should communicate the basis of such
 21 dissatisfaction to the ~~employer~~ ~~employee~~, in writing
 22 if requested, following which the employer and the
 23 employee may agree to alternate care reasonably suited
 24 to treat the injury. If the employer and employee
 25 cannot agree on such alternate care, the commissioner
 26 may, upon application and reasonable proofs of the
 27 necessity therefor, allow and order other care. ~~In an~~
 28 ~~emergency, the employee may choose the employee's care~~
 29 ~~at the employer's expense, provided the employer or~~
 30 ~~the employer's agent cannot be reached immediately.~~
 31 An application made under this subsection shall be
 32 considered an original proceeding for purposes of
 33 commencement and contested case proceedings under

34 section 85.26. The hearing shall be conducted
 35 pursuant to chapter 17A. Before a hearing is
 36 scheduled, the parties may choose a telephone hearing
 37 or an in-person hearing. A request for an in-person
 38 hearing shall be approved unless the in-person hearing
 39 would be impractical because of the distance between
 40 the parties to the hearing. The workers' compensation
 41 commissioner shall issue a decision within ten working
 42 days of receipt of an application for alternate care
 43 made pursuant to a telephone hearing or within
 44 fourteen working days of receipt of an application for
 45 alternate care made pursuant to an in-person hearing.
 46 ~~The employer shall notify an injured employee of the~~
 47 ~~employee's ability to contest the employer's choice of~~
 48 ~~care pursuant to this subsection. This subsection~~
 49 ~~does not prohibit an employer from retaining a~~
 50 ~~physician or other health service provider for use by~~

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1 employees.""

BETTY A. SOUKUP

S-5358

1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 3, by inserting after line 2 the
 5 following:
 6 "____. Page 5, by inserting after line 5 the
 7 following:
 8 "Sec. ____ Section 507E.3, subsection 2,
 9 unnumbered paragraph 1, Code 2001, is amended to read
 10 as follows:
 11 A person commits a class "D" felony if the person,
 12 with the intent to defraud ~~an insurer~~, does any of the
 13 following:
 14 Sec. ____ Section 507E.3, subsection 2, Code 2001,
 15 is amended by adding the following new paragraphs:
 16 NEW PARAGRAPH. d. Makes a false statement or
 17 representation as to a material fact in the course of
 18 reporting, investigating, or adjusting a claim for any
 19 payment or any other benefit pursuant to an insurance
 20 policy.
 21 NEW PARAGRAPH. e. Makes a false statement or
 22 representation as to a material fact for the purpose
 23 of obtaining, maintaining, or renewing insurance that
 24 is required by law, whether for the person or for
 25 another person, or for the purpose of evading the

26 requirements of the law."'

27 2. By renumbering as necessary.

JOE BOLKCOM

S-5359

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 45 the
5 following:

6 " . Page 3, by inserting before line 7, the
7 following:

8 "Sec. . Section 85B.4, subsection 3, Code 2001,
9 is amended to read as follows:

10 3. "Occupational hearing loss" means that portion
11 of a permanent sensorineural loss of hearing in one or
12 both ears that exceeds an average hearing level of
13 twenty-five decibels for the frequencies five hundred,
14 one thousand, two thousand, ~~and~~ three thousand, ~~and~~
15 four thousand Hertz, arising out of and in the course
16 of employment caused by excessive noise exposure.
17 "Occupational hearing loss" does not include loss of
18 hearing attributable to age or any other condition or
19 exposure not arising out of and in the course of
20 employment.

21 Sec. . Section 85B.9, subsection 3, Code 2001,
22 is amended to read as follows:

23 3. In calculating the total amount of hearing
24 loss, the hearing levels at each of the ~~four~~ five
25 frequencies, five hundred, one thousand, two thousand,
26 ~~and~~ three thousand, ~~and~~ four thousand Hertz, shall be
27 added together and divided by ~~four~~ five to determine
28 the average decibel hearing level for each ear. If
29 the resulting average decibel hearing level in either
30 ear is twenty-five decibels or less, the percentage
31 hearing loss for that ear shall be zero. For each
32 resulting average decibel hearing level exceeding
33 twenty-five decibels, an allowance of one and one-half
34 percent shall be made up to the maximum of one hundred
35 percent which is reached at an average decibel hearing
36 level of ninety-two decibels. In determining the
37 total binaural percentage hearing loss, the percentage
38 hearing loss for the ear with better hearing shall be
39 multiplied by five and added to the percentage hearing
40 loss for the ear with worse hearing and the sum of the
41 two divided by six.

42 Sec. . Section 85B.10, Code 2001, is amended to
43 read as follows:

44 85B.10 EMPLOYER'S NOTICE OF RESULTS OF TEST.
45 The employer shall communicate to the employee, in

46 writing, the results of an audiometric examination or
 47 physical examination of an employee which reflects an
 48 average hearing level in one or both ears in excess of
 49 twenty-five decibels for the test frequencies of five
 50 hundred, one thousand, two thousand, ~~and~~ three

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1 thousand, and four thousand Hertz, as soon as
 2 practicable after the examination. The communication
 3 shall include the name and qualifications of the
 4 person conducting the audiometric examination or
 5 physical examination, the site of the examination, the
 6 kind or type of test or examinations given, the
 7 results of each and the average decibel hearing level,
 8 for the ~~four~~ five frequencies, in each ear, and, if
 9 known to the employer, whether the hearing loss is
 10 sensorineural and, if the hearing loss resulted from
 11 another cause, the cause.""

MIKE CONNOLLY

S-5360

1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 2, the
 5 following:
 6 "____. Page 1, by inserting after line 4 the
 7 following:
 8 "Sec. ____ Section 85.27, subsection 1, Code
 9 Supplement 2001, is amended to read as follows:
 10 1. The employer, for all injuries compensable
 11 under this chapter or chapter 85A, shall furnish
 12 reasonable surgical, medical, dental, osteopathic,
 13 chiropractic, podiatric, physical rehabilitation,
 14 vocational rehabilitation, nursing, ambulance and
 15 hospital services and supplies therefor and shall
 16 allow reasonably necessary transportation expenses
 17 incurred for such services. The employer shall also
 18 furnish reasonable and necessary crutches, artificial
 19 members and appliances ~~but shall not be required to~~
 20 ~~furnish more than one set of permanent prosthetic~~
 21 ~~devices.~~""
 22 2. By renumbering as necessary.

JOHNIE HAMMOND

S-5361

1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,

3 as follows:

4 1. Page 2, line 45, by striking the figure "6."

5 and inserting the following: "6, and inserting the
6 following:

7 "Sec. _____. Section 86.13, unnumbered paragraph 4,
8 Code 2001, is amended by striking the unnumbered
9 paragraph and inserting in lieu thereof the following:

10 Unless the employer proves as an affirmative
11 defense that the employer had a reasonable excuse for
12 not paying or for paying amounts after their due dates
13 fixed by law or by a health care provider, including
14 all benefits provided by sections 85.27 through 85.34
15 or section 86.13, whether constituting compensation,
16 interest, penalties, or other benefits, the denial or
17 delay of which payment is proven by the employee, the
18 workers' compensation commissioner shall order the
19 employer to pay the employee a penalty equal to treble
20 the amount or the value, as the case may be, of the
21 payment which was denied or delayed past the due
22 date.""

23 2. By renumbering as necessary.

MIKE CONNOLLY

S-5362

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by striking line 45 and inserting the
5 following: "line 6, and inserting the following:

6 "Sec. _____. Section 86.13, unnumbered paragraph 4,
7 Code 2001, is amended by striking the unnumbered
8 paragraph and inserting in lieu thereof the following:

9 Unless the employer proves as an affirmative
10 defense that the employer had a reasonable excuse for
11 not paying or for paying weekly compensation after its
12 due date, the denial or delay of which is proven by
13 the employee, the workers' compensation commissioner
14 shall order the employer to pay the employee a penalty
15 equal to treble the amount of the weekly compensation,
16 the payment of which was denied or delayed past the
17 due date.""

18 2. By renumbering as necessary.

MIKE CONNOLLY

S-5363

1 Amend the House amendment, S-5727, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 3, by inserting after line 2 the
5 following:
6 "____. Page 5, by inserting after line 5 the
7 following:
8 "Sec. ____ WORKERS' COMPENSATION APPORTIONMENT
9 INTERIM STUDY. The legislative council is requested
10 to authorize an interim study committee to study
11 issues concerning compensation that should be payable
12 to an employee for a permanent partial disability when
13 the employee has previously suffered an injury or
14 previously received workers' compensation benefits.
15 In addition, the interim study committee shall examine
16 whether racial discrimination impacts the payment of
17 workers' compensation benefits. The interim study
18 committee shall receive testimony from organizations
19 representing employees, employers, and workers'
20 compensation insurers concerning the impact of
21 modifying current law concerning the apportionment of
22 workers' compensation benefits. The interim study
23 committee shall submit a report of its findings and
24 recommendations, including proposed legislation, if
25 any, to the general assembly on or before January 13,
26 2003."
27 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5364

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by inserting after line 43 the
5 following:
6 "Sec. ____ Section 85.36, unnumbered paragraph 1,
7 Code Supplement 2001, is amended to read as follows:
8 The basis of compensation shall be the weekly
9 earnings of the injured employee at the time of the
10 injury. "Weekly earnings" means gross earnings as
11 defined in section 85.61. "Weekly earnings" also
12 means gross salary, wages, or earnings of an employee
13 to which such employee would have been entitled had
14 the employee worked the customary hours for the full
15 pay period in which the employee was injured, as
16 regularly required by the employee's employer for the
17 work or employment for which the employee was
18 employed, computed or determined as follows and then
19 rounded to the nearest dollar:"
20 2. Page 2, by inserting after line 45 the
21 following:
22 "____. Page 3, by inserting before line 7 the
23 following:

24 "Sec. ____ Section 85.61, subsection 3, Code
 25 Supplement 2001, is amended to read as follows:
 26 3. "Gross earnings" means recurring payments by
 27 employer to the employee for employment, before any
 28 authorized or lawfully required deduction or
 29 withholding of funds by the employer, excluding
 30 irregular bonuses, retroactive pay, overtime, and
 31 penalty pay, ~~reimbursement of expenses, expense~~
 32 ~~allowances, and the employer's contribution for~~
 33 ~~welfare benefits~~ and specifically including earnings
 34 representing payments in kind, such as fringe
 35 benefits."
 36 3. By renumbering as necessary.

BILL FINK

S-5365

1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 2, by inserting after line 45 the
 5 following:
 6 "____. Page 3, by inserting before line 7 the
 7 following:
 8 "Sec. ____ Section 85.39, unnumbered paragraph 2,
 9 Code 2001, is amended to read as follows:
 10 If an ~~evaluation of permanent disability~~
 11 examination has been made by a physician retained by
 12 the employer and the employee believes ~~this evaluation~~
 13 ~~to be too low that any opinion rendered as the result~~
 14 of the examination and affecting benefits entitlement
 15 is incorrect, the employee shall, upon application to
 16 the commissioner and upon delivery of a copy of the
 17 application to the employer and its insurance carrier,
 18 be reimbursed by the employer the reasonable fee for a
 19 subsequent examination by a physician of the
 20 employee's own choice, and reasonably necessary
 21 transportation expenses incurred for the examination.
 22 The physician chosen by the employee has the right to
 23 confer with and obtain from the employer-retained
 24 physician sufficient history of the injury to make a
 25 proper examination. This paragraph applies regardless
 26 of whether or not the employer denies or accepts
 27 liability for benefits."
 28 2. By renumbering as necessary.

JACK HOLVECK

S-5366

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by inserting after line 45 the
5 following:
6 "____. Page 3, by inserting before line 7 the
7 following:
8 "Sec. ____ Section 85.71, Code 2001, is amended by
9 adding the following new subsection:
10 NEW SUBSECTION. 5. The employee resides in this
11 state."
12 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5367

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by inserting after line 43 the
5 following:
6 "Sec. ____ Section 85.37, Code 2001, is amended by
7 adding the following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. The workers'
9 compensation commissioner shall adopt rules providing
10 for an annual adjustment from the date of injury of
11 the weekly benefit amount in accordance with a
12 generally recognized cost-of-living standard."
13 2. By renumbering as necessary.

MARK SHEARER

S-5368

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, line 43, by inserting after the word
5 "benefits." the following: "However, the
6 apportionment authorized by this paragraph shall not
7 apply to those workers who are generally engaged in
8 "high-injury-risk" industries in which multiple
9 injuries over an individual's work life would be
10 anticipated. The workers' compensation commissioner
11 and the labor commissioner shall jointly identify on
12 an annual basis which industries are high-injury-risk
13 industries."

DICK L. DEARDEN

S-5369

- 1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 2, by inserting after line 43 the
5 following:
6 "Sec. ____ Section 85.34, Code 2001, is amended by
7 adding the following new subsection:
8 **NEW SUBSECTION. 8. REINSTATEMENT TO WORK.** An
9 employee who has suffered an injury which is
10 compensable under this chapter or chapter 85A shall
11 not have the employee's employment terminated by the
12 employee's employer as a result of the injury. If an
13 employee suffers a permanent partial disability under
14 this chapter or chapter 85A, the employer shall return
15 the employee to work performing duties that shall be
16 consistent with any restrictions on the employee as a
17 result of the disability."
18 2. By renumbering as necessary.

DICK L. DEARDEN

S-5370

- 1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 2, by inserting after line 43, the
5 following:
6 "c. This subsection does not apply to an employee
7 who receives an injury as a police officer or fire
8 fighter."
9 2. By renumbering as necessary.

JOHN P. KIBBIE

S-5371

- 1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 2, by inserting after line 43 the
5 following:
6 "Sec. ____ Section 85.36, subsections 6 and 7,
7 Code Supplement 2001, are amended to read as follows:
8 6. In the case of an employee who is paid on a
9 daily or hourly basis, or by the output of the
10 employee, the weekly earnings shall be computed by
11 dividing by thirteen the earnings, ~~not including~~
12 ~~overtime or premium pay~~, of the employee earned in the
13 employ of the employer in the last completed period of

14 thirteen consecutive calendar weeks immediately
 15 preceding the injury. If the employee was absent from
 16 employment for reasons personal to the employee during
 17 part of the thirteen calendar weeks preceding the
 18 injury, the employee's weekly earnings shall be the
 19 amount the employee would have earned had the employee
 20 worked when work was available to other employees of
 21 the employer in a similar occupation. A week which
 22 does not fairly reflect the employee's customary
 23 earnings shall be replaced by the closest previous
 24 week with earnings that fairly represent the
 25 employee's customary earnings.

26 7. In the case of an employee who has been in the
 27 employ of the employer less than thirteen calendar
 28 weeks immediately preceding the injury, the employee's
 29 weekly earnings shall be computed under subsection 6,
 30 taking the earnings, ~~not including overtime or premium~~
 31 ~~pay~~, for such purpose to be the amount the employee
 32 would have earned had the employee been so employed by
 33 the employer the full thirteen calendar weeks
 34 immediately preceding the injury and had worked, when
 35 work was available to other employees in a similar
 36 occupation. If the earnings of other employees cannot
 37 be determined, the employee's weekly earnings shall be
 38 the average computed for the number of weeks the
 39 employee has been in the employ of the employer."'

40 2. Page 2, by inserting after line 45 the
 41 following:

42 "____. Page 3, by inserting before line 7 the
 43 following:

44 "Sec. _____. Section 85.61, subsection 3, Code
 45 Supplement 2001, is amended to read as follows:

46 3. "Gross earnings" means recurring payments by
 47 employer to the employee for employment, before any
 48 authorized or lawfully required deduction or
 49 withholding of funds by the employer, excluding
 50 irregular bonuses, retroactive pay, ~~overtime~~, penalty

Page 2

- 1 pay, reimbursement of expenses, expense allowances,
- 2 and the employer's contribution for welfare benefits,
- 3 and specifically including overtime pay at the
- 4 overtime rate."'
- 5 3. By renumbering as necessary.

MATT McCOY

S-5372

- 1 Amend the House amendment, S-5272, to Senate File
- 2 2190, as amended, passed, and reprinted by the Senate,

3 as follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 "____. Page 1, by inserting after line 4 the
7 following:

8 "Sec. ____ Section 85.26, subsection 2, Code 2001,
9 is amended by striking the subsection and inserting in
10 lieu thereof the following:

11 2. If an award for payment of benefits under
12 chapter 85, 85A, or 85B has been filed by the workers'
13 compensation commissioner, and not commuted, or if an
14 agreement for settlement pursuant to section 86.13 has
15 been filed with and approved by the commissioner and
16 not commuted, or if within six months of the
17 commencement of any kind of disability benefits a
18 denial of liability has not been filed with the
19 commissioner and notice of the denial delineating the
20 grounds of denial has not been mailed to the employee
21 in the form and manner required by the commissioner,
22 the amount of benefits due by an employer to an
23 employee may be reviewed at any time upon commencement
24 of reopening proceedings by the employee.""

25 2. By renumbering as necessary.

THOMAS FIEGEN

S-5373

1 Amend Senate File 2317 as follows:

2 1. Page 3, line 26, by striking the word "five"
3 and inserting the following: "two".

4 2. Page 3, by striking lines 31 through 34 and
5 inserting the following:

6 "Sec. ____ NEW SECTION. 453A.60 CIVIL PENALTIES.

7 A distributor that violates this division is
8 subject to the civil penalties specified in section
9 453A.31, subsection 2."

10 3. By renumbering as necessary.

JEFF LAMBERTI

S-5374

1 Amend Senate File 2325 as follows:

2 1. Page 1, by striking lines 5 through 8 and
3 inserting the following:

4 "1. "Administrator" means the chief administrative
5 law judge, ~~chief inspector, chief investigator, chief~~
6 ~~auditor,~~ or the person administering a division of the
7 department."

8 2. Page 1, by striking lines 29 through 35 and
9 inserting the following:

- 10 "The allocation of departmental duties to the
 11 divisions of the department in sections ~~10A.302,~~
 12 10A.402, 10A.502, 10A.702, and 10A.801 does not
 13 prohibit the director from reallocating departmental
 14 duties within the department. The director shall not
 15 reallocate any of the duties of the division of
 16 administrative hearings, created by section 10A.801,
 17 to any other unit of the department."
 18 3. By striking page 3, line 35 through page 4,
 19 line 4.
 20 4. Page 4, by striking lines 10 through 23.
 21 5. By renumbering as necessary.

MARY A. LUNDBY

S-5375

- 1 Amend House File 2472, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 1, line 29 through page 2,
 4 line 7.
 5 2. By striking page 54, line 34 through page 55,
 6 line 2, and inserting the following:
 7 "Sec. ____ EFFECTIVE AND APPLICABILITY DATE. This
 8 Act takes effect January 1, 2003, and applies to
 9 elections held on or after that date."
 10 3. By renumbering as necessary.

STEVE KING

S-5376

- 1 Amend House File 2515, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 14, by inserting after line 7 the
 4 following:
 5 "Sec. ____ Section 301.1, Code 2001, is amended to
 6 read as follows:
 7 301.1 ADOPTION — PURCHASE AND SALE — ACCREDITED
 8 NONPUBLIC SCHOOL PUPIL TEXTBOOK SERVICES.
 9 1. The board of directors of each and every school
 10 district is hereby authorized and empowered to adopt
 11 textbooks for the teaching of all branches that are
 12 now or may hereafter be authorized to be taught in the
 13 public schools of the state, and to contract for and
 14 buy said books and any and all other necessary school
 15 supplies at said contract prices, and to sell the same
 16 to the pupils of their respective districts at cost,
 17 loan such textbooks to such pupils free, or rent them
 18 to such pupils at such reasonable fee as the board
 19 shall fix, and said money so received shall be
 20 returned to the general fund.

21 2. Textbooks adopted and purchased by a school
22 district may, and shall, to the extent funds are
23 appropriated by the general assembly, be made
24 available to pupils attending accredited nonpublic
25 schools upon request of the pupil or the pupil's
26 parent under comparable terms as made available to
27 pupils attending public schools. If the general
28 assembly appropriates moneys for purposes of making
29 textbooks available to accredited nonpublic school
30 pupils, the department of education shall ascertain
31 the amount available to a school district for the
32 purchase of nonsectarian, nonreligious textbooks for
33 pupils attending accredited nonpublic schools. The
34 amount shall be in the proportion that the basic
35 enrollment of a participating accredited nonpublic
36 school bears to the sum of the basic enrollments of
37 all participating accredited nonpublic schools in the
38 state for the budget year. For purposes of this
39 section, a "participating accredited nonpublic school"
40 means an accredited nonpublic school that submits a
41 written request on behalf of the school's pupils in
42 accordance with this subsection, and that certifies
43 its actual enrollment to the department of education
44 by October 1, annually. By October 15, annually, the
45 department of education shall certify to the director
46 of revenue and finance the annual amount to be paid to
47 each school district, and the director of revenue and
48 finance shall draw warrants payable to school
49 districts in accordance with this subsection. For
50 purposes of this subsection, an accredited nonpublic

Page 2

1 school's enrollment count shall include only students
2 who are residents of Iowa. The costs of providing
3 textbooks to accredited nonpublic school pupils as
4 provided in this subsection shall not be included in
5 the computation of district cost under chapter 257,
6 but shall be shown in the budget as an expense from
7 miscellaneous income. Textbook expenditures made in
8 accordance with this subsection shall be kept on file
9 in the school district.

10 3. As used in this paragraph subsection 2,
11 "textbooks" means books and loose-leaf or bound
12 manuals, systems of reusable instructional materials
13 or combinations of books and supplementary
14 instructional materials which convey information to
15 the student or otherwise contribute to the learning
16 process, or electronic textbooks, including but not
17 limited to computer software, applications using
18 computer-assisted instruction, interactive videodisc,
19 and other computer courseware and magnetic media."

- 20 2. Page 21, by striking line 21 and inserting the
 21 following:
 22 "Sec. ____ Sections 256.34, 260C.70, 301.29, and
 23 301.30, Code 2001, are".
 24 3. By renumbering as necessary.

KITTY REHBERG
 PAUL McKINLEY
 MARK ZIEMAN
 JERRY BEHN
 LARRY McKIBBEN
 DAVID MILLER
 KEN VEENSTRA
 JEFF ANGELO
 NANCY BOETTGER
 STEVE KING
 JEFF LAMBERTI
 DAVID LORD
 JOHN W. JENSEN
 HUBERT M. HOUSER
 JOHN REDWINE
 ANDY McKEAN
 MIKE CONNOLLY
 MARY A. LUNDBY
 NEAL SCHUERER
 THOMAS FIEGEN
 TOM FLYNN
 DONALD B. REDFERN

S-5377

- 1 Amend House File 2472, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 11, line 7, by striking the words "by
 4 reason of mental retardation".
 5 2. Page 54, by striking lines 20 through 31.
 6 3. By renumbering as necessary.

PATRICIA HARPER

S-5378

- 1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. By striking page 1, line 1, through page 3,
 5 line 4.

MICHAEL E. GRONSTAL

S-5379

- 1 Amend Senate File 2327 as follows:
- 2 1. By striking page 2, line 26, through page 4,
3 line 8, and inserting the following:
- 4 "() One member representing the Iowa harness
5 racing association appointed by the members of the
6 association.
- 7 () One member representing the Iowa
8 thoroughbred breeders and owners association appointed
9 by the members of the association.
- 10 () One member representing the Iowa
11 quarterhorse racing association appointed by the
12 members of the association.
- 13 () Five members of the racing association of
14 central Iowa appointed by its membership. The five
15 members shall be appointed to terms of office as
16 determined by the other members of the public board of
17 directors. Thereafter, their successors shall be
18 selected by the other members of the public board of
19 directors to represent the public at large. An
20 elected or appointed city or county officer or
21 employee shall not serve on the board of directors
22 that holds the license to conduct gambling games at a
23 horse racetrack enclosure."
- 24 2. By renumbering as necessary.

DENNIS H. BLACK

S-5380

- 1 Amend Senate File 2327 as follows:
- 2 1. Page 4, line 18, by striking the figure "1997"
3 and inserting the following: "~~1997~~ 2002".
- 4 2. Page 4, line 20, by striking the word "twenty-
5 two" and inserting the following: "~~twenty-two~~ thirty-
6 two".
- 7 3. Page 4, line 20, by striking the word
8 "increase" and inserting the following: "~~increase~~
9 reduce".
- 10 4. Page 4, line 22, by striking the word "thirty-
11 six" and inserting the following: "~~thirty-six~~
12 twenty".

DENNIS H. BLACK

S-5381

- 1 Amend Senate File 2327 as follows:
- 2 1. By striking page 2, line 16 through page 4,
3 line 34 and inserting the following:
- 4 "Sec. . Section 99F.6, Code 2001, is amended by

5 adding the following new subsection:

6 NEW SUBSECTION. 9. The commission shall require
7 that each licensee shall contribute annually at least
8 eight percent of the adjusted gross receipts received
9 from gambling games to the nonprofit licensee for
10 distribution to one or more educational, civic,
11 public, charitable, patriotic, or religious
12 organizations.

13 Sec. ____. NEW SECTION. 99F.7A PARI-MUTUEL PURSES
14 AND SUPPLEMENTS.

15 Notwithstanding section 99F.6, subsection 4, the
16 licensees of pari-mutuel racetrack enclosures shall
17 determine the annual subsidy of purses or supplements
18 which shall not be less than twelve percent of the
19 adjusted gross receipts from games for the preceding
20 calendar year plus the total amount of pari-mutuel
21 wagers on live races.

22 Sec. ____. Section 99F.11, unnumbered paragraph 1,
23 Code 2001, is amended to read as follows:

24 A tax is imposed on the adjusted gross receipts
25 received annually from gambling games authorized under
26 this chapter at the rate of five percent on the first
27 one million dollars of adjusted gross receipts, at the
28 rate of ten percent on the next two million dollars of
29 adjusted gross receipts, and at the rate of ~~twenty~~
30 twenty-eight percent on any amount of adjusted gross
31 receipts over three million dollars. ~~However,~~
32 ~~beginning January 1, 1997, the rate on any amount of~~
33 ~~adjusted gross receipts over three million dollars~~
34 ~~from gambling games at racetrack enclosures is twenty-~~
35 ~~two percent and shall increase by two percent each~~
36 ~~succeeding calendar year until the rate is thirty-six~~
37 ~~percent.~~ The taxes imposed by this section shall be
38 paid by the licensee to the treasurer of state within
39 ten days after the close of the day when the wagers
40 were made and shall be distributed as follows:"

41 2. By renumbering as necessary.

DENNIS BLACK

S-5382

1 Amend Senate File 2328 as follows:

2 1. Page 1, line 8, by striking the word "two" and
3 inserting the following: "three".

MIKE CONNOLLY
WALLY E. HORN
MICHAEL E. GRONSTAL
MARK SHEARER
STEVEN D. HANSEN
DENNIS H. BLACK

JOHNIE HAMMOND
 JOE BOLKCOM
 JACK HOLVECK
 JOHN P. KIBBIE
 THOMAS FIEGEN
 TOM FLYNN
 BETTY A. SOUKUP
 PATRICIA HARPER
 MATT McCOY
 AMANDA RAGAN
 EUGENE S. FRAISE
 PATRICK J. DELUHERY
 BILL FINK
 DICK L. DEARDEN
 ROBERT E. DVORSKY

S-5383

1 Amend the House amendment, S-5272, to Senate File
 2 2190, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting before line 7 the
 5 following:
 6 ""Sec. ____ Section 85.31, subsection 1,
 7 unnumbered paragraph 1, Code 2001, is amended to read
 8 as follows:
 9 When death results from the injury, the employer
 10 shall pay the dependents who were wholly dependent on
 11 the earnings of the employee for support at the time
 12 of the injury, during their lifetime, compensation
 13 upon the basis of ~~eighty~~ one hundred percent per week
 14 of the employee's average weekly spendable earnings,
 15 commencing from the date of death as follows:
 16 Sec. ____ Section 85.34, subsection 2, unnumbered
 17 paragraph 1, Code 2001, is amended to read as follows:
 18 Compensation for permanent partial disability shall
 19 begin at the termination of the healing period
 20 provided in subsection 1. The compensation shall be
 21 in addition to the benefits provided by sections 85.27
 22 and 85.28. The compensation shall be based upon the
 23 extent of the disability and upon the basis of ~~eighty~~
 24 one hundred percent per week of the employee's average
 25 spendable weekly earnings, but not more than a weekly
 26 benefit amount, rounded to the nearest dollar, equal
 27 to one hundred eighty-four percent of the statewide
 28 average weekly wage paid employees as determined by
 29 the department of workforce development under section
 30 96.19, subsection 36, and in effect at the time of the
 31 injury. The minimum weekly benefit amount shall be
 32 equal to the weekly benefit amount of a person whose
 33 gross weekly earnings are thirty-five percent of the
 34 statewide average weekly wage. For all cases of

35 permanent partial disability compensation shall be
36 paid as follows:
37 Sec. ____ Section 85.34, subsection 3, unnumbered
38 paragraph 1, Code 2001, is amended to read as follows:
39 Compensation for an injury causing permanent total
40 disability shall be upon the basis of eighty one
41 hundred percent per week of the employee's average
42 spendable weekly earnings, but not more than a weekly
43 benefit amount, rounded to the nearest dollar, equal
44 to two hundred percent of the statewide average weekly
45 wage paid employees as determined by the department of
46 workforce development under section 96.19, subsection
47 36, and in effect at the time of the injury. The
48 minimum weekly benefit amount is equal to the weekly
49 benefit amount of a person whose gross weekly earnings
50 are thirty-five percent of the statewide average

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1 weekly wage. The weekly compensation is payable
2 during the period of the employee's disability."
3 2. Page 2, by inserting after line 43 the
4 following:
5 "Sec. ____ Section 85.37, Code 2001, is amended to
6 read as follows:
7 85.37 COMPENSATION SCHEDULE.
8 If an employee receives a personal injury causing
9 temporary total disability, or causing a permanent
10 partial disability for which compensation is payable
11 during a healing period, compensation for the
12 temporary total disability or for the healing period
13 shall be upon the basis provided in this section. The
14 weekly benefit amount payable to any employee for any
15 one week shall be upon the basis of eighty one hundred
16 percent of the employee's weekly spendable earnings,
17 but shall not exceed an amount, rounded to the nearest
18 dollar, equal to sixty-six and two-thirds percent of
19 the statewide average weekly wage paid employees as
20 determined by the department of workforce development
21 under section 96.19, subsection 36, and in effect at
22 the time of the injury. However, as of July 1, 1975;
23 July 1, 1977; July 1, 1979; and July 1, 1981, the
24 maximum weekly benefit amount rounded to the nearest
25 dollar shall be increased so that it equals one
26 hundred percent, one hundred thirty-three and one-
27 third percent, one hundred sixty-six and two-thirds
28 percent, and two hundred percent, respectively, of the
29 statewide average weekly wage as determined above.
30 Total weekly compensation for any employee shall not
31 exceed eighty one hundred percent per week of the
32 employee's weekly spendable earnings. The minimum
33 weekly benefit amount shall be equal to the weekly

34 benefit amount of a person whose gross weekly earnings
 35 are thirty-five percent of the statewide average
 36 weekly wage, or to the spendable weekly earnings of
 37 the employee, whichever are less.
 38 Such compensation shall be in addition to the
 39 benefits provided by sections 85.27 and 85.28.""
 40 3. By renumbering as necessary.

DICK L. DEARDEN

S-5384

1 Amend House File 2515, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 1 the
 4 following:
 5 "Sec. ____ Section 256.11, unnumbered paragraph 1,
 6 Code Supplement 2001, is amended to read as follows:
 7 The state board shall adopt rules under chapter 17A
 8 and a procedure for accrediting all public and
 9 nonpublic schools in Iowa offering instruction at any
 10 or all levels from the prekindergarten level through
 11 grade twelve. The rules of the state board shall
 12 require that ~~a multicultural, gender fair approach is~~
 13 ~~used by schools and school districts. The emphasize~~
 14 ~~throughout the educational program shall be taught~~
 15 ~~from a multicultural, gender fair approach that the~~
 16 constitutional republic of the United States, of which
 17 Iowa is a vital constituent part, was founded upon the
 18 guarantees of freedom of religion, the rule of law,
 19 and equal justice for all, is the unchallenged,
 20 greatest nation in the world, and has derived its
 21 strength from biblical values and the forces and
 22 philosophies of free enterprise capitalism and western
 23 civilization. Global perspectives shall be
 24 ~~incorporated into all levels of the educational~~
 25 ~~program."~~
 26 2. Page 2, by inserting before line 33 the
 27 following:
 28 "Sec. ____ Section 256A.4, subsection 1,
 29 unnumbered paragraph 2, Code Supplement 2001, is
 30 amended to read as follows:
 31 A family support program ~~shall meet multicultural~~
 32 ~~gender fair guidelines. The program~~ shall encourage
 33 parents to be aware of practices that may affect
 34 equitable development of children. The program shall
 35 include parents in the planning, implementation, and
 36 evaluation of the program. A program shall be
 37 designed to meet the needs of the residents of the
 38 participating district and may use unique approaches
 39 to provide for those needs. The goals of a family
 40 support program shall include, but are not limited to,

41 the following:"

42 3. Page 5, by inserting after line 13 the
43 following:

44 "Sec. ____ Section 262.81, Code 2001, is amended
45 to read as follows:

46 262.81 LEGISLATIVE INTENT.

47 The general assembly recognizes that educational
48 programs designed to enhance the interrelation and
49 cooperation among cultural, racial, and ethnic groups
50 in society require the contribution and active

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1 participation of all ethnic and racial groups. The
2 general assembly also recognizes that failure to
3 include minority representation at the faculty level
4 at the state universities contributes to cultural,
5 racial, and ethnic isolation of minority students and
6 does not reflect the realities of a ~~multicultural and~~
7 ~~diverse Iowa~~ society. Therefore, the "Regents'
8 Minority and Women Educators Enhancement" program is
9 established to assist in the recruitment and retention
10 of faculty that more adequately represents the diverse
11 cultural, racial, and ethnic makeup of ~~society Iowa~~
12 and to improve the education of all students."

13 4. Title page, lines 1 and 2, by striking the
14 words "operation of the department of education" and
15 inserting the following: "operations of certain state
16 education agencies or offices".

STEVE KING
KITTY REHBERG
NEAL SCHUERER

S-5385

1 Amend the House amendment, S-5272, to Senate File
2 2190, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting before line 7 the
5 following:

6 ""Sec. ____ Section 85.34, subsection 2, Code
7 2001, is amended by adding the following new
8 unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. If an employee is
10 injured and entitled to compensation for a permanent
11 partial disability under this subsection, and if the
12 injured employee's employment is terminated following
13 the injury due in part to the employer not offering
14 suitable work, compensation for the permanent partial
15 disability shall be determined pursuant to paragraph

16 "u" and not paragraphs "a" through "t".

17 2. By renumbering as necessary.

JOE BOLKCOM

S-5386

1 Amend Senate File 2308 as follows:

2 1. Page 2, by inserting after line 9 the
3 following:

4 "Sec. ____ Section 437A.5, Code 2001, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 10. a. For purposes of this
7 subsection, "new gas-fired turbine generator system"
8 means such a system that initially generates
9 electricity subject to replacement generation tax
10 under section 437A.6 on or after January 1, 2002.

11 b. Notwithstanding anything to the contrary in
12 this chapter or the provisions of any other law or
13 charter, the board of supervisors of the county in
14 which a new gas-fired turbine generator system is
15 proposed to be located may enter into an agreement
16 with any person to exempt certain natural gas consumed
17 for generation purposes from the tax imposed by this
18 section on behalf of all local taxing authorities with
19 respect to all local taxing districts located within
20 that county for such period and upon such terms and
21 conditions as the board may determine, provided,
22 however, that this exemption shall apply only to
23 natural gas used or to be used by a new gas-fired
24 turbine generator system located in that county to
25 generate electricity subject to the replacement
26 generation tax imposed by section 437A.6.

27 c. The board of supervisors shall consult local
28 taxing authorities within the county as to the
29 advisability of entering into such an agreement and
30 the positive economic impact that granting an
31 exemption would have on the county.

32 d. During the period that any exemption granted in
33 accordance with this subsection is in effect, any
34 delivery of natural gas used or to be used by a new
35 gas-fired turbine generator system located in that
36 county to generate electricity shall be excluded for
37 purposes of computing the recalculation of replacement
38 tax on the delivery of natural gas under this
39 section."

40 2. By renumbering, redesignating, and correcting
41 internal references as necessary.

SANDRA GREINER
DAVID MILLER

S-5387

1 Amend Senate File 2325 as follows:

2 1. Page 16, by inserting after line 21 the

3 following:

4 "Sec. ____ Section 455B.133, Code 2001, is amended

5 by adding the following new subsection:

6 NEW SUBSECTION. 10. Adopt rules allowing a city

7 to conduct a controlled burn of a demolished building

8 subject to the same restrictions as are in effect for

9 fire fighting training fires. The rules shall include

10 a provision that a city may undertake no more than

11 three controlled burns in every overlapping six-

12 tenths-of-a-mile-radius circle every three years. The

13 rules shall prohibit a controlled burn of a demolished

14 building in Cedar Rapids, Marion, Hiawatha, Council

15 Bluffs, Carter Lake, Des Moines, West Des Moines,

16 Clive, Windsor Heights, Urbandale, Pleasant Hill,

17 Buffalo, Davenport, Mason City or any other area where

18 area-specific state implementation plans require the

19 control of particulate."

20 2. Page 24, by inserting after line 29 the

21 following:

22 "Sec. ____ DEMOLITION SITE WASTE MATERIAL TASK

23 FORCE.

24 1. The department of natural resources, in

25 cooperation with the department of economic

26 development, shall establish a task force to study

27 issues related to the proper disposal of waste

28 material from buildings demolished in cities and

29 counties. The task force shall study issues

30 including, but not limited to, all of the following:

31 a. The proper removal and disposal of waste

32 material containing lead-based paints and asbestos.

33 b. The proper removal and disposal of any other

34 hazardous waste material or waste material commonly

35 found in old buildings that may be considered a health

36 hazard if removed improperly.

37 c. Any alternatives to the disposal of waste

38 material from demolition sites such as salvage

39 operations.

40 d. The training of fire department personnel in

41 relation to the disposal of waste material from

42 demolition sites.

43 e. Asbestos inspection training for volunteers at

44 the local level.

45 f. An appropriate local limit for the controlled

46 burning of demolished buildings from which hazardous

47 materials have been removed prior to burning.

48 g. The proper method for encouraging cooperation

49 between cities and counties on issues related to the

50 disposal of demolition site waste material.

Page 2

- 1 2. The task force membership shall include, but
 2 not be limited to, all of the following:
 3 a. Representatives from the department of natural
 4 resources knowledgeable in air toxics and toxic
 5 materials.
 6 b. Representatives from the department of economic
 7 development knowledgeable in community development.
 8 c. A representative of the Iowa league of cities.
 9 d. A representative of the Iowa society of solid
 10 waste operators.
 11 e. Four members of the general assembly with not
 12 more than one member from each chamber being from the
 13 same political party. The two senators shall be
 14 designated by the president of the senate after
 15 consultation with the majority and minority leaders of
 16 the senate. The two representatives shall be
 17 designated by the speaker of the house of
 18 representatives after consultation with the majority
 19 and minority leaders of the house of representatives.
 20 3. By January 1, 2003, the task force shall submit
 21 a report to the general assembly, including
 22 recommendations, regarding issues relating to the
 23 disposal of debris from demolition sites in Iowa."
 24 3. By renumbering as necessary.

NANCY BOETTGER

S-5388

- 1 Amend House File 2430 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 12, by inserting after line 30, the
 4 following:
 5 "Sec. ____ RESIDENT ADVOCATE COMMITTEES — REPORT.
 6 The mental health and developmental disabilities
 7 commission in consultation with the state long-term
 8 care resident's advocate and the governor's
 9 developmental disabilities council shall submit a
 10 report to the general assembly by January 1, 2003,
 11 regarding the continuation of resident advocate
 12 committees for residential care facilities licensed to
 13 serve persons with mental illness or mental
 14 retardation."
 15 2. By renumbering as necessary.

NANCY BOETTGER
 HUBERT M. HOUSER

S-5389

1 Amend Senate File 2325 as follows:
2 1. Page 4, by striking lines 20 through 23 and
3 inserting the following: "law judge. However, the
4 evaluation, training, promotion, and discipline of all
5 administrative law judges employed by the division
6 shall remain solely within the authority of the
7 ~~division~~ department."

MARY A. LUNDBY

S-5390

1 Amend the House amendment, S-5294, to Senate File
2 503, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 36, the
5 following:
6 "NEW SUBSECTION. 43A. "Solids settling facility"
7 means a basin, terrace, diversion, or other structure
8 designed and operated to remove settleable solids from
9 open feedlot runoff."
10 2. Page 1, line 41 by inserting after the word
11 "basin" the following: "or a solids settling
12 facility".
13 3. Page 1, line 42, by inserting before the word
14 "design" the following: "construction".
15 4. Page 1, by striking lines 48 through 50 and
16 inserting the following: "structures. However, the
17 department's rules shall provide that a settled open
18 feedlot effluent basin or solids settling facility
19 must be constructed according to construction design
20 standards that are equivalent to construction design
21 standards applicable to unformed manure storage
22 structures that are part of confinement feeding
23 operations."
24 5. By renumbering, redesignating, and correcting
25 internal references as necessary.

MIKE SEXTON

S-5391

1 Amend Senate File 2321 as follows:
2 1. Page 3, line 16, by inserting after the word
3 "representatives" the following: "or the delegate's
4 designee who shall also be a member of the house of
5 representatives".
6 2. Page 3, line 18, by inserting after the word
7 "senate" the following: "or the delegate's designee
8 who shall also be a member of the senate".

- 9 3. Page 3, lines 19 and 20, by striking the words
 10 "at least".
- 11 4. Page 3, by striking line 21 and inserting the
 12 following: ", or each delegate's designee."
- 13 5. Page 4, line 12, by striking the word and
 14 figures "June 30, 2004" and inserting the following:
 15 "March 1, 2005".

LARRY MCKIBBEN

S-5392

- 1 Amend House File 2378, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 4, by striking lines 28 through 30 and
 4 inserting the following: "in a building space must
 5 create at least ten full-time positions, meet the
 6 criteria provided in section 15E.193."
- 7 2. Page 4, by striking lines 33 through 35 and
 8 inserting the following: "business. A development
 9 business shall receive a pro rata share of the total
 10 incentives and assistance available to the development
 11 business based on the percentage of the building that
 12 is leased to nonretail businesses. The department
 13 shall determine the procedure for issuing the
 14 incentives and assistance on a pro rata basis."
- 15 3. Page 7, by striking line 23 and inserting the
 16 following:
- 17 "Sec. 10. EFFECTIVE AND RETROACTIVE APPLICABILITY
 18 DATES.
- 19 1. Section 4 of this Act, amending section
 20 15E.193C, subsections 2, 5, and 10, Code 2001, being
 21 deemed of immediate importance, takes effect April 30,
 22 2002, and, if approved by the governor after April 30,
 23 2002, shall apply retroactively to April 30, 2002.
- 24 2. Section 7 of this Act, striking".
- 25 4. Title page, line 2, by striking the word
 26 "date" and" inserting the following: "and retroactive
 27 applicability dates".

KITTY REHBERG
 MARK SHEARER

S-5393

- 1 Amend House File 2472, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 17, line 22, by striking the words
 4 "contiguous cities" and inserting the following: "all
 5 polling places".

STEVE KING

S-5394

1 Amend Senate File 2321 as follows:
 2 1. Page 2, by striking lines 29 and 30 and
 3 inserting the following: "paragraph 2, Code
 4 Supplement 2001, is amended to read as follows:
 5 This subsection is repealed December 31, ~~2002~~
 6 2004."
 7 2. Page 2, by striking lines 32 and 33, and
 8 inserting the following: "2, Code Supplement 2001, is
 9 amended to read as follows:
 10 This subsection is repealed December 31, ~~2002~~
 11 2004."
 12 3. Title page, line 4, by striking the word
 13 "striking" and inserting the following: "extending
 14 the time for".

PATRICIA HARPER

S-5395

1 Amend Senate File 2320 as follows:
 2 1. Page 2, by inserting after line 17 the
 3 following:
 4 "Sec. ____ COURT FILING FEES. Notwithstanding any
 5 provision of law enacted by the Seventy-ninth General
 6 Assembly, 2002 Session, that increases court filing
 7 fees, no court filing fees shall be increased for the
 8 fiscal year beginning July 1, 2002, and ending June
 9 30, 2003, unless the total amount appropriated to the
 10 judicial branch for the fiscal year beginning July 1,
 11 2002, and ending June 30, 2003, in this division of
 12 this Act and in all other laws enacted by the Seventy-
 13 ninth General Assembly, 2002 Session equals at least
 14 \$114,373,228 for salaries, receipt and disbursement of
 15 child support payments, auditor expenses, maintenance,
 16 equipment, and miscellaneous purposes, and at least
 17 \$3,739,587 for judicial retirement contributions by
 18 the state."

THOMAS FIEGEN
JACK HOLVECK**S-5396**

1 Amend Senate File 2325 as follows:
 2 1. Page 27, by inserting after line 14, the
 3 following:
 4 "DIVISION ____
 5 DEPARTMENT OF INSPECTIONS AND APPEALS
 6 NURSING FACILITIES
 7 Sec. ____ NEW SECTION. 135C.31A MEDICATION
 8 REGIMEN — CONTINUITY OF CARE AND CLINICAL INTEGRITY.

9 A nursing facility shall ensure that in
 10 transitioning a patient from private support to
 11 payment under chapter 249A, continuity of care and
 12 clinical integrity in the patient's medication regimen
 13 are considered."
 14 2. By renumbering as necessary.

NANCY BOETTGER

S-5397

1 Amend House File 2472, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 11, line 6, by inserting after the word
 4 "person" the following: "described in section 222.2,
 5 subsection 4,".
 6 2. Page 11, by striking line 7, and inserting the
 7 following: "in a proceeding held pursuant".
 8 3. Page 54, lines 26 and 27, by striking the
 9 words "by reason of mental retardation".
 10 4. Page 54, line 27, by inserting after the word
 11 "ward" the following: "because the proposed ward is a
 12 person described in section 222.2, subsection 4".

PATRICIA HARPER

S-5398

1 Amend House File 2430, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 23, by inserting after the word
 4 "advocates," the following: "Of these members, one
 5 shall be an active member of a statewide organization
 6 for persons with brain injury."

HUBERT M. HOUSER
 JOHNIE HAMMOND

S-5399

1 Amend Senate File 2325 as follows:
 2 1. Page 4, line 35, by inserting after the word
 3 "board," the following: "administrator of the court
 4 appointed special advocate program."

MARK SHEARER

S-5400

1 Amend House File 2459, 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. CITY HOSPITAL AND HEALTH CARE FACILITY
 6 STUDY. The legislative council is requested to
 7 establish a legislative interim study committee on
 8 city hospitals and health care facilities. The
 9 committee shall study the feasibility of giving city
 10 hospital and health care facility boards of trustees
 11 authority to sell all of the property essential to the
 12 operation of the city hospital or health care
 13 facility. The committee shall report to the general
 14 assembly on or before January 1, 2003."

JOHN P. KIBBIE
 DONALD B. REDFERN

S-5401

HOUSE AMENDMENT TO SENATE FILE 2205

1 Amend Senate File 2205, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 6, by inserting after line 11 the
 4 following:
 5 "5. Smoking, as defined in section 142B.1, shall
 6 not be permitted during a child development home's
 7 hours of operation in an area of the child development
 8 home which may be used by the children receiving child
 9 care."
 10 2. Page 7, by inserting after line 34, the
 11 following:
 12 "Sec. __. Section 237A.13, Code 2001, is amended
 13 by adding the following new subsection:
 14 NEW SUBSECTION. 5A. A child care facility that
 15 previously received child care wrap-around funding,
 16 meets the requirements for being a shared vision
 17 program except that a shared vision program is not
 18 operated in the county in which the facility is
 19 located, and is providing a child care wrap-around
 20 service that is included in the community empowerment
 21 area board's plan for the community empowerment area
 22 in which the facility is located shall be deemed to be
 23 qualified for child care wrap-around funding."
 24 3. By renumbering, relettering, or redesignating
 25 and correcting internal references as necessary.

S-5402

1 Amend the House amendment, S-5280, to Senate File
 2 2228, as passed by the Senate, as follows:
 3 1. Page 1, by striking line 3 and inserting the

4 following:
 5 "____. Page 1, by striking line 3 and inserting
 6 the following:
 7 "3. The purchase of buildings and the purchase,
 8 lease, or lease-purchase of a single"."

DONALD B. REDFERN
 NANCY BOETTGER

S-5403

1 Amend House File 2613, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 35, by striking the figure "2001"
 4 and inserting the following: "2002".
 5 2. Page 2, line 1, by inserting after the figure
 6 "2326," and following: "if enacted,".

COMMITTEE ON APPROPRIATIONS
 JEFF LAMBERTI, Chair

S-5404

1 Amend House File 2459, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 4, by striking the word
 4 "govern".
 5 2. Page 1, line 5, by striking the words
 6 "exercise ownership of" and inserting the following:
 7 "of govern".
 8 3. Page 1, by striking lines 25 through 27, and
 9 inserting the following: "and shall publish notice of
 10 the resolution and of a date, time, and place of a
 11 public hearing on the proposal pursuant to section
 12 362.3, except that the notice shall be published at
 13 least ten days before the hearing."
 14 4. By striking page 1, line 32 through page 2,
 15 line 8, and inserting the following:
 16 "NEW UNNUMBERED PARAGRAPH. The proceeds of such
 17 sale shall first be applied to the retirement of bonds
 18 or other indebtedness issued and outstanding in
 19 connection with the hospital or health care facility.
 20 Remaining proceeds shall be paid over to the city.
 21 The city council shall repeal the ordinance
 22 establishing the board of trustees upon consummation
 23 of the sale."
 24 5. Page 2, by inserting before line 9, the
 25 following:
 26 "NEW UNNUMBERED PARAGRAPH. If the board of
 27 trustees adopts a resolution containing a final
 28 determination proposing the sale of all of the

29 property essential to the operation of the city
 30 hospital or health care facility, the sale shall not
 31 be final until the proposition to sell is approved by
 32 residents of the city at an election called for that
 33 purpose. Immediately after passage of the resolution,
 34 the board of trustees shall notify the county auditor
 35 that an election is to be held on the proposition.
 36 Such an election shall be held within sixty days of
 37 passage of such resolution. If a majority of the
 38 votes cast on the proposition is in favor of the
 39 proposition to sell the property, the board of
 40 trustees may proceed with the sale of the property."
 41 6. Page 2, by inserting before line 9, the
 42 following:
 43 "Sec. _____. Section 392.6, Code 2001, is amended by
 44 adding the following new unnumbered paragraph after
 45 unnumbered paragraph 9:
 46 NEW UNNUMBERED PARAGRAPH. The provisions of this
 47 section do not apply to any city-owned hospital or
 48 health care facility that is operated without an
 49 elected board of trustees by a private not-for-profit
 50 hospital pursuant to a management lease agreement

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1 entered into before July 1, 2002."

LARRY McKIBBEN
 STEWART IVERSON, Jr.
 JEFF ANGELO

S-5405

1 Amend the House amendment, S-5280, to Senate File
 2 2228, as passed by the Senate, as follows:
 3 1. Page 1, by inserting after line 2 the
 4 following:
 5 "____. Page 1, by striking line 3 and inserting
 6 the following:
 7 "3. The purchase of buildings and the purchase,
 8 lease, or lease-purchase of a single".
 9 2. By renumbering as necessary.

DONALD B. REDFERN
 NANCY BOETTGER

S-5406

1 Amend House File 2515, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 1, the
 4 following:

5 "Sec. ____ Section 256.11, unnumbered paragraph 1,
 6 Code Supplement 2001, is amended to read as follows:
 7 The state board shall adopt rules under chapter 17A
 8 and a procedure for accrediting all public and
 9 nonpublic schools in Iowa offering instruction at any
 10 or all levels from the prekindergarten level through
 11 grade twelve. ~~The rules of the state board shall~~
 12 ~~require that a multicultural, gender fair approach is~~
 13 ~~used by schools and school districts. The educational~~
 14 ~~program shall be taught from a multicultural, gender~~
 15 ~~fair approach. Global perspectives shall be~~
 16 ~~incorporated into all levels of the educational~~
 17 ~~program."~~

18 2. Page 2, by inserting before line 33 the
 19 following:

20 "Sec. ____ Section 256A.4, subsection 1,
 21 unnumbered paragraph 2, Code Supplement 2001, is
 22 amended to read as follows:

23 A family support program ~~shall meet multicultural~~
 24 ~~gender fair guidelines. The program shall encourage~~
 25 parents to be aware of practices that may affect
 26 equitable development of children. The program shall
 27 include parents in the planning, implementation, and
 28 evaluation of the program. A program shall be
 29 designed to meet the needs of the residents of the
 30 participating district and may use unique approaches
 31 to provide for those needs. The goals of a family
 32 support program shall include, but are not limited to,
 33 the following:"

34 3. Page 5, by inserting after line 13 the
 35 following:

36 "Sec. ____ Section 262.81, Code 2001, is amended
 37 to read as follows:

38 262.81 LEGISLATIVE INTENT.

39 The general assembly recognizes that educational
 40 programs designed to enhance the interrelation and
 41 cooperation among cultural, racial, and ethnic groups
 42 in society require the contribution and active
 43 participation of all ethnic and racial groups. The
 44 general assembly also recognizes that failure to
 45 include minority representation at the faculty level
 46 at the state universities contributes to cultural,
 47 racial, and ethnic isolation of minority students and
 48 does not reflect the realities of a ~~multicultural and~~
 49 ~~diverse Iowa~~ society. Therefore, the "Regents'
 50 Minority and Women Educators Enhancement" program is

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1 established to assist in the recruitment and retention
 2 of faculty that more adequately represents the diverse
 3 cultural, racial, and ethnic makeup of society Iowa

- 4 and to improve the education of all students."
 5 4. Title page, line 2, by inserting after the
 6 word "education" the following: "and the state board
 7 of regents, the educational program approaches and the
 8 daily operations of school classrooms,".
 9 5. By renumbering as necessary.

STEVE KING
 KITTY REHBERG
 NEAL SCHUERER
 KEN VEENSTRA
 JERRY BEHN
 MIKE SEXTON
 JEFF ANGELO
 DAVID G. LORD
 HUBERT M. HOUSER
 LARRY McKIBBEN

S-5407

HOUSE AMENDMENT TO SENATE FILE 2280

- 1 Amend Senate File 2280, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. REHABILITATIVE TREATMENT CHILD WELFARE
 6 SERVICES PROVIDERS.
 7 1. The department of human services may adopt
 8 rules utilizing the emergency procedures provided in
 9 subsection 4 as necessary to implement the high-
 10 priority recommendation items identified by the
 11 department's rehabilitative treatment services
 12 provider regulation and quality improvement work group
 13 listed in this section. In order to implement a
 14 listed item, the department must determine that the
 15 item can be implemented without additional cost to the
 16 state and, if implementation of the item requires a
 17 state medical assistance program plan amendment, the
 18 item must be approved by the federal center for
 19 Medicare and Medicaid services.
 20 2. Subject to the implementation conditions in
 21 subsection 1, the department shall adopt rules to take
 22 effect on or before April 1, 2003, or within sixty
 23 days after receiving the federal center's approval,
 24 whichever is later, to implement all of the following:
 25 a. Permitting deemed status for those providers of
 26 services that are certified, or accredited to be in
 27 compliance with relevant standards by the joint
 28 commission on the accreditation of health care
 29 organizations or the council on accreditation of

30 services for families and children and that make
31 accreditation reports and records available to the
32 department.

33 b. Amending rules to maintain the group care
34 standard for a weekly average number of hours of
35 therapy and counseling, but determine compliance by
36 averaging the hours per week over the course of a
37 month. The recoupment for failure to comply shall be
38 applied for a week at a time for noncompliance, not to
39 exceed the number of days paid. This standard shall
40 not be applied to a highly structured juvenile group
41 care program.

42 c. Expanding the set of qualifications accepted
43 for rehabilitative treatment services staff positions.

44 d. Utilizing a weekly results summary for
45 documentation of the group care requirement for daily
46 provision of skills development.

47 3. Subject to the implementation conditions in
48 subsection 1, the department shall adopt rules to take
49 effect on or before December 31, 2003, or within sixty
50 days after receiving the federal center's approval,

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1 whichever is later, to implement all of the following:

2 a. Eliminating the care plan requirements
3 regarding licensing and treatment plan review;
4 accepting a change in the treatment plan in lieu of
5 requiring the plan to be rewritten; and permitting the
6 provider to determine the author of the treatment
7 plan.

8 b. Revising and combining provider requirements
9 involving licensing, contracting, and certification so
10 that duplicative regulatory requirements are
11 eliminated or minimized while the department maintains
12 its quality assurance role to an appropriate degree.
13 The requirements addressed shall include but are not
14 limited to those involving documentation in records,
15 and treatment plan provisions involving reviews,
16 changes, and authors.

17 4. The department of human services may adopt
18 administrative rules under section 17A.4, subsection
19 2, and section 17A.5, subsection 2, paragraph "b", to
20 implement this section and the rules shall become
21 effective immediately upon filing, unless the
22 effective date is delayed by the administrative rules
23 review committee, notwithstanding section 17A.4,
24 subsection 5, and section 17A.8, subsection 9, or a
25 later effective date is specified in the rules. Any
26 rules adopted in accordance with this section shall
27 not take effect before the administrative rules review
28 committee reviews the rules. Any rules adopted in

29 accordance with this section shall also be published
 30 as notice of intended action as provided in section
 31 17A.4.
 32 Sec. ____ EFFECTIVE DATE. This Act, being deemed
 33 of immediate importance, takes effect upon enactment."
 34 2. Title page, line 2, by inserting after the
 35 word "providers" the following: "and providing an
 36 effective date".
 37 3. By renumbering as necessary.

S-5408

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 678

1 Amend the Senate amendment, H-8464, to House File
 2 678, as passed by the House, as follows:
 3 1. Page 1, by striking lines 3 through 13.
 4 2. Page 1, by inserting after line 35, the
 5 following:
 6 "____. Page 1, by inserting after line 32, the
 7 following:
 8 "Sec. ____ Section 598.41, subsection 5, Code
 9 2001, is amended to read as follows:
 10 5. a. Joint physical care may be in the best
 11 interest of the child, but joint legal custody does
 12 not require joint physical care.
 13 b. On the application of either parent, the court
 14 shall consider granting joint physical care.
 15 c. When the court determines such action would be
 16 in the best interest of the child and would preserve
 17 the relationship between each parent and the child,
 18 joint physical care may be awarded to both joint
 19 custodial parents or physical care may be awarded to
 20 one joint custodial parent.
 21 d. If one joint custodial parent is awarded
 22 physical care, the parent responsible for providing
 23 physical care shall support the other parent's
 24 relationship with the child. Physical care awarded to
 25 one parent does not affect the other parent's rights
 26 and responsibilities as a joint legal custodian of the
 27 child. Rights and responsibilities as joint legal
 28 custodian of the child include, but are not limited
 29 to, equal participation in decisions affecting the
 30 child's legal status, medical care, education,
 31 extracurricular activities, and religious
 32 instruction."
 33 3. Page 1, by inserting after line 41, the
 34 following:
 35 "____. Page 2, line 15, by striking the word
 36 "subsections" and inserting the following:

37 "subsection".
 38 _____. Page 2, by striking lines 22 through 30."
 39 4. Page 1, by striking lines 44 through 46, and
 40 inserting the following:
 41 "Sec. _____. EFFECTIVE DATE. This Act takes effect
 42 July 1, 2003."
 43 5. By renumbering, relettering, or redesignating
 44 and correcting internal references as necessary.

S-5409

1 Amend House File 2612, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, by inserting after line 21 the
 4 following:
 5 "Sec. _____. EFFECTIVE DATE. The section of this
 6 Act amending section 312.2, subsection 14, takes
 7 effect July 1, 2003."
 8 2. Title page, line 6, by inserting after the
 9 word "moneys" the following: "and including an
 10 effective date".
 11 3. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
 JEFF LAMBERTI, Chair

S-5410

1 Amend House File 2614, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, by striking line 15 and inserting the
 4 following:
 5 "FY 2002-2003\$ 5,000,000"
 6 2. Page 5, by striking lines 19 through 24.
 7 3. Page 7, by inserting after line 32 the
 8 following:
 9 "_____. For planning, design, and construction of an
 10 expansion of the parking structure being built at the
 11 northwest corner of the intersection of Grand and
 12 Pennsylvania avenues in Des Moines:
 13 FY 2002-2003\$ 3,400,000
 14 FY 2003-2004\$ 0
 15 FY 2004-2005\$ 0
 16 FY 2005-2006\$ 0
 17 The department may amend the chapter 28E agreement
 18 entered into with a private agency pursuant to 2001
 19 Iowa Acts, First Extraordinary Session, chapter 5,
 20 sections 5 and 6, to provide for the construction of
 21 additional parking spaces for the parking structure.
 22 Awarding of a contract for the construction of such
 23 additional parking spaces shall be pursuant to the
 24 competitive bidding and all other requirements of

25 section 18.6, subsection 9, and any rules adopted
 26 pursuant to that subsection."
 27 4. Page 8, line 29, by striking the figure
 28 "4,400,000" and inserting the following: "2,700,000".
 29 5. By renumbering, redesignating, and correcting
 30 internal references as necessary.

COMMITTEE ON APPROPRIATIONS
 JEFF LAMBERTI, Chair

S-5411

1 Amend House File 2615, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 7, by striking lines 17 through 32, and
 4 inserting the following:
 5 "Sec. ____ DEPARTMENT OF CORRECTIONS — SPECIAL
 6 NEEDS UNIT. There is appropriated from the healthy
 7 Iowans tobacco trust created in section 12.65, to the
 8 department of corrections for the fiscal year
 9 beginning July 1, 2002, and ending June 30, 2003, the
 10 following amount, or so much thereof as is necessary,
 11 to be used for the purpose designated:
 12 For operating the special needs unit at the Fort
 13 Madison correctional facility:
 14 \$ 1,100,000"
 15 2. Page 8, by striking lines 4 through 8, and
 16 inserting the following: "unencumbered on April 1,
 17 2002, shall not be expended or obligated during the
 18 remainder of the fiscal year beginning July 1, 2001,
 19 and ending June 30, 2002, and shall not revert but
 20 shall be available for the fiscal year beginning July
 21 1, 2002, and ending June 30, 2003, to supplement the
 22 appropriations in this or any other Act for substance
 23 abuse treatment under the substance abuse treatment
 24 program."
 25 3. Page 10, by striking lines 3 through 7.
 26 4. Page 10, by inserting after line 11, the
 27 following:
 28 "Sec. ____ EFFECTIVE DATE — RETROACTIVE
 29 APPLICABILITY. Section 6 of this Act, relating to
 30 nonexpenditure, nonobligation, and nonreversion of
 31 funds remaining unencumbered or unobligated on April
 32 1, 2002, which were appropriated for the establishment
 33 and operation of a substance abuse treatment facility
 34 and which are to be available in the fiscal year
 35 beginning July 1, 2002, and ending June 30, 2003, to
 36 supplement appropriations for substance abuse
 37 treatment under the substance abuse treatment program,
 38 takes effect upon enactment and is retroactively
 39 applicable to April 1, 2002."
 40 5. Title page, by striking line 3, and inserting

41 the following: "and providing effective dates, and
42 providing for retroactive applicability."

COMMITTEE ON APPROPRIATIONS
JEFF LAMBERTI, Chair

S-5412

1 Amend House File 2615 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 32, by striking the figure
4 "2,390,064" and inserting the following: "2,417,473".
5 2. Page 5, line 9, by striking the figure
6 "\$409,591" and inserting the following: "\$437,000".

STEVEN D. HANSEN

S-5413

1 Amend Senate File 2327 as follows:
2 1. Page 4, by striking lines 11 through 30, and
3 inserting the following:
4 "Sec. ___. Section 99F.11, unnumbered paragraph 1,
5 Code 2001, is amended to read as follows:
6 A tax is imposed on the adjusted gross receipts
7 received annually from gambling games authorized under
8 this chapter at the rate of five percent on the first
9 one million dollars of adjusted gross receipts, at the
10 rate of ten percent on the next two million dollars of
11 adjusted gross receipts, and at the rate of twenty
12 percent on any amount of adjusted gross receipts over
13 three million dollars. However, ~~beginning January 1,~~
14 ~~1997,~~ the rate on any amount of adjusted gross
15 receipts over three million dollars from gambling
16 games at racetrack enclosures is ~~twenty-two~~ thirty-two
17 ~~percent and shall increase by two percent each~~
18 ~~succeeding calendar year until the rate is thirty-six~~
19 ~~percent.~~ The taxes imposed by this section shall be
20 paid by the licensee to the treasurer of state within
21 ten days after the close of the day when the wagers
22 were made and shall be distributed as follows:"
23 2. By renumbering as necessary.

DENNIS H. BLACK

S-5414

1 Amend Senate File 2327 as follows:
2 1. Page 4, line 24 by inserting after the word
3 "than" the following: "one hundred".

DENNIS H. BLACK

S-5415

- 1 Amend Senate File 2327 as follows:
2 1. Page 1, line 35, by striking the word "seven"
3 and inserting the following: "fourteen".
4 2. Page 2, by striking lines 1 and 2 and
5 inserting the following: "amount of wagering revenue
6 that exceeds the amount wagered on live horse races
7 held at the racetrack enclosure during the 2002 racing
8 season. Any annual".

DENNIS H. BLACK

S-5416

- 1 Amend Senate File 2327 as follows:
2 1. Page 1, line 35, by striking the word "seven"
3 and inserting the following: "fifteen".
4 2. Page 2, by striking lines 1 and 2 and
5 inserting the following: "amount of wagering revenue
6 that exceeds the amount wagered on live horse races
7 held at the racetrack enclosure during the 2002 racing
8 season. Any annual".

DENNIS H. BLACK

S-5417

- 1 Amend Senate File 2327 as follows:
2 1. Page 1, line 35, by striking the word "seven"
3 and inserting the following: "thirteen".
4 2. Page 2, by striking lines 1 and 2 and
5 inserting the following: "amount of wagering revenue
6 that exceeds the amount wagered on live horse races
7 held at the racetrack enclosure during the 2002 racing
8 season. Any annual".

DENNIS H. BLACK

S-5418

- 1 Amend Senate File 2327 as follows:
2 1. Page 4, line 22 by striking the word "thirty-
3 six" and inserting the following: "~~thirty-six~~
4 thirty".

DENNIS H. BLACK

S-5419

1 Amend Senate File 2327 as follows:
 2 1. Page 2, line 8, by inserting after the word
 3 "paragraph," the following: "An elected or appointed
 4 city or county officer or employee shall not serve on
 5 the board of directors of a qualified sponsoring
 6 organization that holds a license to conduct gambling
 7 games at a horse racetrack enclosure."

DENNIS H. BLACK

S-5420

1 Amend Senate File 2327 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 99D.14, subsection 2,
 5 unnumbered paragraph 1, Code 2001, is amended to read
 6 as follows:
 7 A licensee shall also pay to the commission the sum
 8 of fifty cents for each person entering the grounds or
 9 enclosure of the licensee upon a ticket of admission.
 10 However, the admission fee imposed in this subsection
 11 shall not apply to a licensee of a horse racetrack
 12 enclosure.
 13 Sec. ____ Section 99F.4A, subsection 4, Code 2001,
 14 is amended to read as follows:
 15 4. The fee imposed in section 99D.14, subsection
 16 2, shall be collected for admission to a racetrack
 17 enclosure where gambling games are licensed to operate
 18 in lieu of the admission fee imposed in section
 19 99F.10. However, the admission fee imposed in section
 20 99F.10 shall not apply to a licensee of a horse
 21 racetrack enclosure."
 22 2. By renumbering as necessary.

DENNIS H. BLACK

S-5421

1 Amend House File 2612, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 4, line 28, through page 5,
 4 line 2, and inserting the following:
 5 "1. For airport engineering studies and
 6 improvement projects as provided in chapter 328:
 7\$ 2,248,780"
 8 2. By renumbering as necessary.

KITTY REHBERG

S-5422

- 1 Amend House File 2615, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 3, line 9, by striking the figure
4 "17,500,000" and inserting the following:
5 "13,154,606".
- 6 2. Page 3, line 20, by striking the figure
7 "5,000,000" and inserting the following: "9,345,394".
- 8 3. Page 8, by inserting after line 20, the
9 following:
10 "Sec. ___. NEW SECTION. 249A.20B NURSING
11 FACILITY CROSSOVER PAYMENTS.
12 Beginning July 1, 2002, reimbursement under the
13 medical assistance program for nursing facility
14 crossover payments shall be the lesser of the
15 following:
- 16 1. The cost amount allowed under the medical
17 assistance program minus the federal Medicare payment.
18 2. The federal Medicare coinsurance and deductible
19 amounts.
- 20 Sec. 100. NEW SECTION. 249A.21 INTERMEDIATE CARE
21 FACILITIES FOR PERSONS WITH MENTAL RETARDATION —
22 ASSESSMENT.
- 23 1. The department may assess intermediate care
24 facilities for persons with mental retardation, as
25 defined in section 135C.1, that are not operated by
26 the state, a fee in an amount not to exceed six
27 percent of the total annual revenue of the facility
28 for the preceding fiscal year.
- 29 2. The assessment shall be paid to the department
30 in equal monthly amounts on or before the fifteenth
31 day of each month. The department may deduct the
32 monthly amount from medical assistance payments to a
33 facility described in subsection 1. The amount
34 deducted from payments shall not exceed the total
35 amount of the assessments due.
- 36 3. Revenue from the assessments shall be credited
37 to the state medical assistance appropriation. This
38 revenue may be used only for services for which
39 federal financial participation under the medical
40 assistance program is available to match state funds.
- 41 4. If federal financial participation to match the
42 assessments made under subsection 1 becomes
43 unavailable under federal law, the department shall
44 terminate the imposing of the assessments beginning on
45 the date that the federal statutory, regulatory, or
46 interpretive change takes effect.
- 47 5. The department of human services may procure a
48 sole source contract to implement the provisions of
49 this section.
- 50 Sec. ___. NURSING FACILITIES — BED-HOLD AND

Page 2

- 1 HOSPITAL CROSSOVER PAYMENTS.
 2 1. For the fiscal year beginning July 1, 2002, the
 3 department of human services shall reduce
 4 reimbursements for nursing facility bed-hold based on
 5 an analysis of nursing facility cost, occupancy, and
 6 utilization.
 7 2. For the fiscal year beginning July 1, 2002,
 8 reimbursement for hospital crossover payments shall be
 9 the lesser of the following:
 10 a. The medical assistance program allowed cost
 11 amount minus the federal Medicare payment amount.
 12 b. The federal Medicare coinsurance and deductible
 13 amounts."
 14 4. Page 10, by inserting after line 11, the
 15 following:
 16 "___ Section 100 of this Act, relating to the
 17 assessment on intermediate care facilities for persons
 18 with mental retardation, being deemed of immediate
 19 importance, takes effect upon enactment."
 20 5. By renumbering as necessary.

JOHNIE HAMMOND
 THOMAS FIEGEN

S-5423

- 1 Amend House File 2515, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 1 the
 4 following:
 5 "Sec. ___. Section 256.11, unnumbered paragraph 1,
 6 Code Supplement 2001, is amended to read as follows:
 7 The state board shall adopt rules under chapter 17A
 8 and a procedure for accrediting all public and
 9 nonpublic schools in Iowa offering instruction at any
 10 or all levels from the prekindergarten level through
 11 grade twelve. The rules of the state board shall
 12 require that ~~a multicultural, gender fair approach is~~
 13 ~~used by schools and school districts. The emphasize~~
 14 throughout the educational program shall be taught
 15 from a multicultural, gender fair approach that the
 16 constitutional republic of the United States, of which
 17 Iowa is a vital constituent part, was founded upon the
 18 guarantees of freedom of religion, the rule of law,
 19 and equal justice for all, is the unchallenged,
 20 greatest nation in the world, and has derived its
 21 strength from biblical values and the forces and
 22 philosophies of free enterprise capitalism and western
 23 civilization. Global perspectives shall be
 24 incorporated into all levels of the educational

25 ~~program."~~

26 2. By renumbering as necessary.

STEVE KING
JERRY BEHN
NEAL SCHUERER
KEN VEENSTRA
KITTY REHBERG
DAVID G. LORD

S-5424

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2430

1 Amend the Senate amendment, H-8535, to House File
2 2430, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 41 the
5 following:

6 "____. Page 12, by striking lines 22 through 30
7 and inserting the following:

8 "Sec. ____ COMMISSION TRANSITION. Effective
9 November 1, 2002, the terms of all voting members of
10 the mental health and developmental disabilities
11 commission shall terminate. The governor shall
12 appoint voting members to the mental health and
13 developmental disabilities commission for terms
14 commencing November 1, 2002, to reflect the
15 requirements of section 225C.5, as amended by this
16 Act, including but not limited to the requirement for
17 staggered terms.""

18 2. By renumbering as necessary.

S-5425

1 Amend House File 2614, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 19, by inserting after line 6 the
4 following:

5 "____. COMMISSION OF VETERANS AFFAIRS

6 For demolition and removal of the fire-damaged
7 dwelling of the commandant of the Iowa veterans home:

8\$ 50,000"

9 2. By renumbering, redesignating, and correcting
10 internal references as necessary.

JOHN W. JENSEN
JEFF LAMBERTI

S-5426

1 Amend the amendment, S-5411 to House File 2615, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 13, by inserting after the word
5 "facility" the following: "and for not more than the
6 following full-time equivalent positions".

7 2. Page 1, by inserting after line 14, the
8 following:

9 "FTEs" 17.87"

MARY E. KRAMER
JEFF LAMBERTI

S-5427

1 Amend House File 2592, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 27 the
4 following:

5 "Sec. ____ VOLUNTEER FIRE FIGHTERS PENSION TASK
6 FORCE — REPORT. A volunteer fire fighters pension
7 task force is created concerning the establishment of
8 a pension system for volunteer fire fighters in this
9 state. The task force shall examine pension plans
10 established by other states for volunteer fire
11 fighters and shall solicit information from volunteer
12 fire fighters, and cities and townships with volunteer
13 fire fighters, concerning the establishment of a
14 pension system for volunteer fire fighters.

15 Membership of the task force is to be determined by
16 the legislative council. Members shall be appointed
17 by the legislative council. The membership shall
18 include, but not be limited to, the following:

- 19 1. The commissioner of insurance or the
20 commissioner's designee.
- 21 2. The treasurer of state or the treasurer's
22 designee.
- 23 3. A representative of a pension system
24 established pursuant to Code chapter 411.
- 25 4. A representative of the Iowa public employees'
26 retirement system.
- 27 5. A representative of a pension system
28 established for private sector employees.
- 29 6. A representative of the state fire and
30 emergency response council.
- 31 7. A representative of volunteer fire fighters in
32 the state.
- 33 8. A representative of township trustees.
- 34 9. A representative of cities.
- 35 The legislative service bureau and the legislative

36 fiscal bureau shall provide staffing assistance to the
 37 task force. The department of management shall
 38 provide other assistance to the task force in
 39 completing its duties.

40 The task force shall submit a report to the general
 41 assembly by January 1, 2003. The report shall contain
 42 the findings and recommendations of the task force."

43 2. Title page, by striking line 1 and inserting
 44 the following: "An Act relating to income by
 45 establishing a pension task force and deferring
 46 taxable income for start-up".

47 3. By renumbering as necessary.

KITTY REHBERG

S-5428

1 Amend House File 2486, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. By striking page 5, line 11, through page 7,
 4 line 4, and inserting the following:

5 "Sec. ____ Section 42.4, subsection 8, Code 2001,
 6 is amended to read as follows:

7 8. Each bill embodying a plan drawn under this
 8 section shall include provisions for election of
 9 senators to the general assemblies which take office
 10 in the years ending in three and five, which shall be
 11 in conformity with article III, section 6, of the
 12 Constitution of the State of Iowa. With respect to
 13 any plan drawn for consideration ~~in the year 2001,~~

14 those provisions shall be substantially as follows:

15 a. Each ~~odd-numbered~~ senatorial district in the
 16 plan which is not a holdover senatorial district shall
 17 elect a senator in ~~2002 the year ending in two~~ for a
 18 four-year term commencing in January ~~2003 of the year~~
 19 ending in three. If an incumbent senator who was
 20 elected to a four-year term which commenced in January
 21 ~~2004 of the year ending in one~~, or was subsequently
 22 elected to fill a vacancy in such a term, is residing
 23 in ~~an odd-numbered~~ a senatorial district in the plan
 24 which is not a holdover senatorial district on the
 25 first Wednesday in February 1, 2002 of the year ending
 26 in two, that senator's term of office shall be
 27 terminated on January 1, ~~2003 of the year ending in~~
 28 three.

29 b. Each ~~even-numbered holdover~~ senatorial district
 30 in the plan shall elect a senator in ~~2004 the year~~
 31 ending in four for a four-year term commencing in
 32 January ~~2005 of the year ending in five~~.

33 (1) If one and only one incumbent state senator is
 34 residing in ~~an even-numbered a holdover~~ senatorial
 35 district in the plan on the first Wednesday in

36 February 1, 2002 of the year ending in two, and that
 37 senator meets all of the following requirements, the
 38 senator shall represent the district in the senate for
 39 the ~~Eightieth~~ General Assembly commencing in January
 40 of the year ending in three:

41 (a) The senator was elected to a four-year term
 42 which commenced in January ~~2001~~ of the year ending in
 43 one or was subsequently elected to fill a vacancy in
 44 such a term.

45 (b) The senatorial district in the plan which
 46 includes the place of residence of the state senator
 47 on the date of the senator's last election to the
 48 senate is the same as the ~~even-numbered~~ holdover
 49 senatorial district in which the senator resides on
 50 the first Wednesday in February 1, 2002 of the year

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1 ending in two, or is contiguous to such ~~even-numbered~~
 2 holdover senatorial district ~~and the senator's~~
 3 ~~declared residence as of February 1, 2002, was within~~
 4 ~~the district from which the senator was last elected.~~
 5 Areas which meet only at the points of adjoining
 6 corners are not contiguous.

7 ~~The secretary of state shall prescribe a form to be~~
 8 ~~completed by all senators to declare their residences~~
 9 ~~as of February 1, 2002. The form shall be filed with~~
 10 ~~the secretary of state no later than five p.m. on~~
 11 ~~February 1, 2002.~~

12 (2) Each ~~even-numbered~~ holdover senatorial
 13 district to which subparagraph (1) of this paragraph
 14 is not applicable shall elect a senator in ~~2002~~ the
 15 year ending in two for a two-year term commencing in
 16 January ~~2003~~ of the year ending in three. However, if
 17 more than one incumbent state senator is residing in
 18 ~~an even-numbered~~ a holdover senatorial district on the
 19 first Wednesday in February 1, 2002 of the year ending
 20 in two, and, on or before the third Wednesday in
 21 February 15, 2002 of the year ending in two, all but
 22 one of the incumbent senators resigns from office
 23 effective no later than January 1, ~~2003~~ of the year
 24 ending in three, the remaining incumbent senator shall
 25 represent the district in the senate for the ~~Eightieth~~
 26 General Assembly commencing in January of the year
 27 ending in three. A copy of the resignation must be
 28 filed in the office of the secretary of state no later
 29 than five p.m. on the third Wednesday in February 15,
 30 2002 of the year ending in two.

31 c. For purposes of this subsection:

32 (1) "Holdover senatorial district" means a
 33 senatorial district in the plan which is numbered with
 34 an even or odd number in the same manner as senatorial

35 districts, which were required to elect a senator in
 36 the year ending in zero, were numbered.
 37 (2) "Incumbent state senator" means a state
 38 senator who holds the office of state senator on the
 39 first Wednesday in February of the year ending in two,
 40 and whose declared residence on that day is within the
 41 district from which the senator was last elected.
 42 d. The secretary of state shall prescribe a form
 43 to be completed by all senators to declare their
 44 residences as of the first Wednesday in February of
 45 the year ending in two. The form shall be filed with
 46 the secretary of state no later than five p.m. on the
 47 first Wednesday in February of the year ending in
 48 two."
 49 2. Page 10, by striking lines 17 and 18 and
 50 inserting the following: "representation plan has met

Page 3

1 the legal requirements applicable to the plan, an
 2 eligible".
 3 3. Page 10, lines 23 and 24, by striking the
 4 words "for improper political reasons" and inserting
 5 the following: "in violation of the applicable legal
 6 requirements".
 7 4. Page 10, line 27, by striking the word "two"
 8 and inserting the following: "one".
 9 5. Page 10, by striking lines 28 through 34 and
 10 inserting the following: "thousand dollars."
 11 6. Page 11, line 1 by inserting after the words
 12 "paragraph "b"" the following: "alleging that the
 13 plan was drawn for improper political purposes".
 14 7. Page 11, line 12, by inserting after the word
 15 "plan." the following: "For purposes of this
 16 paragraph "b", "a plan drawn for improper political
 17 reasons" means a plan approved by the board that
 18 contains at least one district that has been drawn for
 19 one or more of the purposes prohibited in section
 20 42.4, subsection 5, or a plan approved by the board in
 21 which consideration was given to one or more
 22 prohibited factors listed in section 49.3, subsection
 23 4, paragraph "d"."
 24 8. Page 11, by inserting after line 12 the
 25 following:
 26 "(3) If a complaint is filed with the state
 27 commissioner of elections under this paragraph "b",
 28 which includes reasons for rejecting the plan that are
 29 not allegations that the plan was drawn for improper
 30 political reasons, the state commissioner shall review
 31 and investigate the complaint. If the state
 32 commissioner of elections finds, by a preponderance of
 33 the evidence, that the plan has not met all the legal

34 requirements applicable to the plan, the state
 35 commissioner shall reject the plan."
 36 9. Page 11, line 13, by striking the figure
 37 "(3)", and inserting the following: "(4)".
 38 10. Page 11, line 22, by striking the word
 39 "ninety-five", and inserting the following: "two
 40 hundred fifty".
 41 11. Page 11, line 34, by striking the word "or",
 42 and inserting the following: "of".
 43 12. Page 12, by striking line 4 and inserting the
 44 following: "plan as provided by paragraph "d", which
 45 plan shall better meet the applicable legal
 46 requirements than the plan drawn by the legislative
 47 service bureau. For purposes of this paragraph "f",
 48 "a plan which shall better meet the applicable
 49 requirements" means a plan, based upon the applicable
 50 legal requirements, which has lower population

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1 deviations among the districts, does not establish
 2 districts which divide more cities or political
 3 subdivisions, and has districts that are more compact,
 4 than the plan drawn by the legislative service
 5 bureau."
 6 13. Page 12, by striking lines 5 through 20.
 7 14. By renumbering as necessary.

STEVE KING

S-5429

1 Amend the House amendment, S-5256, to Senate File
 2 2258, as passed by the Senate, as follows:
 3 1. Page 1, by striking line 17 and inserting the
 4 following: "726.2.
 5 (d) Dissemination and exhibition of obscene
 6 material to minors under section 728.2.
 7 (e) Telephone dissemination of obscene material to
 8 minors under section 728.15."
 9 2. By renumbering as necessary.

JEFF ANGELO

S-5430

1 Amend the amendment, S-5410, to House File 2614, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 6, the
 5 following:
 6 "____. Page 5, line 26, by inserting before the

7 word "For" the following: "a."

8 _____. Page 5, by inserting after line 33 the
9 following:

10 "c. For school improvement technology block
11 grants, notwithstanding section 12E.12, subsection 1,
12 paragraph "b", subparagraph (1), and notwithstanding
13 section 256D.5, subsection 2, Code 2001:

14 FY2002-2003	\$	2,700,600
15 FY2003-2004	\$	0
16 FY2004-2005	\$	0
17 FY2005-2006	\$	0

18 The moneys appropriated in this lettered paragraph
19 shall be distributed on a per pupil basis to school
20 districts, notwithstanding section 256D.6, Code
21 Supplement 2001, to be used for the purchase of
22 technology, subject to the restrictions of section
23 256D.8, subsection 1, Code Supplement 2001. The
24 moneys appropriated in this lettered paragraph shall
25 be allocated to school districts in the proportion
26 that the basic enrollment of a school district and the
27 participating accredited nonpublic schools located
28 within the school district for the budget year bears
29 to the sum of the basic enrollments of all school
30 districts and participating accredited nonpublic
31 schools in the state for the budget year. For purposes
32 of this lettered paragraph, "school district" means a
33 school district, the Iowa braille and sight saving
34 school, the state school for the deaf, the Price
35 laboratory school at the university of northern Iowa,
36 and the institutions under the control of the
37 department of human services as provided in section
38 218.1, subsections 1 through 3, 5, 7, and 8.

39 The moneys appropriated in this lettered paragraph
40 shall be allocated to school districts for the
41 purchase of technology for accredited nonpublic
42 schools as provided in 2001 Iowa Acts, chapter 189,
43 section 14.

44 A participating accredited nonpublic school, the
45 Iowa braille and sight saving school, the state school
46 for the deaf, the Price laboratory school at the
47 university of northern Iowa, and the department of
48 human services on behalf of the institutions under the
49 department's control as provided in section 218.1,
50 subsections 1 through 3, 5, 7, and 8, shall certify

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1 their basic enrollments or average student yearly
2 enrollment, as applicable, to the department of
3 education by October 1, 2002.""

4 2. Page 1, by striking lines 27 and 28, and
5 inserting the following:

- 6 " _____. Page 8, by striking lines 26 through 32."
 7 3. By renumbering, redesignating, and correcting
 8 internal references as necessary.

NANCY BOETTGER

S-5431

- 1 Amend Senate File 2327 as follows:
 2 1. Page 1, by striking lines 16 through 22 and
 3 inserting the following: "paragraph "b". However, if
 4 a licensee who is also licensed to conduct pari-mutuel
 5 wagering at a horse racetrack ~~has unpaid debt from the~~
 6 ~~pari-mutuel racetrack operations, shall pay an annual~~
 7 ~~sum of twenty million dollars to Polk county from the~~
 8 ~~first receipts of the gambling games operated within~~
 9 ~~the racetrack enclosure less reasonable operating~~
 10 ~~expenses, taxes, and fees allowed under this chapter~~
 11 ~~shall be first used to pay the annual indebtedness.~~
 12 The commission shall authorize, subject".
 13 2. By striking page 1, line 29 through page 2,
 14 line 8 and inserting the following: "licensee and
 15 representatives of the dog or horse owners. The
 16 agreement to use receipts from gambling games for
 17 purses and supplements for thoroughbred, quarter horse
 18 and standard bred horse races shall include an annual
 19 subsidy of not less than fifteen million dollars. A
 20 qualified sponsoring organization shall".
 21 3. By striking page 2, line 16 through page 4,
 22 line 30.
 23 4. Page 4, by striking lines 32 through 34 and
 24 inserting the following: "immediate importance, takes
 25 effect upon enactment."
 26 5. Title page, by striking lines 2 through 4 and
 27 inserting the following: "purses and supplements for
 28 pari-mutuel horse racing and for other payments, and".
 29 6. By renumbering as necessary.

JOHN P. KIBBIE

S-5432

- 1 Amend House File 2612, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, by inserting after line 21, the
 4 following:
 5 "Sec. _____. Section 321.236, subsection 1,
 6 paragraph a, Code Supplement 2001, is amended to read
 7 as follows:
 8 a. May be charged and collected upon a simple
 9 notice of a fine payable to the city clerk or clerk of
 10 the district court, if authorized by ordinance. The

11 fine shall not exceed five dollars except for snow
12 route parking violations in which case the fine shall
13 not exceed twenty-five dollars. The fine may be
14 increased up to ten dollars if the parking violation
15 is not paid within thirty days of the date upon which
16 the violation occurred, if authorized by ordinance.
17 Violations of section 321L.4, subsection 2, may be
18 charged and collected upon a simple notice of a one
19 hundred dollar fine payable to the city clerk or clerk
20 of the district court, if authorized by ordinance. No
21 costs or other charges shall be assessed, except a
22 local public transit surcharge of up to one dollar if
23 the local authority has adopted an ordinance pursuant
24 to section 364.3, subsection 2, paragraph "b". All
25 fines collected by a city pursuant to this paragraph
26 shall be retained by the city and all fines collected
27 by a county pursuant to this paragraph shall be
28 retained by the county.

29 Sec. ____ Section 364.3, subsection 2, Code
30 Supplement 2001, is amended to read as follows:

31 2. a. A city shall not provide a penalty in
32 excess of a five hundred dollar fine or in excess of
33 thirty days imprisonment for the violation of an
34 ordinance. An amount equal to ten percent of all
35 fines collected by cities shall be deposited in the
36 account established in section 602.8108. However, one
37 hundred percent of all fines collected by a city
38 pursuant to section 321.236, subsection 1, shall be
39 retained by the city. The criminal penalty surcharge
40 required by section 911.2 shall be added to a city
41 fine and is not a part of the city's penalty.

42 b. A city may adopt an ordinance to assess a local
43 public transit surcharge of up to one dollar to be
44 added to city fines for parking violations. Moneys
45 collected from the surcharge shall be retained by the
46 city and kept in a separate account to be used only
47 for establishing, improving, or maintaining public
48 transit within the city or surrounding area."

49 2. Title page, line 5, by inserting after the
50 words "the state," the following: "relating to a

Page 2

- 1 local transit surcharge for parking violations,".
- 2 3. By renumbering, redesignating, and correcting
- 3 internal references as necessary.

JOE BOLKCOM

S-5433

1 Amend House File 2612, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 4, line 28, through page 5,
 4 line 5, and inserting the following:
 5 "1. For airport engineering studies and
 6 improvement projects as provided in chapter 328:
 7\$ 2,065,999
 8 2. For the rail assistance program and to provide
 9 economic development project funding:
 10\$ 551,232"
 11 2. By renumbering as necessary.

TOM FLYNN

S-5434

1 Amend House File 2614, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 18, by inserting after line 8 the
 4 following:
 5 "The automation shall be developed in a manner so
 6 that it may be easily integrated for use with the 211
 7 telephone number system being implemented statewide to
 8 improve public access to social services."

MAGGIE TINSMAN

S-5435

1 Amend Senate File 2330 as follows:
 2 1. Page 2, by inserting after line 9 the
 3 following:
 4 "Sec. __. NEW SECTION. 331.424D REGIONAL
 5 TRANSIT DISTRICT LEVY.
 6 The board may levy annually a tax not to exceed
 7 ninety-five cents per thousand dollars of the assessed
 8 value of all taxable property in the county within a
 9 regional transit district but not within the
 10 incorporated area of a city. However, if a city
 11 participating in a regional transit district
 12 authorizes the board to levy a tax for the regional
 13 transit district within the city, the tax levy
 14 authorized pursuant to section 384.12, subsection 10,
 15 shall be reduced by the tax levy imposed by the county
 16 pursuant to the agreement. A tax levy imposed
 17 pursuant to section 384.12, subsection 10, and this
 18 section shall not exceed the aggregate of ninety-five
 19 cents per thousand dollars of the assessed value of
 20 all taxable property in a participating city. The
 21 proceeds of the tax levy shall be used for the

22 operation and maintenance of a regional transit
 23 district and for the creation of a reserve fund. The
 24 board may divide the territory of a regional transit
 25 district outside the boundaries of a city into
 26 separate service areas and impose a separate levy not
 27 to exceed the maximum rate authorized in this section
 28 in each service area."

29 2. Page 2, line 29, by inserting after the word
 30 "district" the following: "pursuant to section
 31 331.424D".

32 3. Title page, line 3, by inserting after the
 33 word "counties," the following: "authorizing the
 34 imposition of a limited tax levy,".

35 4. By renumbering as necessary.

JEFF LAMBERTI

S-5436

1 Amend House File 2339, as passed by the House, as
 2 follows:

3 1. Page 1, by striking lines 12 through 18 and
 4 inserting the following:

5 "a. For money judgments up to and including one
 6 million dollars, one million dollars.

7 b. For money judgments in excess of one million
 8 dollars, the sum of one million dollars plus an amount
 9 equal to ten percent of the judgment, not to exceed a
 10 total of twenty-five million dollars."

11 2. By renumbering as necessary.

JEFF ANGELO

S-5437

1 Amend Senate File 2293 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "DIVISION I

5 REGULATION OF ANIMAL FEEDING OPERATIONS

6 Section 1. Section 4.1, Code 2001, is amended by
 7 adding the following new subsection:

8 NEW SUBSECTION. 9A. "Internet" means the
 9 federated international system that is composed of
 10 allied electronic communication networks linked by
 11 telecommunication channels, that uses standardized
 12 protocols, and that facilitates electronic
 13 communication services, including but not limited to
 14 use of the world wide web; the transmission of
 15 electronic mail or messages; the transfer of files and
 16 data or other electronic information; and the
 17 transmission of voice, image, and video.

18 Sec. 2. Section 455B.109, subsection 4, Code 2001,
19 is amended to read as follows:

20 4. All civil penalties assessed by the department
21 and interest on the penalties shall be deposited in
22 the general fund of the state. However, civil
23 penalties assessed by the department and interest on
24 ~~the civil~~ penalties, arising out of violations
25 ~~committed by involving~~ animal feeding operations under
26 division II, part 2, shall be deposited in the ~~manure~~
27 ~~storage indemnity~~ animal agriculture compliance fund
28 as created in section ~~455J.2~~ 455B.127. Civil
29 penalties assessed by the department and interest on
30 the penalties arising out of violations committed by
31 animal feeding operations under division III, which
32 may be assessed pursuant to section 455B.191, shall
33 also be deposited in the ~~manure storage indemnity~~
34 animal agriculture compliance fund ~~as created in~~
35 ~~section 455J.2~~.

36 Sec. 3. Section 455B.110, subsection 3, Code 2001,
37 is amended by striking the subsection.

38 PART 2

39 ANIMAL FEEDING OPERATIONS

40 Sec. 4. NEW SECTION. 455B.125 COUNTY ASSESSMENT
41 OF FEES PROHIBITED.

42 A county shall not assess or collect a fee under
43 this chapter for the regulation of animal agriculture,
44 including but not limited to any fee related to the
45 filing, consideration, or evaluation of an application
46 for a construction permit pursuant to section
47 455B.200A or the filing of a manure management plan
48 pursuant to section 455B.203.

49 Sec. 5. NEW SECTION. 455B.126 ANIMAL AGRICULTURE
50 COMPLIANCE FEES — DELINQUENCIES.

Page 2

1 If a fee imposed under this chapter for deposit
2 into the animal agriculture compliance fund is
3 delinquent, the department may charge interest on any
4 amount of the fee that is delinquent. The rate of
5 interest shall not be more than the current rate
6 published in the Iowa administrative bulletin by the
7 department of revenue and finance pursuant to section
8 421.7. The interest amount shall be computed from the
9 date that the fee is delinquent, unless the department
10 designates a later date. The interest amount shall
11 accrue for each month in which a delinquency is
12 calculated as provided in section 421.7, and counting
13 each fraction of a month as an entire month. The
14 interest amount shall become part of the amount of the
15 fee due.

16 Sec. 6. NEW SECTION. 455B.127 ANIMAL AGRICULTURE

17 COMPLIANCE FUND.

18 1. An animal agriculture compliance fund is
19 created in the state treasury under the control of the
20 department. The compliance fund is separate from the
21 general fund of the state.

22 2. The compliance fund is composed of two
23 accounts, the general account and the assessment
24 account.

25 a. The general account is composed of moneys
26 appropriated by the general assembly and moneys
27 available to and obtained or accepted by the
28 department from the United States government or
29 private sources for placement in the compliance fund.
30 Unless otherwise specifically provided in statute,
31 moneys required to be deposited in the compliance fund
32 shall be deposited into the general account. The
33 general account shall include moneys deposited into
34 the account from all of the following:

35 (1) The construction permit application fee
36 required pursuant to section 455B.200A.

37 (2) The manure management plan filing fee required
38 pursuant to section 455B.203.

39 (3) Fees paid by persons required to be certified
40 as commercial manure applicators or confinement site
41 manure applicators pursuant to section 455B.203A.

42 (4) The collection of civil penalties assessed by
43 the department and interest on civil penalties,
44 arising out of violations involving animal feeding
45 operations as provided in sections 455B.167 and
46 455B.207.

47 b. The assessment account is composed of moneys
48 collected from the annual compliance fee required
49 pursuant to section 455B.203C.

50 3. Moneys in the compliance fund are appropriated

Page 3

1 to the department exclusively to pay the expenses of
2 the department in administering and enforcing the
3 provisions of division II, part 2, and division III,
4 part 1, subpart A, as necessary to ensure that animal
5 feeding operations comply with all applicable
6 requirements of those provisions, including rules
7 adopted or orders issued by the department pursuant to
8 those provisions. The moneys shall not be
9 transferred, used, obligated, appropriated, or
10 otherwise encumbered except as provided in this
11 subsection. The department shall not transfer moneys
12 from the compliance fund's assessment account to
13 another fund or account, including but not limited to
14 the fund's general account.

15 4. Moneys in the fund, which may be subject to

16 warrants written by the director of revenue and
 17 finance, shall be drawn upon the written requisition
 18 of the director of the department of natural resources
 19 or an authorized representative of the director.

20 5. Notwithstanding section 8.33, any unexpended
 21 balance in the compliance fund at the end of the
 22 fiscal year shall be retained in the fund.
 23 Notwithstanding section 12C.7, subsection 2, interest,
 24 earnings on investments, or time deposits of the
 25 moneys in the compliance fund shall be credited to the
 26 fund.

27 Sec. 7. Section 455B.161, subsections 2, 3, 4, 5,
 28 9, 11, 16, 21, and 24, Code 2001, are amended to read
 29 as follows:

30 2. "Anaerobic lagoon" means an ~~impoundment used in~~
 31 ~~conjunction with an animal feeding operation unformed~~
 32 manure storage structure, if the primary function of
 33 the ~~impoundment structure~~ is to store and stabilize
 34 ~~organic wastes~~ manure, the ~~impoundment structure~~ is
 35 designed to receive ~~wastes~~ manure on a regular basis,
 36 and the ~~impoundment's structure's~~ design waste loading
 37 rates provide that the predominant biological activity
 38 is anaerobic. An anaerobic lagoon does not include
 39 any of the following:

- 40 a. ~~A confinement feeding operation structure.~~
- 41 b. A runoff control basin which collects and
 42 stores only precipitation-induced runoff from an
 43 animal feeding operation in which animals are confined
 44 to areas which are unroofed or partially roofed and in
 45 which no crop, vegetation, or forage growth or residue
 46 cover is maintained during the period in which animals
 47 are confined in the operation.
- 48 e. b. An anaerobic treatment system ~~which that~~
 49 includes collection and treatment facilities for all
 50 off gases.

Page 4

1 3. "Animal" means a ~~domesticated animal belonging~~
 2 ~~to the bovine, porcine, ovine, caprine, equine, or~~
 3 ~~avian species classified as cattle, swine, horses,~~
 4 sheep, chickens or turkeys.

5 4. "Animal feeding operation" means a lot, yard,
 6 corral, building, or other area in which animals are
 7 confined and fed and maintained for forty-five days or
 8 more in any twelve-month period, and all structures
 9 used for the storage of manure from animals in the
 10 operation. ~~Two or more animal feeding operations~~
 11 ~~under common ownership or management are deemed to be~~
 12 ~~a single animal feeding operation if they are adjacent~~
 13 ~~or utilize a common system for manure storage.~~ An
 14 animal feeding operation does not include a livestock

15 market.

16 5. "Animal feeding operation structure" means ~~an~~
17 ~~anaerobic lagoon or confinement feeding operation~~
18 ~~structure a confinement building, manure storage~~
19 ~~structure, or egg washwater storage structure.~~

20 9. "Confinement feeding operation building" or
21 "confinement building" means a building used in
22 conjunction with a confinement feeding operation to
23 house animals.

24 11. "Confinement feeding operation structure"
25 means ~~a formed manure storage an animal feeding~~
26 ~~operation structure, egg washwater storage structure,~~
27 ~~earthen manure storage basin, or confinement building.~~
28 ~~A confinement feeding operation structure does not~~
29 ~~include an anaerobic lagoon that is part of a~~
30 ~~confinement feeding operation.~~

31 16. "Formed manure storage structure" means a
32 ~~structure, either covered or uncovered; impoundment~~
33 ~~used to store manure from a confinement an animal~~
34 ~~feeding operation, which has walls and a floor~~
35 ~~constructed of concrete, concrete block, wood, steel,~~
36 ~~or similar materials.~~

37 21. "Small animal feeding operation" means an
38 animal feeding operation which has an ~~animal weight~~
39 ~~animal unit capacity of two hundred thousand pounds or~~
40 ~~less for animals other than bovine, or four hundred~~
41 ~~thousand pounds five hundred or less for bovine fewer~~
42 ~~animal units.~~

43 24. "Unformed manure storage structure" means a
44 covered or uncovered ~~animal feeding operation~~
45 ~~structure in which impoundment used to store manure is~~
46 ~~stored, other than a formed manure storage structure,~~
47 ~~which is includes an anaerobic lagoon, aerobic~~
48 ~~structure, or earthen manure storage basin.~~

49 Sec. 8. Section 455B.161, Code 2001, is amended by
50 adding the following new subsections:

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1 **NEW SUBSECTION.** 6A. "Animal unit" means a unit of
2 measurement based upon the product of multiplying the
3 number of animals of each category by a special
4 equivalency factor as follows:

- 5 a. Slaughter or feeder cattle.....1.000
- 6 b. Immature dairy cattle.....1.000
- 7 c. Mature dairy cattle.....1.400
- 8 d. Butcher or breeding swine weighing
- 9 more than fifty-five pounds.....0.400
- 10 e. Swine weighing fifteen pounds or more
- 11 but not more than fifty-five pounds.....0.100
- 12 f. Sheep or lambs.....0.100
- 13 g. Horses.....2.000

14 h. Turkeys.....0.018
 15 i. Broiler or layer chickens0.010
 16 NEW SUBSECTION. 6B. "Animal unit capacity" means
 17 a measurement used to determine the maximum number of
 18 animal units that may be maintained as part of an
 19 animal feeding operation at any one time, including as
 20 provided in sections 455B.161A and 455B.200B.
 21 NEW SUBSECTION. 8A. "Commission" means the
 22 environmental protection commission created pursuant
 23 to section 455A.6.
 24 NEW SUBSECTION. 18A. "Manure storage structure"
 25 means a formed manure storage structure or an unformed
 26 manure storage structure. A manure storage structure
 27 does not include an egg washwater storage structure.
 28 NEW SUBSECTION. 18B. "Public thoroughfare" means
 29 a road, street, or bridge that is constructed or
 30 maintained by the state or a political subdivision.
 31 NEW SUBSECTION. 19A. "Qualified confinement
 32 feeding operation" means a confinement feeding
 33 operation having an animal unit capacity of any of the
 34 following:
 35 a. For a confinement feeding operation maintaining
 36 animals other than swine as part of a farrowing and
 37 gestating operation or farrow-to-finish operation or
 38 cattle as part of a cattle operation, five thousand or
 39 more animal units.
 40 b. For a confinement feeding operation maintaining
 41 swine as part of a farrowing and gestating operation,
 42 two thousand five hundred or more animal units.
 43 c. For a confinement feeding operation maintaining
 44 swine as part of a swine farrow-to-finish operation,
 45 five thousand four hundred or more animal units.
 46 d. For a confinement feeding operation maintaining
 47 cattle, eight thousand five hundred or more animal
 48 units.
 49 Sec. 9. Section 455B.161A, subsection 1, Code
 50 2001, is amended by striking the subsection and

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- 1 inserting in lieu thereof the following:
 2 1. Two or more animal feeding operations under
 3 common ownership or management are deemed to be a
 4 single animal feeding operation if they are adjacent
 5 or utilize a common system for manure storage. For
 6 purposes of determining whether two or more
 7 confinement feeding operations are adjacent, all of
 8 the following must apply:
 9 a. At least one confinement feeding operation
 10 structure must be constructed on or after March 21,
 11 1996.
 12 b. A confinement feeding operation structure which

13 is part of one confinement feeding operation is
14 separated by less than a minimum required distance
15 from a confinement feeding operation structure which
16 is part of the other confinement feeding operation.
17 The minimum required distance shall be as follows:
18 (1) (a) One thousand two hundred fifty feet for a
19 confinement feeding operation having an animal unit
20 capacity of less than three thousand animal units for
21 animals other than swine maintained as part of a swine
22 farrowing and gestating operation or farrow-to-finish
23 operation, or cattle maintained as part of a cattle
24 operation.
25 (b) One thousand two hundred fifty feet for a
26 confinement feeding operation having an animal unit
27 capacity of less than one thousand two hundred fifty
28 animal units for swine maintained as part of a
29 farrowing and gestating operation, less than two
30 thousand seven hundred animal units for swine
31 maintained as part of a farrow-to-finish operation, or
32 less than four thousand animal units for cattle
33 maintained as part of a cattle operation.
34 (2) (a) One thousand five hundred feet for a
35 confinement feeding operation having an animal unit
36 capacity of three thousand or more but less than five
37 thousand animal units for animals other than swine
38 maintained as part of a swine farrowing and gestating
39 operation or farrow-to-finish operation, or cattle
40 maintained as part of a cattle operation.
41 (b) One thousand five hundred feet for a
42 confinement feeding operation having an animal unit
43 capacity of one thousand two hundred fifty or more but
44 less than two thousand animal units for swine
45 maintained as part of a swine farrowing and gestating
46 operation, two thousand seven hundred or more but less
47 than five thousand four hundred animal units for swine
48 maintained as part of a farrow-to-finish operation, or
49 four thousand or more but less than six thousand five
50 hundred animal units for cattle maintained as part of

Page 7

1 a cattle operation.
2 (3) (a) Two thousand five hundred feet for a
3 confinement feeding operation having an animal unit
4 capacity of five thousand or more animal units for
5 animals other than swine maintained as part of a swine
6 farrowing and gestating operation or farrow-to-finish
7 operation, or cattle maintained as part of a cattle
8 operation.
9 (b) Two thousand five hundred feet for a
10 confinement feeding operation having an animal unit
11 capacity of two thousand or more animal units for

12 swine maintained as part of a swine farrowing and
 13 gestating operation, five thousand four hundred animal
 14 units or more for swine maintained as part of a
 15 farrow-to-finish operation, or six thousand five
 16 hundred or more animal units for cattle maintained as
 17 part of a cattle operation.

18 Sec. 10. Section 455B.161A, Code 2001, is amended
 19 by adding the following new subsections:

20 NEW SUBSECTION. 3. In calculating the animal unit
 21 capacity of a confinement feeding operation, the
 22 animal unit capacity shall include the animal unit
 23 capacity of all confinement feeding operation
 24 buildings which are part of the confinement feeding
 25 operation, unless a confinement feeding operation
 26 building has been abandoned.

27 NEW SUBSECTION. 4. A confinement feeding
 28 operation structure is abandoned if the confinement
 29 feeding operation structure has been razed, removed
 30 from the site of a confinement feeding operation,
 31 filled in with earth, or converted to uses other than
 32 a confinement feeding operation structure so that it
 33 cannot be used as a confinement feeding operation
 34 structure without significant reconstruction.

35 NEW SUBSECTION. 5. All distances between
 36 locations of objects provided in this part shall be
 37 measured in feet from their closest points, as
 38 provided by rules adopted by the department. However,
 39 a distance between a public thoroughfare and a
 40 confinement feeding operation structure shall be
 41 measured from the portion of the right-of-way which is
 42 closest to the confinement feeding operation
 43 structure.

44 Sec. 11. Section 455B.162, subsection 1,
 45 unnumbered paragraphs 1 and 2, Code 2001, are amended
 46 to read as follows:

47 Except as provided in ~~subsection~~ subsections 3 and
 48 6, and sections 455B.163 and 455B.165, this subsection
 49 applies to ~~animal confinement~~ feeding operation
 50 structures constructed on or after May 31, 1995, but

Page 8

1 prior to January 1, 1999; and to the expansion of
 2 structures constructed prior to January 1, 1999.
 3 The following table represents the minimum
 4 separation distance in feet required between ~~an animal~~
 5 a confinement feeding operation structure and a
 6 residence not owned by the owner of the ~~animal~~
 7 confinement feeding operation, or a commercial
 8 enterprise, bona fide religious institution, or an
 9 educational institution:

10 Sec. 12. Section 455B.162, subsection 2,

11 unnumbered paragraph 1, Code 2001, is amended to read
12 as follows:

13 Except as provided in ~~subsection~~ subsections 3 and
14 6, and sections 455B.163 and 455B.165, this subsection
15 applies to ~~animal confinement~~ feeding operation
16 structures constructed on or after January 1, 1999,
17 but prior to March 1, 2003, and to the expansion of
18 structures constructed on or after January 1, 1999,
19 but prior to March 1, 2003.

20 PARAGRAPH DIVIDED. The following table represents
21 the minimum separation distance in feet required
22 between ~~an animal~~ a confinement feeding operation
23 structure and a residence not owned by the owner of
24 the ~~animal~~ confinement feeding operation, or a
25 commercial enterprise, bona fide religious
26 institution, or an educational institution:

27 Sec. 13. Section 455B.162, subsection 3,
28 unnumbered paragraph 1, Code 2001, is amended to read
29 as follows:

30 Except as provided in subsection 6, and sections
31 455B.163 and 455B.165, this subsection applies to
32 ~~animal confinement~~ feeding operation structures
33 constructed on or after May 31, 1995, but prior to
34 March 1, 2003; to the expansion of structures
35 constructed on or after May 31, 1995, but prior to
36 March 1, 2003; and to the expansion of structures
37 constructed prior to May 31, 1995.

38 PARAGRAPH DIVIDED. The following table represents
39 the minimum separation distance in feet required
40 between ~~animal~~ a confinement feeding operation
41 ~~structures~~ structure and a public use area; or between
42 a confinement feeding operation structure and a
43 residence not owned by the owner of the ~~animal~~
44 confinement feeding operation, a commercial
45 enterprise, a bona fide religious institution, or an
46 educational institution, if the residence, commercial
47 enterprise, religious institution, or educational
48 institution is located within the corporate limits of
49 a city:

50 Sec. 14. Section 455B.162, Code 2001, is amended

Page 9

1 by adding the following new subsections:

2 NEW SUBSECTION. 3A. Except as provided in
3 subsections 3B and 6, and sections 455B.163 and
4 455B.165, this subsection applies to confinement
5 feeding operation structures constructed on or after
6 March 1, 2003, and to the expansion of confinement
7 feeding operation structures constructed on or after
8 March 1, 2003.

9 The following table represents the minimum

10 separation distance in feet required between a
 11 confinement feeding operation structure and a
 12 residence not owned by the owner of the confinement
 13 feeding operation, a commercial enterprise, a bona
 14 fide religious institution, or an educational
 15 institution:

16		For a	For a	For a
17		confinement	confinement	confinement
18		feeding	feeding	feeding
19		operation	operation	operation
20		having an	having an	operation
21		animal unit	animal unit	having an
22		capacity of	capacity of	animal unit
23		less than	1,000 or more	capacity of
24		1,000 animal	but less than	3,000 or
25		units	3,000 animal	more animal
26	Type of structure	units	units	units
27	Anaerobic lagoon	1,875	2,500	3,000
28	Uncovered earthen			
29	manure storage			
30	basin	1,875	2,500	3,000
31	Uncovered formed			
32	manure storage			
33	structure	1,500	2,000	2,500
34	Covered earthen			
35	manure storage			
36	basin	1,250	1,875	2,375
37	Covered formed			
38	manure storage			
39	structure	1,250	1,875	2,375
40	Confinement			
41	building	1,250	1,875	2,375
42	Egg washwater			
43	storage			
44	structure	1,000	1,500	2,000

45 NEW SUBSECTION. 3B. Except as provided in
 46 subsection 6, and sections 455B.163 and 455B.165, this
 47 subsection applies to confinement feeding operation
 48 structures constructed on or after March 1, 2003, and
 49 to the expansion of confinement feeding operation
 50 structures constructed on or after March 1, 2003.

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1 The following table represents the minimum
 2 separation distance in feet required between a
 3 confinement feeding operation structure and a public
 4 use area; or between a confinement feeding operation
 5 structure and a residence not owned by the owner of
 6 the confinement feeding operation, a commercial
 7 enterprise, a bona fide religious institution, or an
 8 educational institution, if the residence, commercial

9 enterprise, religious institution, or educational
 10 institution is located within the corporate limits of
 11 a city:

	For a	For a	For a
	confinement	confinement	confinement
	feeding	feeding	feeding
	operation	operation	operation
	having an	having an	having an
	animal unit	animal unit	animal unit
	capacity of	capacity of	capacity of
	1,000 or more	1,000 or more	3,000 or
	less than	but less than	3,000 or
	1,000 animal	3,000 animal	more animal
21	units	units	units

22 Type of structure
 23 Confinement feeding

24 operation
 25 structure 1,875 2,500 3,000

26 Sec. 15. Section 455B.162, subsection 4, Code
 27 2001, is amended to read as follows:

28 4. Except as provided in section 455B.165, ~~on and~~
 29 ~~after January 1, 1999, an animal a confinement~~ feeding
 30 operation structure shall not be constructed or
 31 expanded within one hundred feet from a public
 32 thoroughfare, including a road, street, or bridge
 33 ~~which is constructed or maintained by the state or a~~
 34 ~~political subdivision.~~

35 Sec. 16. Section 455B.162, subsection 6,
 36 paragraphs a and c, Code 2001, are amended by striking
 37 the paragraphs.

38 Sec. 17. Section 455B.162, subsection 6, paragraph
 39 b, Code 2001, is amended to read as follows:

40 ~~b. a. A~~ Except as provided in paragraph "b", a
 41 qualified confinement feeding operation storing manure
 42 in a manure storage structure shall only use an animal
 43 feeding operation a manure storage structure which
 44 that employs bacterial action which is maintained by
 45 the utilization of air or oxygen, and which shall
 46 include aeration equipment. The type and degree of
 47 treatment technology required to be installed shall be
 48 based on the size of the confinement feeding
 49 operation, according to rules adopted by the
 50 department. The equipment shall be installed,

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1 operated, and maintained in accordance with the
 2 manufacturer's instructions and requirements of rules
 3 adopted pursuant to this subsection.

4 b. The requirements of paragraph "a" do not apply
 5 to any of the following:

6 (1) A qualified confinement feeding operation
 7 which includes a confinement feeding operation

8 structure constructed prior to May 31, 1995.
 9 (2) A qualified confinement feeding operation that
 10 stores manure on a dry matter basis.
 11 Sec. 18. Section 455B.163, subsections 1 and 2,
 12 Code 2001, are amended to read as follows:
 13 1. a. ~~An animal~~ A confinement feeding operation
 14 structure as constructed or expanded prior to January
 15 1, 1999, complies with the distance requirements
 16 applying to that structure as provided in section
 17 455B.162, subsections 1 and 3.
 18 b. ~~An animal~~ A confinement feeding operation
 19 structure as constructed or expanded on or after
 20 January 1, 1999, but prior to March 1, 2003, complies
 21 with the distance requirements applying to that
 22 structure as provided in section 455B.162, subsections
 23 2 and 3.
 24 c. A confinement feeding operation structure as
 25 constructed or expanded on or after March 1, 2003,
 26 complies with the distance requirements applying to
 27 that structure as provided in section 455B.162,
 28 subsections 3A and 3B.
 29 2. All of the following apply to the expansion of
 30 the ~~animal~~ confinement feeding operation:
 31 a. No portion of the ~~animal~~ confinement feeding
 32 operation after expansion is closer than before
 33 expansion to a location or object for which separation
 34 is required under section 455B.162.
 35 b. ~~The~~ For a confinement feeding operation that
 36 includes a confinement feeding operation structure
 37 constructed prior to March 1, 2003, the animal weight
 38 capacity of the ~~animal~~ confinement feeding operation
 39 as expanded is not more than the lesser of the
 40 following:
 41 (1) Double its animal weight capacity on the
 42 following dates:
 43 (a) May 31, 1995, for ~~an animal~~ a confinement
 44 feeding operation that includes a confinement feeding
 45 operation structure constructed prior to January 1,
 46 1999, ~~or on:~~
 47 (b) January 1, 1999, for ~~an animal~~ a confinement
 48 feeding operation that only includes a confinement
 49 feeding operation structure constructed on or after
 50 January 1, 1999, but does include a confinement

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1 feeding operation structure constructed prior to March
 2 31, 2003.
 3 (2) Either of the following:
 4 (a) Six hundred twenty-five thousand pounds animal
 5 weight capacity for animals other than ~~bovine~~ cattle.
 6 (b) One million six hundred thousand pounds animal

7 weight capacity for ~~bovine~~ cattle.

8 c. For a confinement feeding operation that does
9 not include a confinement feeding operation structure
10 constructed prior to March 1, 2003, the animal unit
11 capacity of the confinement feeding operation as
12 expanded is not more than the lesser of the following:

13 (1) Double its animal unit capacity on March 1,
14 2003.

15 (2) One thousand animal units.

16 Sec. 19. Section 455B.163, subsection 3,
17 unnumbered paragraph 1, Code 2001, is amended to read
18 as follows:

19 The ~~animal confinement~~ feeding operation was
20 includes a confinement feeding operation structure
21 that is constructed prior to January 1, 1999 March 1,
22 2003, and is expanded by replacing one or more
23 unformed manure storage structures with one or more
24 formed manure storage structures, if all of the

25 following apply:

26 Sec. 20. Section 455B.163, subsection 3, paragraph
27 a, Code 2001, is amended to read as follows:

28 a. The animal weight capacity or animal unit
29 capacity, whichever is applicable, is not increased
30 for that portion of the ~~animal confinement~~ feeding
31 operation that utilizes all replacement formed manure
32 storage structures.

33 Sec. 21. Section 455B.165, subsections 1, 4, and
34 5, Code 2001, are amended by striking the subsections.

35 Sec. 22. Section 455B.165, subsection 3, paragraph
36 a, Code 2001, is amended to read as follows:

37 a. ~~An animal~~ A confinement feeding operation
38 structure which is constructed or expanded, if the
39 titleholder of the land benefiting from the distance
40 separation requirement executes a written waiver with
41 the titleholder of the land where the structure is
42 located. If ~~an animal~~ a confinement feeding operation
43 structure is constructed or expanded within the
44 separation distance required between ~~an animal~~ a
45 confinement feeding operation structure and a public
46 thoroughfare as required pursuant to section 455B.162,
47 the state or a political subdivision constructing or
48 maintaining the public thoroughfare benefiting from
49 the distance separation requirement may execute a
50 written waiver with the titleholder of the land where

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1 the structure is located. The ~~animal confinement~~ feeding operation
2 structure shall be constructed or
3 expanded under such terms and conditions that the
4 parties negotiate.

5 Sec. 23. NEW SECTION. 455B.166 DEPARTMENT OF

6 NATURAL RESOURCES — DEVELOPMENT OF COMPREHENSIVE
7 PLANS AND PROGRAMS FOR AIR QUALITY.

8 1. As used in this section, unless the context
9 otherwise requires:

10 a. "Airborne pollutant" means hydrogen sulfide,
11 ammonia, or odor.

12 b. "Separated location" means a location or object
13 from which a separation distance is required under
14 section 455B.162, other than a public thoroughfare.

15 2. The department shall conduct a comprehensive
16 field study to monitor the level of airborne
17 pollutants emitted from animal feeding operations in
18 this state, including but not limited to each type of
19 confinement feeding operation structure.

20 3. a. After the completion of the field study,
21 the department may develop comprehensive plans and
22 programs for the abatement, control, and prevention of
23 airborne pollutants originating from animal feeding
24 operations in accordance with this section. The
25 comprehensive plans and programs may be developed if
26 the baseline data from the field study demonstrates to
27 a reasonable degree of scientific certainty that
28 airborne pollutants emitted by a confinement feeding
29 operation are present at a separated location at
30 levels commonly known to cause a material and
31 verifiable adverse health effect. The department may
32 adopt any comprehensive plans or programs in
33 accordance with chapter 17A prior to implementation or
34 enforcement of an air quality standard but in no event
35 shall the plans and programs provide for the
36 enforcement of an air quality standard or emission
37 limitation prior to December 1, 2004.

38 b. Any air quality standard established by the
39 department for animal feeding operations under the
40 comprehensive plans and programs shall be based on
41 distances measured from a confinement feeding
42 operation structure to a separated location. In
43 providing for the enforcement of the standards, the
44 department shall take all initial measurements at the
45 separated location. If the department determines that
46 a violation of the standards exists, the department
47 may conduct an investigation to trace the source of
48 the airborne pollutant, including by taking
49 measurements at the property line of the separated
50 location. This section does not prohibit the

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1 department from entering the premises of an animal
2 feeding operation in compliance with section 455B.103.
3 The department shall comply with standard biosecurity
4 requirements customarily required by the animal

5 feeding operation which are necessary in order to
6 control the spread of disease among an animal
7 population.

8 c. The department shall establish recommended best
9 management practices, mechanisms, processes, or
10 infrastructure under the comprehensive plans and
11 programs in order to reduce the airborne pollutants
12 emitted from an animal feeding operation.

13 d. The department shall provide a procedure for
14 the approval and monitoring of alternative or
15 experimental practices, mechanisms, processes, or
16 infrastructure to reduce the airborne pollutants
17 emitted from an animal feeding operation, which may be
18 incorporated as part of the comprehensive plans and
19 programs developed under this section.

20 Sec. 24. NEW SECTION. 455B.167 CIVIL PENALTY.

21 A person who violates this part shall be subject to
22 a civil penalty which shall be established, assessed,
23 and collected in the same manner as provided in
24 section 455B.109. Any civil penalty collected shall
25 be deposited in the animal agriculture compliance fund
26 created in section 455B.127.

27 Sec. 25. Section 455B.171, subsections 2, 3, 4, 5,
28 6, 8, 20, 43, and 47, Code 2001, are amended by
29 striking the subsections.

30 Sec. 26. Section 455B.191, subsection 8, Code
31 2001, is amended to read as follows:

32 8. Moneys assessed and collected in civil
33 penalties and interest earned on civil penalties,
34 arising out of a violation involving an animal feeding
35 operation, shall be deposited in the ~~manure storage~~
36 ~~indemnity animal agriculture compliance~~ fund as
37 created in section ~~455B.2~~ 455B.127.

38 SUBPART B

39 ANIMAL FEEDING OPERATIONS

40 Sec. 27. Section 455B.200, Code 2001, is amended
41 to read as follows:

42 455B.200 GENERAL.

43 1. The commission shall establish by rule adopted
44 pursuant to chapter 17A, requirements relating to the
45 construction, including expansion, or operation of
46 animal feeding operations, including related animal
47 feeding operation structures. The requirements shall
48 include but are not limited to minimum manure control,
49 the issuance of permits, and departmental
50 investigations, inspections, and testing.

4 with requirements in rules adopted by the commission
 5 pursuant to this section, orders issued by the
 6 department as authorized under this chapter, and the
 7 terms and conditions applicable to permits or manure
 8 management plans required under this subpart.
 9 However, for purposes of approving or disapproving an
 10 application for a construction permit as provided in
 11 section 455B.200E, conditions for the approval of an
 12 application based on results produced by a master
 13 matrix are not requirements of this chapter until the
 14 department approves or disapproves an application
 15 based on those results.

16 3. The department and the attorney general shall
 17 enforce the provisions of this chapter in the same
 18 manner as provided in division I, unless otherwise
 19 provided in this section.

20 Sec. 28. Section 455B.200A, subsections 1 through
 21 4, Code 2001, are amended to read as follows:

22 1. The department shall issue approve or
 23 disapprove applications for permits for the
 24 construction, including the expansion, of animal
 25 feeding operation structures, including structures
 26 which are part of confinement feeding operations
 27 operation structures, as provided by rules adopted
 28 pursuant to section 455B.200 in this chapter. The A
 29 person shall not begin construction of a confinement
 30 feeding operation structure requiring a permit under
 31 this section, unless the department shall issue a
 32 first approves the person's application and issues to
 33 the person a construction permit to an animal feeding
 34 operation if an application is submitted according to
 35 procedures required by the department and, The
 36 department shall provide conditions for requiring when
 37 a person must obtain a construction permit.

38 a. Except as provided in paragraph "b", a person
 39 must obtain a permit to construct any of the
 40 following:

41 (1) A confinement feeding operation structure if
 42 after construction its confinement feeding operation
 43 would have an animal unit capacity of at least one
 44 thousand animal units.

45 (2) The confinement feeding operation structure is
 46 an unformed manure storage structure.

47 b. A person is not required to obtain a permit to
 48 construct a confinement feeding operation structure,
 49 if any of the following apply:

50 (1) The confinement feeding operation structure,

3 (2) The confinement feeding operation structure is
4 part of a confinement feeding operation which is owned
5 by a research college conducting research activities
6 as provided in section 455B.206.

7 2. The department shall issue a construction
8 permit upon approval of an application. The
9 department shall approve the application meets
10 standards established by the department, if the
11 application is submitted to the county board of
12 supervisors in the county where the proposed
13 confinement feeding operation is to be located as
14 required pursuant to section 455B.200E, and the
15 application meets the requirements of this chapter.
16 If a county submits an approved recommendation
17 pursuant to a construction evaluation resolution filed
18 with the department, the application must also achieve
19 a satisfactory rating produced by the master matrix
20 used by the board or department under section
21 455B.200E. The department shall approve the
22 application regardless of whether the animal feeding
23 operation applicant is required to obtain such to be
24 issued a construction permit. The department shall
25 not require that a person obtain a permit for the
26 construction of an animal feeding operation structure
27 if the structure is part of a small animal feeding
28 operation. For purposes of this section, an animal
29 feeding operation structure includes a manure storage
30 structure.

31 2. 3. The department shall not issue approve an
32 application for a construction permit for the
33 construction of an animal feeding operation structure
34 which is part of a confinement feeding operation
35 unless the person applicant submits all of the
36 following:

37 a. An indemnity fee as provided in section 455J.3
38 which that the department shall deposit into the
39 manure storage indemnity fund created in section
40 455J.2.

41 b. A manure management plan as provided in section
42 455B.203 and manure management plan filing fee as
43 provided in section 455B.203C.

44 c. A construction permit application fee as
45 provided in section 455B.203C.

46 3A. The applicant may submit a master matrix as
47 completed by the applicant.

48 3. 4. a. A confinement feeding operation meets
49 threshold requirements under this paragraph if the
50 confinement feeding operation after construction of a

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1 proposed confinement feeding operation would have a
2 minimum animal unit capacity of the following:
3 (1) Three thousand animal units for animals other
4 than swine maintained as part of a swine farrowing and
5 gestating operation or farrow-to-finish operation or
6 cattle maintained as part of a cattle operation.
7 (2) One thousand two hundred fifty animal units
8 for swine maintained as part of a swine farrowing and
9 gestating operation.
10 (3) Two thousand seven hundred fifty animal units
11 for swine maintained as part of a farrow-to-finish
12 operation.
13 (4) Four thousand animal units for cattle
14 maintained as part of a cattle operation.
15 b. The department shall not ~~issue~~ approve an
16 application for a construction permit for the
17 construction of unless the following apply:
18 (1) If the application is for a permit to
19 construct an unformed manure storage structure, the
20 application must include a statement approved by a
21 professional engineer certifying that the construction
22 of the unformed manure storage structure complies with
23 the construction design standards required in this
24 subpart.
25 (2) If the application is for a permit to
26 construct three or more animal confinement feeding
27 operation structures unless the applicant files, the
28 application must include a statement approved by a
29 professional engineer registered pursuant to chapter
30 542B certifying providing that the construction of the
31 animal confinement feeding operation structures will
32 not impede the drainage through established drainage
33 tile lines which cross property boundary lines unless
34 measures are taken to reestablish the drainage prior
35 to completion of construction. For a confinement
36 feeding operation that meets threshold requirements,
37 the statement must be approved by a professional
38 engineer. Otherwise, if the application is for a
39 permit to construct a formed manure storage structure,
40 the statement must be part of the construction design
41 statement as provided in section 455B.200C.
42 (3) If the application is for a permit to
43 construct a formed manure storage structure, other
44 than for a confinement feeding operation meeting
45 threshold requirements, the applicant must include a
46 construction design statement as provided in section
47 455B.200C. An application for a permit to construct a
48 formed manure storage structure as part of a
49 confinement feeding operation that meets threshold
50 requirements must include a statement approved by a

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1 professional engineer certifying that the construction
2 of the formed manure storage structure complies with
3 the requirements of this subpart.

4 (4) The department may only require that an
5 application for a permit to construct a formed manure
6 storage structure or egg washwater storage structure
7 that is part of a confinement feeding operation
8 meeting threshold requirements include an engineering
9 report, construction plans, or specifications prepared
10 by a licensed professional engineer or the natural
11 resources conservation service of the United States
12 department of agriculture.

13 ~~4. 5. Prior As a condition~~ to issuing a per mit to
14 a person approving an application for the construction
15 of an animal feeding operation a construction permit,

16 the department may require any of the following:
17 a. The installation of a related pollution control
18 device or practice, including but not limited to the
19 installation and operation of a hydrological water
20 pollution monitoring system for an exclusively earthen
21 unformed manure storage structure according to rules
22 which shall be adopted by the department.

23 b. The department's approval of the installation
24 of any proposed system to permanently lower the
25 groundwater table at a site as part of the
26 construction of an unformed manure storage structure,
27 as is necessary to ensure that the unformed manure
28 storage structure does not pollute groundwater
29 sources, including providing for standards as provided
30 in section 455B.205.

31 Sec. 29. Section 455B.200A, subsections 5 through
32 8, Code 2001, are amended by striking the subsections.

33 Sec. 30. Section 455B.200B, unnumbered paragraph
34 1, Code 2001, is amended to read as follows:

35 For purposes of this part subpart, all of the
36 following shall apply:

37 Sec. 31. Section 455B.200B, subsection 1, Code
38 2001, is amended by striking the subsection and
39 inserting in lieu thereof the following:

40 1. Two or more animal feeding operations under
41 common ownership or management are deemed to be a
42 single animal feeding operation if they are adjacent
43 or utilize a common area or system for manure
44 disposal. In addition, for purposes of determining
45 whether two or more confinement feeding operations are
46 adjacent, all of the following must apply:

47 a. At least one confinement feeding operation
48 structure must be constructed on and after May 21,
49 1998.

50 b. A confinement feeding operation structure which

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1 is part of one confinement feeding operation is
2 separated by less than a minimum required distance
3 from a confinement feeding operation structure which
4 is part of the other confinement feeding operation.

5 The minimum required distance shall be as follows:

6 (1) One thousand two hundred fifty feet for
7 confinement feeding operations having a combined
8 animal unit capacity of less than one thousand animal
9 units.

10 (2) Two thousand five hundred feet for confinement
11 feeding operations having a combined animal unit
12 capacity of one thousand animal units or more.

13 Sec. 32. Section 455B.200B, Code 2001, is amended
14 by adding the following new subsections:

15 NEW SUBSECTION. 3. In calculating the animal unit
16 capacity of a confinement feeding operation, the
17 animal unit capacity shall include the animal unit
18 capacity of all confinement feeding operation
19 buildings which are part of the confinement feeding
20 operation, unless a confinement feeding operation
21 building has been abandoned as provided in section
22 455B.161A.

23 NEW SUBSECTION. 4. All distances between
24 locations or objects provided in this subpart shall be
25 measured in feet from their closest points.

26 NEW SUBSECTION. 5. a. The department shall
27 designate by rule each one hundred year floodplain in
28 this state according to the location of the one
29 hundred year floodplain. A person shall not be
30 prohibited from constructing a confinement feeding
31 operation on a one hundred year floodplain unless the
32 one hundred year floodplain is designated by rule in
33 accordance with this subsection.

34 b. (1) Until the effective date of rules adopted
35 by the department to designate the location of each
36 one hundred year floodplain in this state, a person
37 shall not construct a confinement feeding operation
38 structure on land that contains a soil type classified
39 as alluvial unless the one of the following applies:

40 (a) If the person does not apply for a
41 construction permit as provided in section 455B.200A,
42 the person must petition the department for a
43 declaratory order pursuant to section 17A.9 to
44 determine whether the location of the proposed
45 confinement feeding operation structure is located on
46 a one hundred year floodplain. The department shall
47 issue a declaratory order in response to the petition,
48 notwithstanding any other provision provided in
49 section 17A.9 to the contrary, within thirty days from
50 the date that the petition is filed with the

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1 department.

2 (b) If the person does apply for a construction
3 permit as provided in section 455B.200A, the person
4 must identify that the land contains a soil type
5 classified as alluvial. The department shall
6 determine whether the land is located on a one hundred
7 year floodplain.

8 (2) The department shall provide in its
9 declaratory order or its approval or disapproval of a
10 construction permit application a determination
11 regarding whether the confinement feeding operation is
12 to be located on a one hundred year floodplain,
13 whether the confinement feeding operation may be
14 constructed at the location, and any conditions for
15 the construction.

16 (3) This paragraph "b" is repealed on the
17 effective date that rules are adopted by the
18 department pursuant to paragraph "a". The department
19 shall provide a caption on the adopted rule as
20 published in the Iowa administrative bulletin as
21 provided in section 17A.4, stating that this paragraph
22 is repealed as provided in this subparagraph
23 subdivision. The director of the department shall
24 deliver a copy of the adopted rule to the Iowa Code
25 editor.

26 NEW SUBSECTION. 6. As used in this subpart,
27 unless the context otherwise requires:

28 a. "Critical public area" means land as designated
29 by the department pursuant to rules adopted pursuant
30 to chapter 17A, if all of the following apply:

31 (1) The land is part of a public park, preserve,
32 or recreation area that is owned or managed by the
33 federal government; by the department, including under
34 chapter 461A or 465C; or by a political subdivision.

35 (2) The land has a unique scenic, cultural,
36 archaeological, scientific, or historic significance
37 or contains a rare or valuable ecological system.

38 b. "Designated wetland" means land designated as a
39 protected wetland by the United States department of
40 the interior or the department of natural resources,
41 including but not limited to a protected wetland as
42 defined in section 456B.1, if the land is owned and
43 managed by the federal government or the department of
44 natural resources. However, a designated wetland does
45 not include land where an agricultural drainage well
46 has been plugged causing a temporary wetland or land
47 within a drainage district or levee district.

48 c. "Document" means any form required to be
49 processed by the department under this subpart
50 regulating animal feeding operations, including but

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1 not limited to applications or related materials for
2 permits as provided in section 455B.200A, manure
3 management plans as provided in section 455B.203,
4 comment or evaluation by a county board of supervisors
5 considering an application for a construction permit,
6 the department's analysis of the application including
7 using and responding to a master matrix pursuant to
8 section 455B.200E, and notices required under those
9 sections.

10 d. "High-quality water resource" means that part
11 of a water source or wetland that the department has
12 designated as any of the following:

13 (1) A high-quality water (Class "HQ") or a high-
14 quality resource water (Class "HQR") according to 567
15 IAC ch. 61, in effect on January 1, 2001.

16 (2) A protected water area system, according to a
17 state plan adopted by the department in effect on
18 January 1, 2001.

19 e. "Karst terrain" means land having karst
20 formations that exhibit surface and subterranean
21 features of a type produced by the dissolution of
22 limestone, dolomite, or other soluble rock and
23 characterized by closed depressions, sinkholes, or
24 caves.

25 f. "Major water source" means a water source that
26 is a lake, reservoir, river, or stream located within
27 the territorial limits of the state, or any marginal
28 river area adjacent to the state, if the water source
29 is capable of supporting a floating vessel capable of
30 carrying one or more persons during a total of a six-
31 month period in one out of ten years, excluding
32 periods of flooding which has been identified by rules
33 adopted by the commission.

34 g. "One hundred year floodplain" means the land
35 adjacent to a major water source, if there is at least
36 a one percent chance that the land will be inundated
37 in any one year, according to calculations adopted by
38 rules adopted pursuant to section 455B.200. In making
39 the calculations, the department shall consider
40 available maps or data compiled by the federal
41 emergency management agency.

42 h. "Professional engineer" means a person engaged
43 in the practice of engineering as defined in section
44 542B.2 who is issued a certificate of licensure as a
45 professional engineer pursuant to section 542B.17.

46 i. "Water of the state" means the same as defined
47 in section 455B.171.

48 j. "Water source" means a lake, river, reservoir,
49 creek, stream, ditch, or other body of water or
50 channel having definite banks and a bed with water

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1 flow, except lakes or ponds without outlet to which
2 only one landowner is riparian.

3 Sec. 33. NEW SECTION. 455B.200C CONSTRUCTION
4 DESIGN STATEMENT — FORMED MANURE STORAGE STRUCTURES.

5 1. a. Except as provided in paragraph "b", a
6 person shall not construct a formed manure storage
7 structure, unless the person submits a construction
8 design statement for filing with the department.

9 b. The following persons are not required to
10 submit a construction design statement with the
11 department:

12 (1) A person who constructs a formed manure
13 storage structure as part of a small animal feeding
14 operation.

15 (2) A person who submits a statement approved by a
16 professional engineer certifying that the construction
17 of the formed manure storage structure complies with
18 the construction design standards required in this
19 subpart, including a person required to submit such a
20 statement as part of an application for a construction
21 permit pursuant to section 455B.200A.

22 2. The construction design statement must include
23 all of the following:

24 a. A summary description of the type of formed
25 manure storage structure proposed to be constructed,
26 including whether such formed manure storage structure
27 is to be constructed of concrete.

28 b. (1) If the formed manure storage structure is
29 to be constructed of concrete, a statement by the
30 person responsible for constructing the formed manure
31 storage structure certifying that such person will
32 construct the formed manure storage structure in
33 accordance with the construction design standards
34 required in this subpart.

35 (2) If the formed manure storage structure is not
36 to be constructed of concrete, a statement by the
37 person responsible for constructing the formed manure
38 storage structure certifying that such person will
39 construct the formed manure storage structure in
40 accordance with the construction design standards
41 required in this subpart.

42 c. If a construction permit is required pursuant
43 to section 455B.200A for the construction of three or
44 more confinement feeding operation structures that
45 include a formed manure storage structure, the
46 contractor must provide that the construction of the
47 formed manure storage structure will not impede
48 drainage through established drainage tile lines which
49 cross property boundary lines unless measures are
50 taken to reestablish the drainage prior to completion

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1 of construction.

2 d. A manure management plan as required in section
3 455B.203 which may be submitted as part of an
4 application for a construction permit as provided in
5 section 455B.200A.

6 3. Unless the construction design statement is
7 part of a construction permit application as provided
8 in section 455B.200A, the department shall file the
9 construction design statement. Otherwise, the
10 department shall approve or disapprove the
11 construction design statement as part of the
12 construction permit application. The construction
13 design statement shall be considered filed on the date
14 that it is first received by the department. The
15 department may request information from the person
16 submitting the construction design statement if the
17 department determines that it is incorrect or
18 incomplete. Within thirty days after filing the
19 construction design statement, the department shall
20 notify the person that the construction design
21 statement is filed and request any additional
22 information.

23 Sec. 34. NEW SECTION. 455B.200D DOCUMENT
24 PROCESSING REQUIREMENTS.

25 1. The department shall adopt and promulgate forms
26 required to be completed in order to comply with this
27 subpart including forms for documents that the
28 department shall make available on the internet.

29 2. a. The department shall provide for procedures
30 for the receipt, filing, processing, and return of
31 documents in an electronic format, including but not
32 limited to the transmission of documents by the
33 internet. The department shall provide for
34 authentication of the documents that may include
35 electronic signatures as provided in chapter 554D.

36 b. The department shall to every extent feasible
37 provide for the processing of permits and manure
38 management plans required under this subpart using
39 electronic systems, including programming, necessary
40 to ensure the completeness and accuracy of the
41 documents in accordance with the requirements of this
42 subpart.

43 Sec. 35. NEW SECTION. 455B.200E CONSTRUCTION
44 PERMIT APPLICATION PROCEDURE — COMMENTS — MASTER
45 MATRIX.

46 1. a. The department shall deliver a copy or
47 require the applicant to deliver a copy of the
48 application for a permit to construct, including
49 expanding, a confinement feeding operation structure
50 pursuant to section 455B.200A, including supporting

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1 documents, to the county board of supervisors in the
2 county where the confinement feeding operation
3 structure subject to the permit is proposed to be
4 constructed.

5 b. The county auditor or other county officer
6 designated by the county board of supervisors may
7 accept the application on behalf of the board. If the
8 department requires the applicant to deliver a copy of
9 the application to the county board of supervisors,
10 the board shall notify the department that the board
11 has received the application according to procedures
12 required by the department.

13 2. Regardless of whether the county board of
14 supervisors has adopted a construction evaluation
15 resolution, the county may provide comment to the
16 department on a construction permit application for a
17 confinement feeding operation structure.

18 a. The board shall provide for comment as follows:

19 (1) The board shall publish a notice that the
20 board has received the application in a newspaper
21 having a general circulation in the county.

22 (2) The notice shall include all of the following:

23 (a) The name of the person applying to receive the
24 construction permit.

25 (b) The name of the township where the confinement
26 feeding operation structure is to be constructed.

27 (c) Each type of confinement feeding operation
28 structure proposed to be constructed.

29 (d) The animal unit capacity of the confinement
30 feeding operation if the construction permit were to
31 be approved.

32 (e) The time when and the place where the
33 application may be examined as provided in section
34 22.2.

35 (f) Procedures for providing public comments to
36 the board as provided by the board.

37 b. The board may hold a public hearing to receive
38 public comments regarding the application. The county
39 board of supervisors may submit comments by the board
40 and the public to the department as provided in this
41 section, including but not limited to all of the
42 following:

43 (1) The existence of an object or location not
44 included in the application that benefits from a
45 separation distance requirement as provided in section
46 455B.162 or 455B.204.

47 (2) The suitability of soils and the hydrology of
48 the site where construction of a confinement feeding
49 operation structure is proposed.

50 (3) The availability of land for the application

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1 of manure originating from the confinement feeding
2 operation.

3 (4) Whether the construction of a proposed
4 confinement feeding operation structure will impede
5 drainage through established tile lines, laterals, or
6 other improvements which are constructed to facilitate
7 the drainage of land not owned by the person applying
8 for the construction permit.

9 3. A county board of supervisors may adopt a
10 construction evaluation resolution relating to the
11 construction of a confinement feeding operation
12 structure. The board must submit such resolution to
13 the department for filing. If the board has submitted
14 such resolution to the department, the board may
15 evaluate the construction permit application and
16 submit an adopted recommendation to the department to
17 approve or disapprove a construction application
18 permit as provided in this subsection. The board must
19 make its decision to recommend approval or disapproval
20 of the permit application as provided in this
21 subsection.

22 a. For the expansion of a confinement feeding
23 operation that includes a confinement feeding
24 operation structure constructed prior to April 1,
25 2002, the board shall not evaluate a construction
26 permit application for the construction or expansion
27 of a confinement feeding operation structure if after
28 the expansion of the confinement feeding operation,
29 its animal unit capacity is one thousand six hundred
30 sixty-six animal units or less.

31 b. The board must conduct an evaluation of the
32 application using the master matrix as provided in
33 section 455B.200F. The board's recommendation may be
34 based on the master matrix as provided or may be based
35 on comments under this section regardless of the
36 results of the master matrix.

37 c. In completing the master matrix, the board
38 shall not score criteria on a selective basis. The
39 board must score all criteria which is part of the
40 master matrix according to the terms and conditions
41 relating to construction as specified in the
42 application or commitments for manure management that
43 are to be incorporated into a manure management plan
44 as provided in section 455B.203.

45 d. The board's adopted recommendation to the
46 department shall include the specific reasons and any
47 supporting documentation for the decision to recommend
48 approval or disapproval of the application.

49 4. The department must receive the county board of
50 supervisor's comments or evaluation for approval or

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1 disapproval of an application for a construction
2 permit not later than thirty days following the
3 applicant's delivery of the application to the
4 department. Regardless of whether the department
5 receives comments or an evaluation by a county board
6 of supervisors, the department must approve or
7 disapprove an application for a construction permit
8 within sixty days following the applicant's delivery
9 of the application to the department. However, the
10 applicant may deliver a notice requesting a
11 continuance. Upon receipt of a notice, the time
12 required for the county or department to act upon the
13 application shall be suspended for the period provided
14 in the notice, but for not more than thirty days after
15 the department's receipt of the notice. The applicant
16 may submit more than one notice. However, the
17 department may provide that an application is
18 terminated if no action is required by the department
19 for one year following delivery of the application to
20 the board. The department may also provide for a
21 continuance when it considers the application. The
22 department shall provide notice to the applicant and
23 the board of the continuance. The time required for
24 the department to act upon the application shall be
25 suspended for the period provided in the notice, but
26 for not more than thirty days. However, the
27 department shall not provide for more than one
28 continuance.

29 5. a. The department shall approve an application
30 for a construction permit if the board of supervisors
31 which has filed a county construction evaluation
32 resolution submits an adopted recommendation to
33 approve the construction permit application which may
34 be based on a satisfactory rating produced by the
35 master matrix to the department and the department
36 determines that the application meets the requirements
37 of this chapter. The department shall disapprove an
38 application that does not satisfy the requirements of
39 this chapter regardless of the adopted recommendation
40 of the board. The department shall consider any
41 timely filed comments made by the board as provided in
42 this section to determine if an application meets the
43 requirements of this chapter.

44 b. If the board submits to the department an
45 adopted recommendation to disapprove an application
46 for a construction permit that is based on a rating
47 produced by the master matrix, the department shall
48 first determine if the application meets the
49 requirements of this chapter as provided in section
50 455B.200. The department shall disapprove an

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1 application that does not satisfy the requirements of
2 this chapter regardless of any result produced by
3 using the master matrix. If the application meets the
4 requirements of this chapter, the department shall
5 conduct an independent evaluation of the application
6 using the master matrix. The department shall approve
7 the application if it achieves a satisfactory rating
8 according to the department's evaluation. The
9 department shall disapprove the application if it
10 produces an unsatisfactory rating regardless of
11 whether the application satisfies the requirements of
12 this chapter. The department shall consider any
13 timely filed comments made by the board as provided in
14 this section to determine if an application meets the
15 requirements of this chapter.

16 c. If the county board of supervisors does not
17 submit a construction evaluation resolution to the
18 department, fails to submit an adopted recommendation,
19 submits only comments, or fails to submit comments,
20 the department shall approve the application if the
21 application meets the requirements of this chapter as
22 provided in section 455B.200.

23 6. The department may conduct an inspection of the
24 site on which the construction is proposed after
25 providing at a minimum twenty-four hours notice or
26 upon receiving consent from the construction permit
27 applicant. The county board of supervisors that has
28 adopted a construction evaluation resolution may
29 designate a county employee to accompany a
30 departmental official during the site inspection. The
31 county employee shall have the same right to access to
32 the site's real estate as the departmental official
33 conducting the inspection during the period that the
34 county employee accompanies the departmental official.
35 The departmental official and the county employee
36 shall comply with standard biosecurity requirements
37 customarily required by the confinement feeding
38 operation that are necessary in order to control the
39 spread of disease among an animal population.

40 7. Upon written request by a county resident, the
41 county board of supervisors shall forward to the
42 county resident a copy of the board's adopted
43 recommendation, any county comments to the department
44 on the permit application, and the department's
45 responses, as provided in chapter 22.

46 8. a. The department shall deliver a notice to
47 the applicant within three days of the department's
48 decision to approve or disapprove an application for a
49 construction permit. If the board of supervisors has
50 submitted an adopted recommendation to the department

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1 for the approval or disapproval of a construction
2 permit application as provided in this section, the
3 department shall notify the board of the department's
4 decision to approve or disapprove the application at
5 the same time.

6 b. (1) The applicant may contest the department's
7 decision by requesting a hearing and may elect to have
8 the hearing conducted before an administrative law
9 judge pursuant to chapter 17A or before the
10 commission. If the applicant and a board of
11 supervisors are both contesting the department's
12 decision, the applicant may request that the
13 commission conduct the hearing on a consolidated
14 basis. The commission shall hear the case according
15 to procedures established by rules adopted by the
16 department. The commission may hear the case as a
17 contested case proceeding under chapter 17A. The
18 department, upon petition by the applicant, shall
19 deliver to the administrative law judge or the
20 commission a copy of the board of supervisors'
21 recommendation together with the results produced by
22 its master matrix and any supporting data or documents
23 submitted with the results, comments submitted by the
24 board to the department, and the department's
25 evaluation of the application including the results
26 produced by its matrix and any supporting data or
27 documents. If the commission hears the case, its
28 decision shall be the department's final agency
29 action. The commission shall render a decision within
30 thirty-five days from the date that the applicant or
31 board files a demand for a hearing.

32 (2) A county board of supervisors that has
33 submitted an adopted recommendation to the department
34 may contest the department's decision by requesting a
35 hearing before the commission. The commission shall
36 hear the case according to procedures established by
37 rules adopted by the department. The commission may
38 hear the case as a contested case proceeding under
39 chapter 17A. The board may request that the
40 department submit a copy of the department's
41 evaluation of the application including the results
42 produced by its matrix and any supporting data or
43 documents. The decision by the commission shall be
44 the department's final agency action. The commission
45 shall render a decision within thirty-five days from
46 the date that the board initiates the proceeding.

47 c. Judicial review of the decision of either the
48 department or the commission may be sought in
49 accordance with the terms of chapter 17A.

50 9. An applicant for a construction permit may

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1 withdraw the permit application from consideration by
2 the department at any time by filing a written request
3 with the department. The filing of the request shall
4 not prejudice the right of the applicant to resubmit
5 the application.

6 Sec. 36. NEW SECTION. 455B.200F MASTER MATRIX.

7 1. The department shall adopt rules for the
8 development and use of a master matrix. The purpose
9 of the master matrix is to provide a comprehensive
10 assessment mechanism in order to produce a
11 statistically verifiable basis for determining whether
12 to approve or disapprove an application for the
13 construction, including expansion, of a confinement
14 feeding operation structure requiring a permit
15 pursuant to section 455B.200A.

16 a. The master matrix shall be used to establish
17 conditions for the construction of a confinement
18 feeding operation structure and for the implementation
19 of manure management practices, which conditions shall
20 be included in the approval of the construction permit
21 or the original manure management plan as applicable.
22 The master matrix shall be used to determine all of
23 the following:

24 (1) The appropriate location to construct a
25 confinement feeding operation structure, including the
26 proximity and orientation of a proposed confinement
27 feeding operation structure to objects or locations
28 for which separation distances are required pursuant
29 to sections 455B.162 and 455B.204.

30 (2) The appropriate type of a confinement feeding
31 operation structure required to be constructed,
32 including the type and size of the manure storage
33 structure, or the installation of a related pollution-
34 control device.

35 b. The master matrix shall be designed to produce
36 quantifiable results based on the scoring of objective
37 criteria according to an established value scale.
38 Each criterion shall be assigned points corresponding
39 to the value scale. The master matrix shall consider
40 risks and factors mitigating risks if the confinement
41 feeding operation structure were constructed according
42 to the application.

43 c. The master matrix may be a computer model.
44 However, the master matrix must be a practical tool
45 for use by persons when completing applications and by
46 persons when scoring applications. To every extent
47 feasible, the master matrix shall include criteria
48 presented in the form of questions that may be readily
49 scored according to ascertainable data and upon which
50 reasonable persons familiar with the location of a

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1 proposed construction site would not ordinarily
2 disagree.

3 2. The master matrix shall include criteria
4 valuing environmental and community impacts, for use
5 by county boards of supervisors and the department.
6 The master matrix shall include definite point
7 selections for all criteria provided in the master
8 matrix. The master matrix shall provide only for
9 scoring of positive points and shall not provide for
10 deduction of points. The master matrix shall provide
11 for a minimum threshold score required to receive a
12 satisfactory rating. The master matrix shall be
13 structured to ensure that it feasibly provides for a
14 satisfactory rating. Criteria valuing environmental
15 impacts shall account for animal agriculture's
16 relationship to quality of the environment and the
17 conservation of natural resources, and may include
18 factors that refer to all of the following:

- 19 (a) Topography.
20 (b) Surface water drainage characteristics.
21 (c) The suitability of the soils and the hydrology
22 or hydrogeology of the site.
23 (d) The proximity to public use areas and critical
24 public areas.
25 (e) The proximity to water sources, including
26 high-quality water resources.

27 Sec. 37. Section 455B.201, Code 2001, is amended
28 by adding the following new subsection:

29 NEW SUBSECTION. 2A. The department may require
30 that the owner of a confinement feeding operation
31 install and operate a water pollution monitoring
32 system as part of an unformed manure storage
33 structure.

34 Sec. 38. Section 455B.203, subsections 1 and 2,
35 Code 2001, are amended to read as follows:

36 1. The following persons shall submit a manure
37 management plan, including an original manure
38 management plan and an updated manure management plan,
39 as required in this section to the department:

40 a. The owner of a confinement feeding operation,
41 other than a small animal feeding operation, if ~~the~~
42 animal any of the following apply:

43 (1) The confinement feeding operation was
44 constructed after May 31, 1985, regardless of whether
45 the confinement feeding operation structure was
46 required to be constructed pursuant to a construction
47 permit approved by rules adopted by the department.

48 b. ~~(2) The owner of a confinement feeding~~
49 ~~operation, if the confinement feeding operation is~~
50 ~~required to be constructed pursuant to a permit issued~~

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1 ~~by the department~~ The owner constructs a manure
2 storage structure, regardless of whether the person is
3 required to be issued a permit for the construction
4 pursuant to section 455B.200A or whether the person
5 has submitted a prior manure management plan.

6 e. b. A person who applies manure from a
7 confinement feeding operation, other than a small
8 animal feeding operation, which is located in another
9 state, if the manure is applied on land located in
10 this state.

11 1A. Not more than one confinement feeding
12 operation shall be covered by a single manure
13 management plan.

14 1B. The owner of a confinement feeding operation
15 who is required to submit a manure management plan
16 under this section shall submit an updated manure
17 management plan to the department on an annual basis.
18 The department shall provide for a date that each
19 updated manure management plan is required to be
20 submitted to the department. The department may
21 provide for staggering the dates on which updated
22 manure management plans are due. To satisfy the
23 requirements of an updated manure management plan, an
24 owner of a confinement feeding operation may, in lieu
25 of a submitting a complete plan, file a document
26 stating that the manure management plan has not
27 changed, or state all of the changes made since the
28 original manure management plan or a previous updated
29 manure management plan was submitted and approved.

30 1C. The department shall deliver a copy of the
31 manure management plan or require the person
32 submitting the manure management plan to deliver a
33 copy of the manure management plan to all of the
34 following:

35 a. The county board of supervisors in the county
36 where the manure storage structure owned by the person
37 is located.

38 b. The county board of supervisors in the county
39 where the manure storage structure is proposed to be
40 constructed. If the person is required to be issued a
41 permit for the construction of the manure storage
42 structure as provided in section 455B.200A, the manure
43 management plan shall accompany the application for
44 the construction permit as provided in section
45 455B.200A.

46 c. The county board of supervisors in the county
47 where the manure is to be applied.

48 The manure management plan shall be filed with the
49 county board of supervisors. The county auditor or
50 other county officer may accept the manure management

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1 plan on behalf of the board.
2 2. A person shall not remove manure from a manure
3 storage structure which is part of a confinement
4 feeding operation for which a manure management plan
5 is required under this section, unless the department
6 approves a manure management plan, including an
7 original manure management plan and an updated manure
8 management plan, as required in this section. The
9 manure management plan shall be submitted by the owner
10 of the confinement feeding operation as provided by
11 the department on forms prescribed by the department
12 in accordance with section 455B.200D. The owner of a
13 confinement feeding operation required to submit a
14 manure management plan for the construction of a
15 manure storage structure may remove manure from
16 another manure storage structure that is constructed,
17 if the department has approved a manure management
18 plan covering that manure storage structure. The
19 department may adopt rules allowing a person to remove
20 manure from a manure storage structure until the
21 manure management plan is approved or disapproved by
22 the department according to terms and conditions
23 required by rules adopted by the department. The
24 department shall approve or disapprove a manure
25 management plan within sixty days of the date that the
26 department receives a completed plan.
27 2A. The department shall not approve an original
28 manure management plan unless the plan is accompanied
29 by a manure management plan filing fee required
30 pursuant to section 455B.203C. The department shall
31 not approve an updated manure management plan unless
32 the updated manure management plan is accompanied by
33 an annual compliance fee required pursuant to section
34 455B.203C.
35 2B. a. The department shall not issue approve an
36 application for a permit for the construction of to
37 construct a confinement feeding operation or a related
38 animal feeding operation structure unless the
39 applicant owner of the confinement feeding operation
40 applying for approval submits a an original manure
41 management plan together with an the application for
42 the construction permit as provided in section
43 455B.200A.
44 b. The department shall not file a construction
45 design statement as provided in section 455B.200C,
46 unless the owner of the confinement feeding operation
47 structure submits an original manure management plan
48 together with the construction design statement. The
49 construction design statement and manure management
50 plan may be submitted as part of a construction permit

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1 as provided in section 455B.200A.

2 2C. A manure management plan must be authenticated
3 by the person required to submit the manure management
4 plan as required by the department in accordance with
5 section 455B.200D.

6 2D. The department shall approve or disapprove a
7 manure management plan according to procedures
8 established by the department:

9 a. For an original manure management plan
10 submitted due to the construction of a confinement
11 feeding operation structure, the department shall
12 approve or disapprove the manure management plan as
13 follows:

14 (1) If the confinement feeding operation structure
15 is constructed pursuant to a construction permit
16 issued pursuant to section 455B.200A, the manure
17 management plan shall be approved or disapproved as
18 part of the construction permit application.

19 (2) If the confinement feeding operation structure
20 is not constructed pursuant to a construction permit
21 issued pursuant to section 455B.200A, the manure
22 management plan shall be approved or disapproved
23 within sixty days from the date that the department
24 receives the manure management plan.

25 b. For an original manure management plan
26 submitted for a reason other than the construction of
27 a confinement feeding operation structure, the manure
28 management plan shall be approved within sixty days
29 from the date that the department receives the manure
30 management plan.

31 c. For an updated manure management plan, the
32 manure management plan shall be approved within thirty
33 days from the date that the department receives the
34 updated manure management plan.

35 Sec. 39. Section 455B.203, subsection 3, paragraph
36 a, Code 2001, is amended to read as follows:

37 a. Restrictions on the application of manure based
38 on all of the following:

39 (1) Calculations necessary to determine the land
40 area required for the application of manure from a
41 confinement feeding operation based on nitrogen use
42 levels in order to obtain optimum crop yields
43 according to a crop schedule specified in the manure
44 management plan, and according to requirements adopted
45 by the department after receiving recommendations from
46 the animal agriculture consulting organization
47 provided for in 1995 Iowa Acts, chapter 195, section
48 37.

49 (2) (a) A phosphorus index. The department shall
50 establish a phosphorus index by rule in order to

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1 determine the manner and timing of the application to
2 a land area of manure originating from a confinement
3 feeding operation. The phosphorus index shall provide
4 for the application of manure on a field basis. The
5 phosphorus index shall be used to determine
6 application rates, based on the number of pounds of
7 phosphorus that may be applied per acre and
8 application practices. The phosphorus index shall be
9 based on the field office technical guide for Iowa as
10 published by the United States department of
11 agriculture, natural resources conservation service,
12 which sets forth nutrient management standards.
13 (b) The department shall develop a state
14 comprehensive nutrient management strategy. Prior to
15 developing the state comprehensive nutrient management
16 strategy, the department shall complete all of the
17 following:
18 (i) The development of a comprehensive state
19 nutrient budget for the maximum volume, frequency, and
20 concentration of nutrients for each watershed that
21 addresses all significant sources of nutrients in a
22 water of this state on a watershed basis.
23 (ii) The assessment of the available nutrient
24 control technologies required to identify and assess
25 their effectiveness.
26 (iii) The development and adoption of
27 administrative rules pursuant to chapter 17A required
28 to establish a numeric water quality standard for
29 phosphorus.
30 (c) Regardless of the development of the state
31 comprehensive nutrient management strategy as provided
32 in subparagraph subdivision (b), the department shall
33 adopt rules required to establish a phosphorus index.
34 The department shall cooperate with the United States
35 department of agriculture natural resource
36 conservation service technical committee for Iowa to
37 refine and calibrate the phosphorus index in adopting
38 the rules. However, in no instance shall the
39 phosphorus index require an application rate that is
40 less than the phosphorus use levels necessary to
41 obtain optimum crop yields according to a crop
42 schedule specified in the manure management plan.
43 Rules adopted by the department pursuant to this
44 subparagraph shall become effective on July 1, 2003.
45 (d) The department shall conduct a study that
46 considers the effects on waters of this state from
47 phosphorus originating from municipal and industrial
48 sources and from farm and lawn and garden use. The
49 department shall report the results of its study to
50 the general assembly by January 1, 2004.

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1 (e) A person submitting a manure management plan
2 shall include a phosphorus index as part of the manure
3 management plan as follows:

4 (i) A person who has submitted an original manure
5 management plan prior to April 1, 2002, shall not be
6 required to submit a manure management plan update
7 which includes a phosphorus index, until on and after
8 the four-year anniversary date that the department's
9 rules adopted to implement the phosphorus index become
10 effective.

11 (ii) A person required to submit an original
12 manure management plan on and after April 1, 2002, but
13 prior to the date that is sixty days after the
14 department's rules adopted to implement the phosphorus
15 index become effective, shall not be required to
16 submit a manure management plan update that includes a
17 phosphorus index until on and after the two-year
18 anniversary date that the department's rules adopted
19 to implement the phosphorus index become effective.

20 (iii) A person required to submit an original
21 manure management plan on and after the date that is
22 sixty days after the department's rules adopted to
23 implement the phosphorus index become effective shall
24 include the phosphorus index as part of the original
25 manure management plan and updated manure management
26 plans.

27 Subparagraph subdivisions (b) through (e) and this
28 paragraph are repealed on the date that any person who
29 has submitted an original manure management plan prior
30 to April 1, 2002, is required to submit a manure
31 management plan update which includes a phosphorus
32 index as provided in subparagraph subdivision (c),
33 subparagraph subdivision part (i). The department
34 shall publish a notice in the Iowa administrative
35 bulletin published immediately prior to that date, and
36 the director of the department shall deliver a copy of
37 the notice to the Iowa Code editor.

38 Sec. 40. Section 455B.203, subsection 4, Code
39 2001, is amended to read as follows:

40 4. A ~~person~~ confinement feeding operation
41 classified as a habitual violator ~~or a confinement~~
42 feeding operation in which a habitual violator owns a
43 controlling interest, as provided in section 455B.191,
44 shall submit a manure management plan to the
45 department on an annual basis, which must be approved
46 by the department for the following year of operation.
47 The manure management plan shall be a replacement
48 original manure management plan rather than a manure
49 management plan update. However, the habitual
50 violator required to submit a replacement original

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1 manure management plan must submit an annual
2 compliance fee in the same manner as if the habitual
3 violation were submitting an updated manure management
4 plan.

5 Sec. 41. Section 455B.203, subsection 7, Code
6 2001, is amended to read as follows:

7 7. A person submitting required to authenticate a
8 manure management plan submitted to the department who
9 is found in violation of the terms and conditions of
10 the plan shall not be subject to an enforcement action
11 other than the assessment of a civil penalty pursuant
12 to section ~~455B.191~~ 455B.207.

13 Sec. 42. Section 455B.203A, subsection 6,
14 paragraph b, Code 2001, is amended by striking the
15 paragraph.

16 Sec. 43. NEW SECTION. 455B.203C COMPLIANCE FEES.

17 1. The department shall establish, assess, and
18 collect all of the following compliance fees:

19 a. A construction permit application fee that is
20 required to accompany an application submitted to the
21 department for approval to construct a confinement
22 feeding operation structure as provided in section
23 455B.200A. The amount of the construction permit
24 application fee shall not exceed two hundred fifty
25 dollars.

26 b. A manure management plan filing fee that is
27 required to accompany an original manure management
28 plan submitted to the department for approval as
29 provided in section 455B.203. However, the manure
30 management plan required to be filed as part of an
31 application for a construction permit shall be paid
32 together with the construction permit application fee.
33 The amount of the manure management plan filing fee
34 shall not exceed two hundred fifty dollars.

35 c. An annual compliance fee that is required to
36 accompany an updated manure management plan submitted
37 to the department for approval as provided in section
38 455B.203. The amount of the annual compliance fee
39 shall not exceed a rate of fifteen cents per animal
40 unit based on the animal unit capacity of the
41 confinement feeding operation covered by the manure
42 management plan. If the person filing the manure
43 management plan is a contract producer, as provided in
44 chapter 202, the contractor shall be assessed the
45 annual compliance fee.

46 d. Fees paid by persons required by the department
47 to be certified as commercial manure applicators or
48 confinement site manure applicators pursuant to
49 section 455B.203A.

50 2. a. Except as provided in paragraph "b", fees

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1 collected by the department shall be deposited into
2 the animal agriculture compliance fund created in
3 section 455B.127. Moneys collected from all fees
4 other than the annual compliance fee shall be
5 deposited into the compliance fund's general account.
6 Moneys collected from the annual compliance fee shall
7 be deposited into the compliance fund's assessment
8 account.

9 b. Receipts that are required to be received by
10 the department from persons required to be certified
11 pursuant to section 455B.203A may be used to
12 compensate a person who teaches continuing
13 instructional courses in lieu of deposit into the
14 compliance fund.

15 3. At the end of each fiscal year the department
16 shall determine the balance of unencumbered and
17 unobligated moneys in the assessment account of the
18 animal agriculture compliance fund created pursuant to
19 section 455B.127. If on that date the balance of
20 unencumbered and unobligated moneys in the account is
21 one million dollars or more, the department shall
22 adjust the rate of the annual compliance fee for the
23 following fiscal year. The adjusted rate for the
24 annual compliance fee shall be based on the
25 department's estimate of the amount required to ensure
26 that at the end of the following fiscal year the
27 balance of unencumbered and unobligated moneys in the
28 assessment account is not one million dollars or more.

29 Sec. 44. Section 455B.204, subsection 1, Code
30 2001, is amended by striking the subsection.

31 Sec. 45. Section 455B.204, subsections 2 through
32 4, Code 2001, are amended to read as follows:

33 2. Except as provided in subsection 3 ~~4~~, the
34 following shall apply:

35 a. ~~An animal~~ A confinement feeding operation
36 structure shall not be constructed closer than five
37 hundred feet away from ~~a the~~ surface intake, ~~of an~~
38 agricultural drainage well. A confinement feeding
39 operation structure shall not be constructed closer
40 than one thousand feet from a wellhead, or cistern of
41 an agricultural drainage well, or known sinkhole.
42 However, the department may adopt rules requiring an
43 increased separation distance under this paragraph in
44 order to protect the integrity of a water of this
45 state. The increased separation distance shall not be
46 more than two thousand feet. If the department
47 exercises its discretion to increase the separation
48 distance requirement, the department shall not approve
49 an application for the construction of a confinement
50 feeding operation structure within that separation

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1 distance as provided in section 455B.200A.

2 b. ~~An animal~~ A confinement feeding operation
3 structure shall not be constructed if the ~~animal~~
4 confinement feeding operation structure as constructed
5 is closer than any of the following:

6 (1) ~~Two~~ Five hundred feet away from a ~~waterecourse~~
7 water source other than a major water source.

8 (2) ~~Five hundred~~ One thousand feet away from a
9 major water source.

10 (3) Two thousand five hundred feet away from a
11 designated wetland.

12 c. (1) A ~~waterecourse~~ water source, other than a
13 major water source, shall not be constructed,
14 expanded, or diverted, if the ~~waterecourse~~ water source
15 as constructed, expanded, or diverted is closer than
16 ~~two~~ five hundred feet away from ~~an animal~~ a
17 confinement feeding operation structure.

18 d. (2) A major water source shall not be
19 constructed, expanded, or diverted, if the major water
20 source as constructed, expanded, or diverted is closer
21 than ~~five hundred one thousand~~ feet from ~~an animal~~
22 feeding a confinement operation structure.

23 (3) A designated wetland shall not be established,
24 if the designated wetland is closer than two thousand
25 five hundred feet away from a confinement feeding
26 operation structure.

27 3. A confinement feeding operation structure shall
28 not be constructed on land that is part of a one
29 hundred year floodplain as designated by rules adopted
30 by the department pursuant to section 455B.200B.

31 ~~3. 4.~~ A separation distance required in subsection
32 2 shall not apply to any of the following:

33 a. A location or object and a farm pond or
34 privately owned lake, as defined in section 462A.2.

35 b. A confinement feeding operation building, an
36 egg washwater storage structure, or a manure storage
37 structure constructed with a secondary containment
38 barrier. The department shall adopt rules providing
39 for the construction and use of a secondary
40 containment barrier, including construction design
41 standards.

42 ~~4. All distances between locations or objects~~
43 ~~shall be measured from their closest points, as~~
44 ~~provided by rules adopted by the department.~~

45 Sec. 46. Section 455B.204A, Code 2001, is amended
46 to read as follows:

47 455B.204A DISPOSAL APPLICATION OF MANURE WITHIN
48 DESIGNATED AREAS — ADOPTION OF RULES.

49 1. The department shall adopt rules relating to
50 the disposal application of manure in close proximity

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1 to a designated area.
2 2. A Except as otherwise provided in this
3 subsection, a person shall not dispose of apply manure
4 on eroplant land located within two hundred feet from
5 a designated area, unless one of the following
6 applies:

7 1. a. The manure is land applied by injection or
8 incorporation within twenty four hours following the
9 application on the same date as the manure was land
10 applied.

11 2. b. An area of permanent vegetation cover,
12 including filter strips and riparian forest buffers,
13 exists for fifty feet surrounding the designated area
14 other than an unplugged agricultural drainage well or
15 surface intake to an unplugged agricultural drainage
16 well, and that the area of permanent vegetation cover
17 is not subject to manure application.

18 c. The department adopts rules requiring an
19 increased separation distance for the application of
20 manure located in proximity to a high quality water
21 resource in order to protect the integrity of the high
22 quality water resource. However, the department shall
23 not provide for an increased separation distance
24 requirement that is more than four times the
25 separation distance requirement otherwise applicable
26 under this section.

27 As used in this section, "designated area" means a
28 known sinkhole, or a cistern, abandoned well,
29 unplugged agricultural drainage well, agricultural
30 drainage well surface inlet, drinking water well,
31 designated wetland, or lake, or a farm pond or
32 privately owned lake as defined in section 462A.2
33 water source. However, a "designated area" does not
34 include a terrace tile inlet.

35 Sec. 47. Section 455B.205, subsection 1, Code
36 2001, is amended to read as follows:

37 1. The department shall establish by rule
38 engineering adopt rules requiring construction design
39 standards for the construction of unformed manure
40 storage structures required to be constructed pursuant
41 to a construction permit issued under pursuant to
42 section 455B.200A.

43 Sec. 48. Section 455B.205, subsection 2,
44 unnumbered paragraph 1, Code 2001, is amended to read
45 as follows:

46 The construction design standards for unformed
47 manure storage structures established by the
48 department shall account for special design
49 characteristics of animal confinement feeding
50 operations, including all of the following:

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1 Sec. 49. Section 455B.205, Code 2001, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 2A. A person shall not construct
4 an unformed manure storage structure on karst terrain
5 or on an area that drains into a known sinkhole.

6 Sec. 50. NEW SECTION. 455B.205A CONSTRUCTION

7 DESIGN STANDARDS — FORMED MANURE STORAGE STRUCTURES.

8 The department shall adopt rules establishing
9 construction design standards for formed manure
10 storage structures that are part of confinement
11 feeding operations other than small animal feeding
12 operations.

13 1. The department may provide for different
14 standards based on criteria developed by the
15 department, which may include any of the following:

16 a. The animal unit capacity of the manure storage
17 structure's confinement feeding operation or the
18 manure storage structure's manure volume capacity.

19 b. Whether the manure storage structure stores
20 manure in an exclusively dry form.

21 c. Whether the manure storage structure is part of
22 a confinement feeding operation building.

23 d. The use of concrete, including its use for the
24 structure's footings, walls, or floor.

25 2. The construction design standards shall be
26 based, to every extent possible, on uniform standards
27 such as available standards promulgated by the
28 American society for testing and materials. The
29 department may require that all or any part of a
30 formed manure storage structure be constructed of
31 concrete.

32 3. The construction design standards for concrete
33 shall provide for all of the following:

34 a. The concrete's minimum compressive strength
35 calculated on a pounds-per-square-inch basis.

36 b. The use of reinforcement, including but not
37 limited to the grade, amount, and location of steel
38 rebar or fiberglass, wire mesh or fabric, or similar
39 materials set in the concrete, or the use of exterior
40 braces to support joints.

41 c. The depth of footings.

42 d. The thickness of the footings, the floor and
43 walls.

44 4. A person shall only construct a formed manure
45 storage structure on karst terrain or an area which
46 drains into a known sinkhole pursuant to upgraded
47 construction design standards necessary to ensure that
48 the structure does not pollute groundwater sources.

49 Sec. 51. NEW SECTION. 455B.207 CIVIL PENALTY.

50 A person who violates this subpart shall be subject

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1 to a civil penalty which shall be established,
 2 assessed, and collected in the same manner as provided
 3 in section 455B.191. Any civil penalty collected
 4 shall be deposited in the animal agriculture
 5 compliance fund created in section 455B.127.

6 Sec. 52. Section 455I.1, unnumbered paragraph 1,
 7 Code 2001, is amended by striking the unnumbered
 8 paragraph.

9 Sec. 53. Section 455J.1, subsections 1 through 5
 10 and subsections 7 and 8, Code 2001, are amended by
 11 striking the subsections.

12 Sec. 54. Section 455J.3, subsection 1, unnumbered
 13 paragraph 1, Code 2001, is amended to read as follows:

14 If the confinement feeding operation has an animal
 15 ~~weight unit~~ capacity of less than ~~six hundred twenty-~~
 16 ~~five thousand pounds~~ one thousand animal units, the
 17 following shall apply:

18 Sec. 55. Section 455J.3, subsection 2, unnumbered
 19 paragraph 1, Code 2001, is amended to read as follows:

20 If the confinement feeding operation has an animal
 21 ~~weight unit~~ capacity of ~~six hundred twenty-five~~
 22 ~~thousand one thousand~~ or more ~~pounds~~ animal units but
 23 less than ~~one million two hundred fifty thousand~~
 24 ~~pounds~~ three thousand animal units, the following
 25 shall apply:

26 Sec. 56. Section 455J.3, subsection 3, unnumbered
 27 paragraph 1, Code 2001, is amended to read as follows:

28 If the confinement feeding operation has an animal
 29 ~~weight unit~~ capacity of ~~one million two hundred fifty~~
 30 ~~thousand~~ three thousand or more ~~pounds~~ animal units,
 31 the following shall apply:

32 Sec. 57. Section 455J.4, Code 2001, is amended to
 33 read as follows:

34 455J.4 MANURE MANAGEMENT PLAN — INDEMNITY FEE
 35 REQUIRED.

36 An indemnity fee shall be assessed upon persons
 37 required to submit a an original manure management
 38 plan as provided in section 455B.203, but not required
 39 to obtain a construction permit pursuant to section
 40 455B.200A. A person required to submit a replacement
 41 original manure management plan shall not be assessed
 42 an indemnity fee. The amount of the fees shall be
 43 ten cents per animal unit of capacity for the
 44 confinement feeding ~~operations~~ operation covered by
 45 the manure management plan.

46 Sec. 58. NEW SECTION. 481A.151 RESTITUTION FOR
 47 POLLUTION CAUSING INJURY TO WILD ANIMALS.

48 1. A person who is liable for polluting a water of
 49 this state in violation of state law, including this
 50 chapter, shall also be liable to pay restitution to

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1 the department for injury caused to a wild animal by
2 the pollution. The amount of the restitution shall
3 also include the department's administrative costs for
4 investigating the incident. The administration of
5 this section shall not result in a duplication of
6 damages collected by the department under section
7 455B.392, subsection 1, paragraph "c".

8 2. The commission shall adopt rules providing for
9 procedures for investigations and the administrative
10 assessment of restitution amounts. The rules shall
11 establish an opportunity to appeal a departmental
12 action including by a contested case proceeding under
13 chapter 17A. A final administrative decision
14 assessing an amount of restitution may be enforced by
15 the attorney general at the request of the director.

16 3. Rules adopted by the commission shall provide
17 for methods used to determine the extent of an injury
18 and the monetary values for the loss of injured wild
19 animals based on species.

20 a. The rules shall provide for methods used to
21 count dead fish and to calculate restitution values.
22 The rules may incorporate methods and values published
23 by the American fisheries society. To every extent
24 practicable, the values shall be based on the
25 estimates of lost recreational angler opportunities
26 where applicable. As an alternative method of
27 valuation, the rules may provide that for fish species
28 that are protected by catch limits, possession limits,
29 size limits, or closed seasons applicable to anglers,
30 liquidated damages apply. The amount of the
31 liquidated damages shall not exceed fifteen dollars
32 per fish. For fish species that are classified by the
33 commission as endangered or threatened, the rules may
34 establish liquidated damages not to exceed one
35 thousand dollars per fish.

36 b. The rules shall provide guidelines for
37 estimating the extent of loss of a species that is
38 affected by a pollution incident but which would not
39 be practical to count in sample areas. The rules may
40 establish liquidated damage amounts for species whose
41 replacement cost is difficult to determine.

42 4. Moneys collected by the department in
43 restitution shall be deposited into the state fish and
44 game protection fund. The moneys shall be used
45 exclusively to support restoration or improvement of
46 fisheries, including but not limited to aquatic
47 habitat improvement projects as provided in rules
48 adopted by the commission. However, moneys collected
49 from restitution paid for investigative costs shall be
50 used as determined by the director.

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1 Sec. 59. FORMED MANURE STORAGE STRUCTURES —
2 CONSTRUCTION DESIGN STANDARDS. Until the effective
3 date of rules adopted by the department providing
4 construction design standards for formed manure
5 storage structures as provided in section 455B.205A,
6 as enacted in this Act, the department's rules
7 providing construction design standards used in the
8 construction of formed manure storage structures shall
9 apply to formed manure storage structures as provided
10 in section 455B.205A, regardless of whether a formed
11 manure storage structure must be constructed pursuant
12 to a permit issued under section 455B.200A, as amended
13 by this Act. However, this section does not apply to
14 a manure storage structure that stores manure
15 exclusively on a dry-matter basis.

16 Sec. 60. INTERIM APPROVAL OF CONSTRUCTION PERMITS
17 FOR CONFINEMENT FEEDING OPERATION STRUCTURES — COUNTY
18 PARTICIPATION AND RIGHTS OF APPLICANTS AND COUNTY
19 BOARDS OF SUPERVISORS. This section applies to an
20 applicant for a construction permit pursuant to
21 section 455B.200A, as amended by this Act, and to a
22 county board of supervisors that submits comments
23 regarding a permit for the construction of a
24 confinement feeding operation structure pursuant to
25 section 455B.200A, as amended by this Act.
26 Notwithstanding section 455B.200E, as enacted in this
27 Act, all of the following shall apply:

28 1. The department shall not approve the
29 application until thirty days following delivery of
30 the application to the county board of supervisors.

31 2. The department shall consider and respond to
32 comments submitted by the county board of supervisors
33 regarding compliance by the applicant with the legal
34 requirements for approving the construction permit in
35 the same manner as provided pursuant to section
36 455B.200A, Code of Iowa 2001.

37 3. The department shall notify the county board of
38 supervisors prior to conducting an inspection of the
39 site on which the construction is proposed in the
40 permit application, and the county may accompany a
41 departmental official during the site inspection, in
42 the same manner as provided in section 455B.200A, Code
43 of Iowa 2001.

44 4. Upon written request by a county resident, the
45 county board of supervisors shall forward a copy of
46 the board's comments and the department's responses to
47 the county resident as provided in chapter 22.

48 5. The department shall notify the applicant and
49 county board of supervisors of the county in which a
50 confinement feeding operation structure subject to a

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1 construction permit is proposed to be constructed.
2 The notice shall state the department's decision to
3 approve or disapprove an application for the
4 construction permit which shall be delivered to the
5 applicant and board in the same manner as provided for
6 counties in section 455B.200A, Code of Iowa 2001. The
7 applicant may contest the department's decision by
8 filing a demand for a hearing before an administrative
9 law judge or the environmental protection commission.
10 The board may contest the department's decision by
11 filing a demand for a hearing before the commission.
12 The applicant shall contest the decision and the
13 commission shall conduct the proceeding and render a
14 decision in the same manner as provided in section
15 455B.200E, as enacted by this Act.

16 Sec. 61. ESTABLISHMENT OF A MASTER MATRIX —
17 TECHNICAL ADVISORY COMMITTEE.

18 1. The department of natural resources shall adopt
19 rules establishing a master matrix as required
20 pursuant to section 455B.200F according to
21 recommendations made to the department by a technical
22 advisory committee established pursuant to this
23 section. The technical advisory committee shall be
24 composed of all of the following:

- 25 a. A designee of the secretary of agriculture.
- 26 b. A designee of the director of the department of
27 natural resources.
- 28 c. A designee of the president of the university
29 of Iowa.
- 30 d. A designee of the president of Iowa state
31 university.
- 32 e. A representative of the Iowa environmental
33 council.
- 34 f. A representative of the Iowa state association
35 of counties.
- 36 g. A representative of the Iowa farm bureau
37 federation.
- 38 h. A representative of the Iowa's farmers union.
- 39 i. Two representatives of organizations
40 representing livestock producers who shall be jointly
41 designated to the department of natural resources by
42 the Iowa pork producers association, the Iowa
43 cattlemens' association, the Iowa dairy products
44 association, the Iowa poultry association, and the
45 Iowa turkey federation.

46 The department of natural resources shall provide
47 administrative support to the committee. The attorney
48 general shall appoint an assistant attorney general to
49 provide the committee with legal counsel and
50 assistance.

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1 2. In establishing the scoring system for the
2 master matrix, only positive points shall be used.
3 The master matrix shall be designed as a menu of items
4 with positive points assigned to each item within the
5 selection list. The matrix shall not include any
6 deduction of points.

7 3. The department shall adopt rules pursuant to
8 chapter 17A in order to carry out the requirements of
9 this section. Based on the committee's
10 recommendations to establish a master matrix, the
11 department shall provide a draft of a notice of
12 intended action to the environmental protection
13 commission not later than during its September 2002
14 meeting. The department's notice of intended action
15 shall not be published later than in the November 27,
16 2002, issue of the Iowa administrative bulletin. The
17 notice of intended action required under this section
18 shall include a statement of the terms or substance of
19 the intended action in the manner provided for in
20 section 17A.4. The rules shall take effect on March
21 1, 2003.

22 Sec. 62. DEPARTMENT OF NATURAL RESOURCES —
23 APPROVAL OF APPLICATIONS FOR CONSTRUCTION PERMITS —
24 USING INTERIM MATRIX.

25 1. Notwithstanding sections 455B.200A and
26 455B.200F, the department shall approve or disapprove
27 an application for a permit to construct a confinement
28 feeding operation structure pursuant to section
29 455B.200A, if an application is submitted according to
30 procedures required by the department, the application
31 meets standards established under chapter 455B, as
32 amended by this Act, and the application complies with
33 the requirements of this section. This section does
34 not apply to the expansion of a confinement feeding
35 operation that includes a confinement feeding
36 operation structure constructed prior to April 1,
37 2002, due to the construction or expansion of a
38 confinement feeding operation structure if after the
39 expansion of the confinement feeding operation, its
40 animal unit capacity is one thousand six hundred
41 sixty-six animal units or less.

42 2. This section applies on and after the date that
43 the department publishes a notice in the Iowa
44 administrative bulletin commencing its evaluation of
45 applications under this section.

46 3. The department shall approve or disapprove an
47 application based on an interim matrix. The interim
48 matrix shall be used to award points as provided in
49 this subsection. In order to be issued a construction
50 permit, a person must achieve one hundred points. The

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1 points shall be awarded as follows:

2 a. The following criteria shall apply to
3 separation distances. The separation distances
4 provided in this paragraph shall apply in addition to
5 separation distances required for confinement feeding
6 operation structures or for the application of manure
7 originating from confinement feeding operations as
8 provided in chapter 455B, divisions II and III, as
9 provided in the 2001 Code of Iowa, unless otherwise
10 provided in this paragraph "a".

11 (1) The following criteria shall apply to require
12 additional separation distances between a proposed
13 confinement feeding operation structure and a
14 residence not owned by the owner of the confinement
15 feeding operation, a commercial enterprise, a bona
16 fide religious institution, or an educational
17 institution as provided in section 455B.162:

18 (a) Two hundred fifty or more feet but less than
19 five hundred feet: five points.

20 (b) Five hundred or more feet but less than seven
21 hundred fifty feet: ten points.

22 (c) Seven hundred fifty or more feet but less than
23 one thousand feet: fifteen points.

24 (d) One thousand or more feet but less than one
25 thousand two hundred fifty feet: twenty points.

26 (e) One thousand two hundred fifty or more feet:
27 twenty-five points.

28 (2) The following criteria shall apply to require
29 additional separation distances between a proposed
30 confinement feeding operation structure and a public
31 use area as provided in section 455B.162 or a primary
32 highway as defined in section 306C.10:

33 (a) Two hundred fifty or more feet but less than
34 five hundred feet: five points.

35 (b) Five hundred or more feet but less than seven
36 hundred fifty feet: ten points.

37 (c) Seven hundred fifty or more feet but less than
38 one thousand feet: fifteen points.

39 (d) One thousand or more feet but less than one
40 thousand two hundred fifty feet: twenty points.

41 (e) One thousand two hundred fifty or more feet:
42 twenty-five points.

43 (3) The following criteria shall apply to require
44 additional separation distances between a proposed
45 confinement feeding operation structure and a major
46 water source as provided in section 455B.204 or a
47 high-quality water resource as defined in section
48 455B.200B, as enacted in this Act:

49 (a) Two hundred fifty or more feet but less than
50 five hundred feet: five points.

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- 1 (b) Five hundred or more feet but less than seven
2 hundred fifty feet: ten points.
- 3 (c) Seven hundred fifty or more feet but less than
4 one thousand feet: fifteen points.
- 5 (d) One thousand or more feet but less than one
6 thousand two hundred fifty feet: twenty points.
- 7 (e) One thousand two hundred fifty or more feet:
8 twenty-five points.
- 9 (4) The following criteria shall apply to require
10 additional separation distances between a proposed
11 confinement feeding operation structure and a critical
12 public area as defined in section 455B.200B,
13 subsection 6, as enacted by this Act:
- 14 (a) One thousand or more feet but less than one
15 thousand two hundred fifty feet: twenty points.
- 16 (b) One thousand two hundred fifty or more feet:
17 twenty-five points.
- 18 (5) The following criteria shall apply to require
19 an additional separation distance of five hundred or
20 more feet between a proposed confinement feeding
21 operation structure and a watercourse, other than a
22 major water source, as provided in section 455B.204:
23 five points.
- 24 (6) The following criteria shall apply to require
25 additional separation distances between the
26 application of manure originating from a confinement
27 feeding operation and a residence not owned by the
28 owner of the confinement feeding operation, or a
29 commercial enterprise, bona fide religious
30 institution, or an educational institution as provided
31 in section 455B.162:
- 32 (a) Two hundred fifty or more feet but less than
33 five hundred feet: five points.
- 34 (b) Five hundred or more feet but less than seven
35 hundred fifty feet: ten points.
- 36 (c) Seven hundred fifty or more feet but less than
37 one thousand feet: fifteen points.
- 38 (d) One thousand or more feet but less than one
39 thousand two hundred fifty feet: twenty points.
- 40 (e) One thousand two hundred fifty or more feet:
41 twenty-five points.
- 42 An applicant who incorporates manure by injection
43 shall be entitled to the following: fifteen points.
- 44 (7) The following criteria shall apply to require
45 an additional separation distance between the
46 application of manure originating from a confinement
47 feeding operation and a public use area as provided in
48 section 455B.162 or a primary highway as defined in
49 section 306C.10:
- 50 (a) Two hundred fifty or more feet but less than

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1 five hundred feet: five points.

2 (b) Five hundred or more feet but less than seven
3 hundred fifty feet: ten points.

4 (c) Seven hundred fifty or more feet but less than
5 one thousand feet: fifteen points.

6 (d) One thousand or more feet but less than one
7 thousand two hundred fifty feet: twenty points.

8 (e) One thousand two hundred fifty or more feet:
9 twenty-five points.

10 (8) The following criteria shall apply to require
11 additional separation distances between the
12 application of manure originating from a confinement
13 feeding operation and a critical public area as
14 defined in section 455B.200B, subsection 6, as enacted
15 in this Act:

16 (a) One thousand or more feet but less than one
17 thousand two hundred fifty feet: twenty points.

18 (b) One thousand two hundred fifty or more feet:
19 twenty-five points.

20 An applicant who incorporates manure by injection
21 shall be entitled to the following: fifteen points.

22 (9) The following criteria shall apply to require
23 additional separation distances between the
24 application of manure originating from a confinement
25 feeding operation and a major water source:

26 (a) One thousand or more feet but less than one
27 thousand two hundred fifty feet: twenty points.

28 (b) One thousand two hundred fifty or more feet:
29 twenty-five points.

30 (10) The following criteria shall apply to require
31 additional separation distances between the
32 application of manure originating from a confinement
33 feeding operation and a high-quality water resource as
34 defined in section 455B.200B, as enacted in this Act:

35 (a) Five hundred or more feet but less than seven
36 hundred fifty feet: ten points.

37 (b) Seven hundred fifty or more feet but less than
38 one thousand feet: fifteen points.

39 (c) One thousand or more feet but less than one
40 thousand two hundred fifty feet: twenty points.

41 (d) One thousand two hundred fifty or more feet:
42 twenty-five points.

43 (11) The following criteria shall apply to require
44 additional separation distances required for the
45 application of manure originating from a confinement
46 feeding operation and a watercourse other than a major
47 water source as provided in section 455B.204: five
48 points.

49 b. The following points shall be awarded if a
50 confinement feeding operation is located on land owned

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- 1 or operated by the same family for three or more
2 years: fifteen points.
- 3 c. The following points shall be awarded if the
4 owner of the confinement feeding operation owns the
5 animals maintained by the confinement feeding
6 operation and provides substant structure: ten
7 points.
- 8 d. The following criteria shall apply to a
9 confinement feeding operation located on land owned by
10 one of the following persons:
- 11 (1) A person who resides on the land: five
12 points.
- 13 (2) A person who closest resides to the proposed
14 confinement feeding operation structure: ten points.
- 15 (3) A person who performs the majority of the
16 physical work which significantly contributes to the
17 operation: ten points.
- 18 (4) A person who is involved in making substantial
19 improvements to the confinement feeding operation, if
20 the improvements do not provide for expansion by more
21 than one hundred fifty percent of the animal unit
22 capacity of the confinement feeding operation: ten
23 points.
- 24 (5) A person who qualifies as a beginning farmer
25 as defined in section 175.2: fifteen points.
- 26 e. The following criteria shall apply to an owner
27 of a confinement feeding operation who provides for
28 the following manure management practices:
- 29 (1) The incorporation of manure within twenty-four
30 hours: five points.
- 31 (2) The use of a cover over a manure storage
32 structure or a natural crust or oil sprinkling: five
33 points.
- 34 (3) Participation in the United States department
35 of agriculture natural resource and conservation
36 program referred to as the "filter strip program at 33
37 feet": ten points.
- 38 (4) The installation of a filter designed to
39 reduce odors from exhaust fans: ten points.
- 40 (5) The utilization of feed or feed additives
41 containing high phytase corn: ten points.
- 42 (6) The utilization of a biofilter or impermeable
43 cover: ten points.
- 44 (7) The utilization of a methane digester
45 (recovery) system for energy or an anaerobic digester:
46 twenty-five points.
- 47 (8) The utilization of landscaping or other
48 similar controls approved by the department: ten
49 points.
- 50 (9) The establishment or expansion of a filter

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1 strip from thirty-three feet or more up to one hundred
2 twenty feet: fifteen points.

3 (10) The construction of a secondary containment
4 structure: fifteen points.

5 (11) The construction of a manure storage
6 structure beneath a confinement feeding operation
7 structure building: ten points.

8 (12) Participation in the United States department
9 of agriculture natural resource and conservation
10 service program referred to as the "contour buffer
11 strip program": twenty-five points.

12 Sec. 63. 1995 Iowa Acts, chapter 195, section 37,
13 as amended by 1998 Iowa Acts, chapter 1209, section
14 40, is repealed.

15 Sec. 64. INTERIM APPROVAL OF APPLICATIONS FOR
16 CONSTRUCTION PERMITS — REPEAL. The section of this
17 Act providing for the interim approval of applications
18 for construction permits by the department of natural
19 resources is repealed March 1, 2003.

20 Sec. 65. INTERIM COUNTY PARTICIPATION REPEAL. The
21 section of this Act providing for interim county
22 participation in the approval of construction permits
23 for confinement feeding operation structures is
24 repealed March 1, 2003, and the rights of applicants'
25 boards of supervisors to contest departmental
26 decisions. However, the provisions of the section
27 shall continue to apply to applications received by a
28 county board of supervisors prior to March 1, 2002.

29 DIVISION II

30 DIRECTIONS TO CODE EDITOR, 31 CHANGE THE NAME OF TERMS AND 32 TRANSFER TO NEW TITLE

33 Sec. 66. CHANGE OF NAME OF TERMS.

34 1. The Code editor is directed to change the term
35 "animal feeding operation structure" or "an animal
36 feeding operation structure" to "confinement feeding
37 operation structure" or "a confinement feeding
38 operation structure" wherever the term appears in
39 section 455B.161A, subsection 2, Code 2001; section
40 455B.162, subsection 3, Code 2001; section 455B.163,
41 subsection 3, paragraph "d", Code 2001; section
42 455B.165, subsection 3, paragraph "b", and subsections
43 6 and 8, Code 2001; section 455B.200B, subsection 2,
44 Code 2001; and section 455B.202, subsection 2,
45 paragraphs "c" and "d", Code 2001.

46 2. The Code editor is directed to change the term
47 "animal feeding operation structures" to "confinement
48 feeding operation structures" wherever the term
49 appears in section 455B.161A, subsection 2, paragraph
50 "c", Code 2001; section 455B.200B, subsection 2, Code

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1 2001; and section 455B.162, unnumbered paragraph 1,
2 Code 2001.

3 3. The Code editor is directed to change the term
4 "animal feeding operation" or "an animal feeding
5 operation" to "confinement feeding operation" or "a
6 confinement feeding operation" wherever it appears in
7 section 455B.163, unnumbered paragraph 1, Code 2001;
8 section 455B.163, subsection 3, paragraph "c", Code
9 2001; section 455B.165, subsection 6, Code 2001; and
10 section 455B.205, subsection 3, paragraph "b", Code
11 2001.

12 4. The Code editor is directed to change the
13 phrase "confinement feeding operation structure or
14 anaerobic lagoon which is part of a confinement
15 feeding operation" to "confinement feeding operation
16 structure" wherever the phrase appears in section
17 455B.191, subsection 7, Code 2001.

18 5. The Code editor is directed to change the
19 phrase "an animal feeding operation structure which is
20 part of a confinement feeding operation" to "a
21 confinement feeding operation structure" wherever the
22 phrase appears in section 455B.202, subsection 2, Code
23 2001.

24 6. The Code editor is directed to change the term
25 "bovine" to "cattle" wherever the term appears in Code
26 section 455B.162, Code 2001.

27 **Sec. 67. DIRECTIONS TO THE CODE EDITOR.**

28 1. The Code editor is directed to transfer and
29 consolidate provisions concerning animal agriculture
30 into new chapter 456D, consistent with this section
31 and the authority of the Code editor pursuant to
32 chapter 2B. As part of this transfer and
33 consolidation, the Code editor shall divide the
34 chapters into subchapters as follows:

35 a. Subchapter 1 shall include a new section
36 stating the following: This chapter shall be known
37 and may be cited as the "Animal Agriculture Compliance
38 Act". Section 455B.161, as amended by this Act, shall
39 be transferred to subchapter 1. Section 455B.171,
40 subsections 7, 33, and 44, shall be transferred and
41 consolidated into section 455B.161 as transferred to
42 subchapter 1. Section 455J.1, subsections 4, 6, and
43 9, shall be transferred and consolidated into section
44 455B.161 as transferred to subchapter 1. Section
45 455B.200B, subsection 6, as enacted by this Act, shall
46 be consolidated into section 455B.161 as transferred
47 to subchapter 1. Section 455B.200, as amended by this
48 Act, shall also be transferred to subchapter 1.

49 b. Chapter 455B, division II, part 2, including
50 sections amended or enacted by this Act, with the

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1 exception of section 455B.164, shall be transferred to
2 new chapter 456D, as subchapter 2.

3 c. Chapter 455B, division III, part 1, subpart A,
4 as enacted in this Act, with the exception of section
5 455B.200, as amended by this Act, and section
6 455B.207, as enacted by this Act, shall be transferred
7 to new chapter 456D, as subchapter 3.

8 d. Sections 455B.125 through 455B.127, as enacted
9 by this Act, shall be transferred to new chapter 456D,
10 as subchapter 4.

11 e. Chapter 455J, with the exception of section
12 455J.1, shall be transferred to new chapter 456D, as
13 subchapter 5.

14 f. Section 455B.110, as amended by this Act, is
15 transferred to new chapter 456D, as subchapter 6.
16 Sections 455B.167, and 455B.207, as enacted by this
17 Act; section 455B.191, subsection 7, Code 2001, and
18 section 455B.191, subsection 8, as amended by this
19 Act; and section 455B.104, subsection 2, are
20 transferred as new sections to new subchapter 6.

21 2. The Code editor is directed to transfer chapter
22 455I to new chapter 456C. Subchapter 1 shall include
23 section 455I.1, subsections 1 through 4 and 6 through
24 13, Code 2001. Subchapter 2 shall include a new
25 section stating the following: As used in this
26 subchapter, unless the context otherwise requires,
27 "department" means the department of natural
28 resources. Subchapter 2 shall include sections 455I.2
29 through 455I.7. Subchapter 3 shall include a new
30 section stating the following: As used in this
31 subchapter, unless the context otherwise requires,
32 "department" means the department of agriculture and
33 land stewardship. The Code editor is directed to
34 transfer sections 159.28 through 159.29B, Code 2001,
35 to new chapter 456C, subchapter 3.

36 Sec. 68. Section 455B.164, Code 2001, is repealed.

37 DIVISION III

38 RETROACTIVE APPLICABILITY AND EFFECTIVE DATES

39 Sec. 69. RETROACTIVE APPLICATION.

40 1. If the provisions of this Act would apply to
41 require that a person must be issued a construction
42 permit as provided in section 455B.200A, as amended by
43 this Act, upon the enactment of this Act, for the
44 construction of a confinement feeding operation
45 structure, the requirements of section 455B.200A, as
46 amended by this Act, shall apply retroactively as
47 provided in this section. The provisions of this
48 section shall apply retroactively only if all of the
49 following are satisfied:

50 a. An application for a permit to construct the

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1 confinement feeding operation structure was submitted
2 to the department on or after April 1, 2002, but prior
3 to the enactment of this Act, regardless of whether
4 the department has approved the application; a manure
5 management plan was submitted to the department
6 without a construction permit as provided in 567 IAC
7 65.16(2) on or after April 1, 2002, but prior to the
8 enactment of this Act regardless of whether the
9 department has approved the manure management plan; or
10 construction of a confinement feeding operation
11 structure has not begun upon the enactment of this Act
12 and the person would otherwise be required to submit a
13 manure management plan prior to the construction of
14 the confinement feeding operation structure as
15 provided in section 455B.203, as amended in this Act.

16 b. The department has not received evidence that
17 an applicant or person submitting or required to
18 submit a manure management plan as provided in
19 subsection 2, has incurred commitments based on a
20 reliance of the law as the law existed on March 31,
21 2002. The commitments must constitute a legal
22 obligation for performance by the person to construct
23 a confinement feeding operation structure.

24 2. This Act shall not apply retroactively other
25 than as provided in this section. The department
26 shall approve or disapprove a pending construction
27 permit application or manure management plan not
28 subject to subsection 1 and a person may construct a
29 confinement feeding operation structure according to
30 the applicable requirements of the 2001 Code of Iowa
31 and rules adopted by the department and in effect on
32 March 31, 2002.

33 3. Until March 1, 2003, the department shall use
34 the interim matrix as provided in this Act in lieu of
35 the master matrix required to be used pursuant to
36 section 455B.200E.

37 Sec. 70. EFFECTIVE DATES.

38 1. Except as provided in subsections 2 and 3, this
39 Act, being deemed of immediate importance, takes
40 effect upon enactment.

41 2. The sections of this Act amending sections
42 455B.162, 455B.163, 455B.204, and 455B.204A, take
43 effect on March 1, 2003. Sections 455B.200C and
44 455B.200E, as enacted in this Act, take effect on
45 March 1, 2003.

46 3. Notwithstanding section 455B.203, as amended by
47 this Act, a person shall not be required to submit a
48 manure management plan update earlier than March 1,
49 2003. The department shall adopt rules necessary to
50 administer this Act including these sections on and

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- 1 after the enactment of this Act."
 2 2. Title page, line 1, by inserting after the
 3 word "agriculture" the following: ", providing for
 4 fees, providing for penalties, and including
 5 retroactive applicability and effective date
 6 provisions".
 7 3. By renumbering, redesignating, and correcting
 8 internal references as necessary.

COMMITTEE ON AGRICULTURE
 JERRY BEHN, Chair

S-5438

- 1 Amend Senate File 2330 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. **NEW SECTION.** 331.386 REGIONAL
 5 TRANSIT DISTRICT AUTHORIZED — DEFINITION — FINANCE
 6 AUTHORITY.
 7 1. **DEFINITION.** As used in this section, unless
 8 the context otherwise requires, "regional transit
 9 district" means a public transit district created
 10 pursuant to an agreement pursuant to chapter 28E by
 11 one or more counties or cities to provide support for
 12 transportation passengers by one or more public
 13 transit systems designated under chapter 324A.
 14 2. **REGIONAL TRANSIT DISTRICT CREATED.**
 15 a. One or more counties may create a regional
 16 transit district consisting of the area of any
 17 participating county outside cities served by an urban
 18 transit system and the incorporated area of any
 19 participating city. The areas included in a regional
 20 transit district need not be contiguous, but the
 21 parties to a chapter 28E agreement creating a regional
 22 transit district shall include at least one county,
 23 plus any of the following:
 24 (1) Any contiguous counties which choose to
 25 participate.
 26 (2) Any cities which choose to participate,
 27 provided the cities are located within a participating
 28 county or within a county contiguous to a
 29 participating county or to a county with at least one
 30 participating city.
 31 b. The governing body of a regional transit
 32 district has all the rights, powers, privileges, and
 33 immunities of a local government relating to the
 34 purpose for which the regional transit district is
 35 created. In exercising its powers, the governing body
 36 may establish a schedule of fares and collect fares

37 for the transportation of passengers.
 38 3. TAX AUTHORITY. The governing body of a
 39 regional transit district may impose a tax levy which
 40 shall not exceed the rate of ninety-five cents per
 41 thousand dollars of the assessed value of all taxable
 42 property in the regional transit district. The
 43 proceeds of the tax levy shall be used for works and
 44 facilities useful for the transportation of passengers
 45 who present themselves for transportation without
 46 discrimination up to the capacity of each public
 47 transit vehicle. The governing body of a regional
 48 transit district may divide a regional transit
 49 district into separate service areas and impose a
 50 separate levy not to exceed the maximum rate

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1 authorized in this subsection in each service area.
 2 If a city is included in a regional transit district,
 3 the tax levy authorized pursuant to section 384.12,
 4 subsection 10, shall be reduced by the tax levy
 5 imposed by the regional transit district within the
 6 city or part of the city pursuant to this subsection.
 7 A tax levy imposed pursuant to section 384.12,
 8 subsection 10, and this subsection shall not exceed
 9 the aggregate of ninety-five cents per thousand
 10 dollars of the assessed value of all taxable property
 11 in a participating city.
 12 4. BONDING AUTHORITY.
 13 a. The establishment, construction,
 14 reconstruction, repair, equipping, remodeling,
 15 extension, maintenance, and operation of works,
 16 vehicles, and facilities of a regional transit
 17 district may be financed by revenue bonds as a county
 18 enterprise pursuant to division IV, part 4.
 19 b. The establishment, construction,
 20 reconstruction, repair, equipping, remodeling,
 21 extension, maintenance, and operation of works,
 22 vehicles, and facilities of a regional transit
 23 district may be financed by general obligation bonds
 24 as an essential county purpose pursuant to division
 25 IV, part 3.
 26 Sec. ____. Section 331.441, subsection 2, paragraph
 27 b, Code Supplement 2001, is amended by adding the
 28 following new subparagraph:
 29 NEW SUBPARAGRAPH. (15) The establishment,
 30 construction, reconstruction, repair, equipping,
 31 remodeling, extension, maintenance, and operation of
 32 works, vehicles, and facilities of a regional transit
 33 district.
 34 Sec. ____. Section 331.461, subsection 2, Code
 35 Supplement 2001, is amended by adding the following

36 new paragraph:

37 NEW PARAGRAPH. h. A regional transit district
38 including the establishment, construction,
39 reconstruction, repair, equipping, remodeling,
40 extension, maintenance, and operation of its works,
41 vehicles, and facilities.

42 Sec. ____ Section 384.12, subsection 10, Code
43 2001, is amended to read as follows:

44 10. A tax for the operation and maintenance of a
45 municipal transit system, and for the creation of a
46 reserve fund for the system, in an amount not to
47 exceed ninety-five cents per thousand dollars of
48 assessed value each year less the rate of tax levied
49 for a regional transit district, when the revenues
50 from the transit system are insufficient for such

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1 purposes, but proceeds of the tax may not be used to
2 pay interest and principal on bonds issued for the
3 purposes of the transit system."

4 2. Title page, line 3, by inserting after the
5 word "counties," the following: "authorizing the
6 imposition of a limited tax levy,".

7 3. By renumbering as necessary.

JEFF LAMBERTI

S-5439

HOUSE AMENDMENT TO
SENATE FILE 2118

1 Amend Senate File 2118, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 707B.1 TITLE.

6 This chapter shall be known and may be cited as the
7 "Human Cloning and Stem Cell Research Act".

8 Sec. 2. NEW SECTION. 707B.2 PURPOSE.

9 It is the purpose of this chapter to prohibit human
10 reproductive cloning for any purpose.

11 Sec. 3. NEW SECTION. 707B.3 DEFINITIONS.

12 As used in this chapter, unless the context
13 otherwise requires:

14 1. "Human cloning" means human asexual
15 reproduction, accomplished by introducing the genetic
16 material of a human somatic cell into an oocyte whose
17 nucleus has been removed or inactivated, to produce a
18 living organism with a human or predominantly human
19 genetic constitution.

20 2. "Human somatic cell" means a diploid cell,
 21 having a complete set of chromosomes, obtained or
 22 derived from a living or deceased human body at any
 23 stage of development.

24 3. "Nuclear transplantation" means introducing the
 25 nuclear material of a human somatic cell into a
 26 fertilized or unfertilized oocyte from which the
 27 nucleus has been or will be removed or inactivated.

28 4. "Oocyte" means the unfertilized human ovum.

29 Sec. 4. NEW SECTION. 707B.4 HUMAN CLONING —
 30 PROHIBITIONS — EXCEPTIONS — PENALTY.

31 1. A person shall not intentionally or knowingly
 32 do any of the following:

33 a. Perform or attempt to perform human cloning.
 34 b. Participate in performing or in an attempt to
 35 perform human cloning.
 36 c. Transfer or receive, in whole or in part, to
 37 ship, receive, or import the product of nuclear
 38 transplantation for the purpose of human cloning.
 39 d. Perform research on any fertilized oocyte,
 40 unless the fertilized oocyte was created for the
 41 purpose of in vitro fertilization, in excess of the
 42 clinical need, and subsequently donated for the
 43 purpose of research.

44 2. This chapter shall not restrict areas of
 45 scientific research not specifically prohibited,
 46 including in vitro fertilization; the administration
 47 of fertility-enhancing drugs; or be construed to
 48 restrict areas of biomedical, agricultural, or
 49 scientific research not specifically prohibited by
 50 this chapter. This chapter shall not be interpreted

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1 to prohibit the performance of human stem cell
 2 research in this state which is allowed as specified
 3 in subsection 1, paragraph "d".

4 3. Nuclear transplantation, including somatic cell
 5 nuclear transfer, shall not be performed in this state
 6 until on or after July 1, 2006.

7 4. a. A person who violates subsection 1,
 8 paragraph "a" or "b", is guilty of a class "C" felony.
 9 b. A person who violates subsection 1, paragraph
 10 "c", is guilty of an aggravated misdemeanor.

11 5. A person who violates this section in a manner
 12 that results in a pecuniary gain to the person is
 13 subject to a civil penalty in an amount that is twice
 14 the amount of the gross gain.

15 6. A person who violates this section and who is
 16 licensed pursuant to chapter 148, 150, or 150A is
 17 subject to revocation of the person's license.

18 7. A violation of this section is grounds for

19 denial of an application for, denial of renewal of, or
 20 revocation of any license, permit, certification, or
 21 any other form of permission required to practice or
 22 engage in any trade, occupation, or profession
 23 regulated by the state.

24 Sec 5. NEW SECTION. 707B.5 DONATION AND INFORMED
 25 CONSENT FOR STEM CELL RESEARCH.

26 Notwithstanding any provision of this chapter to
 27 the contrary, human embryos created only for the
 28 purpose of in vitro fertilization, in excess of the
 29 clinical need, may be donated for the purpose of stem
 30 cell research and treatment and those human embryos
 31 donated may be used for research and treatment, if the
 32 donation meets all of the following requirements:

- 33 1. The donation is voluntary.
 - 34 2. No inducement, monetary or of any other nature,
 35 is offered in exchange for the donation.
 - 36 3. Informed consent for the donation is obtained
 37 from the individuals participating in the in vitro
 38 fertilization treatments.
 - 39 4. The individuals participating in the in vitro
 40 fertilization treatments are informed that the human
 41 embryos may be placed for adoption."
- 42 2. Title page, lines 1 and 2, by striking the
 43 words "the use or destruction of the materials of
 44 human reproduction" and inserting the following:
 45 "human cloning and stem cell research".

S-5440

HOUSE AMENDMENT TO SENATE FILE 2323

- 1 Amend Senate File 2323, as passed by the Senate, as
 2 follows:
- 3 1. Page 1, line 18, by striking the word "a" and
 4 inserting the following: "an accredited".
 - 5 2. Page 1, by striking line 19, and inserting the
 6 following: "this state, on a full-time or part-time
 7 basis in a course of study leading to a collegiate or
 8 associate degree of nursing, a diploma in nursing, or
 9 a graduate or equivalent degree in nursing, if the".
 - 10 3. Page 1, line 29, by striking the words
 11 "registered nurse" and inserting the following:
 12 "student".
 - 13 4. Page 1, by striking lines 32 and 33, and
 14 inserting the following:
 15 "3. A student enrolled at an accredited school of
 16 nursing, which is located in this state, on a full-
 17 time or part-time basis in a course of study leading
 18 to a collegiate or associate degree of nursing, a
 19 diploma in nursing, or a graduate or equivalent degree

- 20 in nursing, shall be eligible for a tuition".
 21 5. Page 2, line 6, by striking the words
 22 "medically underserved rural".
 23 6. Page 2, line 10, by striking the words
 24 "medically underserved rural".
 25 7. Page 2, line 13, by inserting after the words
 26 "registered nurse" the following: "has received from
 27 an accredited school of nursing located in this state
 28 a collegiate or associate degree of nursing, a diploma
 29 in nursing, or a graduate or equivalent degree in
 30 nursing and".
 31 8. Page 2, by striking lines 14 through 17 and
 32 inserting the following: "practice in an eligible".
 33 9. Page 2, lines 21 and 22, by striking the words
 34 "medically underserved".
 35 10. Page 2, line 26, by striking the words
 36 "medically underserved".
 37 11. Page 2, by striking line 28 and inserting the
 38 following: "community" means a".
 39 12. Page 2, line 29, by striking the word
 40 "rural".

S-5441

- 1 Amend the House amendment, S-5439, to Senate File
 2 2118, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. By striking page 1, line 5, through page 2,
 5 line 45, and inserting the following:
 6 ""Section 1. NEW SECTION. 707B.1 TITLE.
 7 This chapter shall be known and may be cited as the
 8 "Human Cloning Prohibition Act".
 9 Sec. 2. NEW SECTION. 707B.2 PURPOSE.
 10 It is the purpose of this chapter to prohibit human
 11 cloning for any purpose, whether for reproductive
 12 cloning or therapeutic cloning.
 13 Sec. 3. NEW SECTION. 707B.3 DEFINITIONS.
 14 As used in this chapter, unless the context
 15 otherwise requires:
 16 1. "Fetus" means a living organism of the species
 17 homo sapiens from eight weeks' development until
 18 complete expulsion or extraction from a woman's body,
 19 or until removal from an artificial womb or other
 20 similar environment designed to nurture the
 21 development of such organism.
 22 2. "Human cloning" means human asexual
 23 reproduction, accomplished by introducing the genetic
 24 material of a human somatic cell into a fertilized or
 25 unfertilized oocyte whose nucleus has been or will be
 26 removed or inactivated, to produce a living organism
 27 with a human or predominantly human genetic
 28 constitution.

29 3. "Human embryo" means a living organism of the
30 species homo sapiens from the single-celled stage to
31 eight weeks' development.

32 4. "Human somatic cell" means a cell having a
33 complete set of chromosomes obtained from a living or
34 deceased human organism of the species homo sapiens at
35 any stage of development.

36 5. "Oocyte" means a human ovum.

37 Sec. 4. NEW SECTION. 707B.4 HUMAN CLONING —
38 PROHIBITIONS — EXCEPTIONS — PENALTY.

39 1. A person shall not intentionally or knowingly
40 do any of the following:

41 a. Perform or attempt to perform human cloning.

42 b. Participate in performing or in an attempt to
43 perform human cloning.

44 c. Transfer or receive a cloned human embryo for
45 any purpose.

46 d. Transfer or receive, in whole or in part, any
47 oocyte, human embryo, fetus, or human somatic cell,
48 for the purpose of human cloning.

49 2. This section shall not restrict areas of
50 scientific research not specifically prohibited,

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1 including in vitro fertilization; the administration
2 of fertility-enhancing drugs; or research in the use
3 of nuclear transfer or other cloning techniques to
4 produce molecules, deoxyribonucleic acid, tissues,
5 organs, plants, animals other than humans, or cells
6 other than human embryos.

7 3. a. A person who violates subsection 1,
8 paragraph "a" or "b", is guilty of a class "C" felony.

9 b. A person who violates subsection 1, paragraph
10 "c" or "d", is guilty of an aggravated misdemeanor.

11 4. A person who violates this section in a manner
12 that results in a pecuniary gain to the person is
13 subject to a civil penalty in an amount that is twice
14 the amount of the gross gain.

15 5. A person who violates this section and who is
16 licensed pursuant to chapter 148, 150, or 150A is
17 subject to revocation of the person's license.

18 6. A violation of this section is grounds for
19 denial of an application for, denial of renewal of, or
20 revocation of any license, permit, certification, or
21 any other form of permission required to practice or
22 engage in any trade, occupation, or profession
23 regulated by the state.""

24 2. Title page, lines 1 and 2, by striking the
25 words "certain activities related to the use or
26 destruction of the materials of human reproduction"

27 and inserting the following: "human cloning".

28 3. By renumbering as necessary.

JOHN REDWINE
TOM FLYNN

S-5442

1 Amend House File 2622, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 16, by inserting after line 32, the
4 following:

5 "Sec. ____ Section 425.15, Code 2001, is amended
6 to read as follows:

7 425.15 DISABLED VETERAN TAX CREDIT.

8 If the owner of a homestead allowed a credit under
9 this chapter is a veteran of any of the military
10 forces of the United States, who acquired the
11 homestead under 38 U.S.C. § 21.801, 21.802, or 38
12 U.S.C. § 2101, 2102, the credit allowed on the
13 homestead from the homestead credit fund shall be the
14 entire amount of the tax levied on the homestead. The
15 credit allowed shall be continued to the estate of a
16 veteran who is deceased or the surviving spouse and
17 any child, as defined in section 234.1, who are the
18 beneficiaries of a deceased veteran, so long as the
19 surviving spouse remains unmarried. This section is
20 not applicable to the holder of title to any homestead
21 whose annual income, together with that of the
22 titleholder's spouse, if any, for the last preceding
23 twelve-month income tax accounting period exceeds
24 ~~twenty-five~~ thirty-five thousand dollars. For the
25 purpose of this section "income" means taxable income
26 for federal income tax purposes plus income from
27 securities of state and other political subdivisions
28 exempt from federal income tax. A veteran or a
29 beneficiary of a veteran who elects to secure the
30 credit provided in this section is not eligible for
31 any other real property tax exemption provided by law
32 for veterans of military service. If a veteran
33 acquires a different homestead, the credit allowed
34 under this section may be claimed on the new homestead
35 unless the veteran fails to meet the other
36 requirements of this section."

37 2. Page 23, by inserting after line 3, the
38 following:

39 "Sec. ____ IMPLEMENTATION OF ACT. Section 25B.7
40 does not apply to the section of this Act amending
41 section 425.15 relating to the disabled veteran tax
42 credit."

43 3. Page 23, by inserting after line 33, the
44 following:

45 " _____. The section of this Act amending section
46 425.15, relating to the disabled veteran tax credit,
47 being deemed of immediate importance, takes effect
48 upon enactment and applies retroactively to January 1,
49 2002, for homestead credit claims filed or on file on
50 or after that date."

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1 4. By renumbering as necessary.

MARY A. LUNDBY

S-5443

1 Amend the amendment, S-5437, to Senate File 2293,
2 as follows:
3 1. Page 5, line 38, by inserting after the word
4 "thousand" the following: "three hundred thirty-
5 three".
6 2. Page 11, by striking lines 13 through 15, and
7 inserting the following:
8 "1. a. ~~An animal~~ For a confinement feeding
9 operation structure as constructed or expanded prior
10 to January 1, 1999, any construction or expansion of a
11 confinement feeding operation structure complies with
12 the distance requirements".
13 3. Page 11, by striking lines 18 through 20, and
14 inserting the following:
15 "b. ~~An animal~~ For a confinement feeding operation
16 structure as constructed or expanded on or after
17 January 1, 1999, but prior to March 1, 2003, any
18 construction or expansion of a confinement feeding
19 operation structure complies".
20 4. Page 11, by striking lines 24 and 25, and
21 inserting the following:
22 "c. For a confinement feeding operation
23 constructed on or after March 1, 2003, any
24 construction or expansion of a confinement feeding
25 operation structure".
26 5. Page 12, lines 1 and 2, by striking the word
27 and figure "March 31" and inserting the following:
28 "March 1".
29 6. Page 13, line 28, by striking the words "a
30 confinement" and inserting the following: "an
31 animal".
32 7. Page 13, lines 36 and 37, by striking the
33 words "or emission limitation".
34 8. Page 13, lines 39 and 40, by striking the
35 words "under the comprehensive plans and programs".
36 9. Page 15, by striking lines 22 through 28, and
37 inserting the following:

38 "1. The department shall ~~issue approve or~~
 39 ~~disapprove applications for permits for the~~
 40 ~~construction, including the expansion, of animal~~
 41 ~~confinement feeding operation structures, including~~
 42 ~~structures which are part of confinement feeding~~
 43 ~~operations, as provided by rules adopted pursuant to~~
 44 ~~section 455B-200 this chapter. The department's~~
 45 ~~decision to approve or disapprove a permit for the~~
 46 ~~construction of a confinement feeding operation shall~~
 47 ~~be based on whether the application is submitted~~
 48 ~~according to procedures required by the department and~~
 49 ~~the application meets standards established by the~~
 50 ~~department. A".~~

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1 10. Page 17, line 1, by inserting after the word
 2 "operation" the following: "structure".
 3 11. Page 34, by striking lines 38 through 42 and
 4 inserting the following: "the rules."
 5 12. Page 36, line 42, by striking the word
 6 "filing" and inserting by following: "submitting".
 7 13. Page 49, line 6, by striking the words
 8 "substant structure" and inserting the following:
 9 "substantial labor in providing for their
 10 maintenance".
 11 14. Page 50, by inserting after line 11, the
 12 following:
 13 "____. The following points shall be awarded if the
 14 confinement feeding operation provides for the
 15 distribution of bulk dry animal nutrient products, the
 16 person receiving the product agrees that the product
 17 will be incorporated, and the person who incorporates
 18 the manure includes the condition as part of the
 19 person's manure management plan: twenty-five points."
 20 15. Page 50, line 28, by striking the figure
 21 "2002" and inserting the following: "2003".

JEFF ANGELO

S-5444

1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:
 3 1. Page 34, by striking lines 45 through 50.
 4 2. By renumbering, redesignating, and correcting
 5 internal references as necessary.

EUGENE S. FRAISE

S-5445

1 Amend House File 2549, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 1, through page 2,
4 line 23, and inserting the following:

5 "Section 1. Section 256.9, subsection 50, Code
6 Supplement 2001, is amended by striking the
7 subsection.

8 Sec. ____. Section 272.2, subsection 1, paragraph
9 b, Code Supplement 2001, is amended by striking the
10 paragraph.

11 Sec. ____. Section 272.2, subsection 16, Code
12 Supplement 2001, is amended by striking the
13 subsection."

14 2. By striking page 3, line 11, through page 12,
15 line 31, and inserting the following:

16 "Sec. ____. Section 284.2, subsections 3, 6, and 8
17 through 10, Code Supplement 2001, are amended by
18 striking the subsections.

19 Sec. ____. Section 284.5, subsection 1, Code
20 Supplement 2001, is amended to read as follows:

21 1. A beginning teacher mentoring and induction
22 program is created to promote excellence in teaching,
23 enhance student achievement, build a supportive
24 environment within school districts, increase the
25 retention of promising beginning teachers, and promote
26 the personal and professional well-being of classroom
27 teachers. ~~Prior to the completion of the 2001-2002~~
28 ~~school year~~ If the general assembly appropriates
29 moneys for purposes of implementing a statewide
30 beginning teacher mentoring and induction program, a
31 school district shall, at a minimum, provide an
32 approved beginning teacher mentoring and induction
33 program for all classroom teachers who are beginning
34 teachers.

35 Sec. ____. Section 284.5, subsection 3, Code
36 Supplement 2001, is amended by striking the
37 subsection.

38 Sec. ____. Section 284.5, subsection 6, Code
39 Supplement 2001, is amended to read as follows:

40 6. Upon completion of the program, the beginning
41 teacher shall be ~~comprehensively~~ evaluated to
42 determine if the teacher meets school district
43 ~~expectations to move to the career level for a~~
44 classroom teacher. The school district shall
45 recommend a beginning teacher who has successfully
46 completed the program for an educational license. A
47 school district may offer a teacher a third year of
48 participation in the program if, after conducting a
49 ~~comprehensive an~~ evaluation, the school district
50 determines that the teacher is likely to successfully

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1 complete the mentoring and induction program by the
2 end of the third year of eligibility. A teacher
3 granted a third year of eligibility shall develop a
4 teacher's mentoring and induction program plan in
5 accordance with this chapter and shall undergo a
6 comprehensive ~~an~~ evaluation at the end of the third
7 year. The board of educational examiners shall grant
8 a one-year extension of the beginning teacher's
9 provisional license upon notification by the school
10 district that the teacher will participate in a third
11 year of the school district's program.

12 Sec. ____ Section 284.6, Code Supplement 2001, is
13 amended by striking the section and inserting in lieu
14 thereof the following:

15 284.6 BEGINNING TEACHER MENTORING AND INDUCTION —
16 AWARD — STATE SUBSIDY.

17 1. A mentor in a beginning teacher mentoring and
18 induction program approved under this chapter shall be
19 eligible for an award of one thousand dollars per
20 semester, at a minimum, for participation in the
21 program, which shall be paid from moneys received
22 pursuant to this chapter by the school district.

23 2. Moneys received by a school district pursuant
24 to this chapter shall be expended to provide mentors
25 with awards in accordance with subsection 1, to
26 implement the plan, to provide for a stipend for the
27 district facilitator, and to pay any applicable costs
28 of the employer's share of contributions to federal
29 social security and the Iowa public employees'
30 retirement system or a pension and annuity retirement
31 system established under chapter 294, for such amounts
32 paid by the district.

33 3. Moneys received by a school district under this
34 chapter are miscellaneous income for purposes of
35 chapter 257 or are considered encumbered. A school
36 district shall maintain a separate listing within its
37 budget for payments received and expenditures made
38 pursuant to this section.

39 Sec. ____ Section 294A.14, unnumbered paragraph 3,
40 Code Supplement 2001, is amended to read as follows:

41 A plan shall be developed using the procedure
42 specified under section 294A.15. The plan shall
43 provide for the establishment of a performance-based
44 pay plan, a supplemental pay plan, a combination of
45 the two pay plans, or comprehensive school
46 transformation programs, and shall include a budget
47 for the cost of implementing the plan. In addition to
48 the costs of providing additional salary for teachers
49 and the amount required to pay the employers' share of
50 the federal social security and Iowa public employees'

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1 retirement system, or a pension and annuity retirement
 2 system established under chapter 294, and payments on
 3 the additional salary, the budget may include costs
 4 associated with providing specialized or general
 5 training. Moneys received under phase III shall not
 6 be used to employ additional employees of a school
 7 district, except that phase III moneys may be used to
 8 employ substitute teachers, part-time teachers, and
 9 other employees needed to implement plans that provide
 10 innovative staffing patterns, or require that a
 11 teacher employed on a full-time basis be absent from
 12 the classroom for specified periods for fulfilling
 13 other instructional duties ~~or to participate on a peer~~
 14 ~~review team or in peer coaching efforts~~. However, all
 15 teachers employed are eligible to receive additional
 16 salary under an approved plan.

17 Sec. ____ Sections 272.28, 284.1, 284.3, 284.4,
 18 and 284.7 through 284.13, Code Supplement 2001, are
 19 repealed.

20 Sec. ____ 2001 Iowa Acts, chapter 161, section 21,
 21 is repealed.

22 Sec. ____ EFFECTIVE DATE. The provision of this
 23 Act repealing 2001 Iowa Acts, chapter 161, section 21,
 24 being deemed of immediate importance, takes effect
 25 upon enactment."

26 3. Title page, line 2, by striking the word
 27 "amending" and inserting the following:
 28 "eliminating".

29 4. Title page, line 3, by inserting before the
 30 word "language" the following: "amending".

BILL FINK

S-5446

1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:

3 1. By striking page 1, line 4 through page 54,
 4 line 1, and inserting the following:
 5 "Section 1. Section 441.21, Code Supplement 2001,
 6 is amended by adding the following new subsection:
 7 NEW SUBSECTION. 12. Beginning with valuations
 8 established on or after January 1, 2003, an animal
 9 feeding operation structure which is part of a
 10 confinement feeding operation other than a small
 11 animal feeding operation, as provided in chapter 455B,
 12 shall be assessed as an agricultural commercial
 13 building and valued at an amount equal to the market
 14 value of the structure times the agricultural
 15 productivity factor, as determined by the county

16 assessor for the assessment year, for the county where
 17 the structure is located. The value determined under
 18 this subsection shall not be included in the aggregate
 19 whole value calculated according to the agricultural
 20 productivity formula for agricultural realty.
 21 Sec. 2. APPLICABILITY. Section 1 of this Act
 22 applies to assessment years beginning on or after
 23 January 1, 2003."
 24 2. Page 54, by striking lines 2 through 6, and
 25 inserting following:
 26 "____. Title page, line 1, by inserting after the
 27 word "agriculture" the following: "and providing for
 28 the assessment of agricultural feeding operation
 29 structures for purposes of property taxation and for
 30 the applicability of the assessment"."
 31 3. By renumbering as necessary.

MIKE SEXTON

S-5447

1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:
 3 1. Page 50, by inserting after line 11, the
 4 following:
 5 "Sec. ____ Section 657.11, Code 2001, is
 6 repealed."
 7 2. By renumbering as necessary.

JACK HOLVECK
 ROBERT E. DVORSKY
 MICHAEL E. GRONSTAL
 PATRICIA HARPER
 JOE BOLKCOM
 JOHNIE HAMMOND
 BETTY A. SOUKUP

S-5448

1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:
 3 1. Page 48, by inserting after line 9, the
 4 following:
 5 "An applicant who incorporates manure by injection
 6 shall be entitled to the following: fifteen points."
 7 2. Page 48, by striking lines 20 and 21.
 8 3. By renumbering, redesignating, and correcting
 9 internal references as necessary.

MARY A. LUNDBY

S-5449

- 1 Amend the amendment, S-5437, to Senate File 2293,
2 as follows:
3 1. Page 50, by inserting after line 11, the
4 following:
5 "Sec. ____ Sections 200.22 and 206.34, Code 2001,
6 are repealed."
7 2. By renumbering as necessary.

JOE BOLKCOM

S-5450

- 1 Amend the amendment, S-5437, to Senate File 2293,
2 as follows:
3 1. Page 1, by inserting after line 17 the
4 following:
5 "Sec. ____ Section 200.18, subsection 2, Code
6 2001, is amended to read as follows:
7 2. A person violating this chapter, other than
8 section 200.23, or rules adopted by the secretary
9 pursuant to this chapter shall be guilty of a simple
10 misdemeanor. However, a person who tampers with,
11 possesses, or transports anhydrous ammonia or
12 anhydrous ammonia equipment commits a serious
13 misdemeanor under section 124.401F.
14 Sec. ____ **NEW SECTION. 200.23 MUNICIPAL**
15 **FERTILIZER APPLICATION.**
16 1. A person shall not apply a fertilizer to
17 property which meets all of the following criteria:
18 a. The property is located in a city.
19 b. The property is within fifty feet of any creek,
20 stream, river, drainage ditch, pond, or lake in this
21 state.
22 2. A person who violates a provision of this
23 section is subject to a civil penalty of five hundred
24 dollars for each violation.
25 3. This section shall not apply to the application
26 of a fertilizer to property which is agricultural land
27 that is principally used for farming as those terms
28 are defined in section 9H.1.
29 Sec. ____ Section 206.22, subsection 2, Code 2001,
30 is amended to read as follows:
31 2. Any person violating any provision of this
32 chapter other than section 206.11, subsection 1,
33 paragraph "a", or section 206.26, shall be guilty of a
34 serious misdemeanor; provided, that any offense
35 committed more than five years after a previous
36 conviction shall be considered a first offense; and
37 provided, further, that in any case where a registrant
38 was issued a warning by the secretary pursuant to the

39 provisions of this chapter, such registrant shall upon
 40 conviction of a violation of any provision of this
 41 chapter other than section 206.11, subsection 1,
 42 paragraph "a", or section 206.26, be guilty of a
 43 serious misdemeanor; and the registration of the
 44 article with reference to which the violation occurred
 45 shall terminate automatically. An article, the
 46 registration of which has been terminated, ~~may~~ shall
 47 not again be registered unless the article, its
 48 labeling, and other material required to be submitted
 49 appear to the secretary to comply with all the
 50 requirements of this chapter.

Page 2

1 Sec. ____ NEW SECTION. 206.26 MUNICIPAL
 2 PESTICIDE APPLICATION.
 3 1. A person shall not apply a pesticide to
 4 property which meets all of the following criteria:
 5 a. The property is located in a city.
 6 b. The property is within fifty feet of any creek,
 7 stream, river, drainage ditch, pond, or lake in this
 8 state.
 9 2. A person who violates a provision of this
 10 section is subject to a civil penalty of five hundred
 11 dollars for each violation.
 12 3. This section shall not apply to the application
 13 of a pesticide to property which is agricultural land
 14 that is principally used for farming as those terms
 15 are defined in section 9H.1."
 16 2. Page 54, line 3, by inserting before the word
 17 ", providing" the following: "and the environment".
 18 3. By renumbering, redesignating, and correcting
 19 internal references as necessary.

JOE BOLKCOM

S-5451

1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:
 3 1. Page 23, by striking lines 12 through 22, and
 4 inserting the following: "construction permit
 5 application. However, for a construction design
 6 statement that is not part of a construction permit
 7 application, the department shall not file the
 8 statement unless it is complete. The department shall
 9 notify the person submitting the construction design
 10 statement of any of the following:
 11 a. The construction design statement has been
 12 filed.
 13 b. The department is delaying filing the

14 construction design statement because it is incorrect
 15 or incomplete, or the department requires further
 16 information regarding the contractor's
 17 qualifications."
 18 2. By renumbering as necessary.

JOHN P. KIBBIE
 BETTY A. SOUKUP
 EUGENE S. FRAISE

S-5452

1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:
 3 1. Page 53, line 49, and inserting after the
 4 figure "2003." the following: "However, on and after
 5 the enactment of this Act, until March 1, 2003, the
 6 department shall provide for an interim assessment of
 7 the annual compliance fee in the same manner as
 8 provided in section 455B.203C, as enacted in this Act,
 9 which shall be deposited in the assessment account of
 10 the animal agriculture compliance fund as provided in
 11 section 455B.127, as enacted in this Act."
 12 2. By renumbering as necessary.

JOHN P. KIBBIE
 BETTY A. SOUKUP
 EUGENE S. FRAISE

S-5453

1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:
 3 1. Page 40, by inserting after line 48 the
 4 following:
 5 "Sec. ____ NEW SECTION. 455B.205B MORATORIUM —
 6 CONSTRUCTION OF CONFINEMENT FEEDING OPERATION
 7 STRUCTURES.
 8 1. Except as provided in subsection 2, all of the
 9 following shall apply:
 10 a. A person shall not construct, including expand,
 11 a confinement feeding operation structure.
 12 b. The department shall not issue a permit as
 13 otherwise provided in section 455B.200A for the
 14 construction, including expansion, of a confinement
 15 feeding operation structure.
 16 2. Subsection 2 does not apply to any of the
 17 following:
 18 a. Construction of a confinement feeding operation
 19 structure, if after construction the confinement
 20 feeding operation is a small animal feeding operation.
 21 b. Construction of a confinement feeding operation

- 22 structure that does not increase the maximum animal
 23 unit capacity of the confinement feeding operation.
 24 c. Construction that is ordered by the department
 25 in order to remedy a clear, present, and impending
 26 danger to the public health or the environment.
 27 d. Construction of a confinement feeding operation
 28 structure that begins prior to the enactment of this
 29 Act.
 30 3. This section is repealed on July 1, 2003."
 31 2. By renumbering as necessary.

JOHNIE HAMMOND
 MIKE CONNOLLY

S-5454

- 1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:
 3 1. Page 53, by striking lines 41 through 43, and
 4 inserting the following: "Sections 455B.200C and".
 5 2. By renumbering as necessary.

BETTY A. SOUKUP
 EUGENE S. FRAISE
 JOHN P. KIBBIE

S-5455

- 1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:
 3 1. Page 53, line 23, by inserting after the word
 4 "structure." the following: "The applicant or other
 5 person required to submit the evidence to the
 6 department must submit such evidence not later than
 7 twenty-one days after the effective date of this Act."
 8 2. By renumbering, redesignating, and correcting
 9 internal references as necessary.

JEFF ANGELO
 JOHN P. KIBBIE

S-5456

- 1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:
 3 1. Page 36, by striking lines 10 through 12, and
 4 inserting the following: "the plan shall ~~not~~ be
 5 subject to an enforcement action ~~other than~~ limited to
 6 one of the following:
 7 a. The assessment of a civil penalty pursuant to
 8 section 455B.191.
 9 b. The invalidity of the manure management plan or

10 the imposition of any probationary term required as a
11 condition for the continued validity of the manure
12 management plan. The department may require that the
13 person amend the manure management plan in a manner
14 that is more stringent than otherwise required under
15 this section, for the duration of the probationary
16 period."

17 2. By renumbering as necessary.

EUGENE S. FRAISE

S-5457

1 Amend the amendment, S-5437, to Senate File 2293,
2 as follows:
3 1. Page 1, by inserting after line 39, the
4 following:
5 "Sec. ___. NEW SECTION. 455B.124 CONFINEMENT
6 FEEDING OPERATIONS — SITING ORDINANCE.
7 1. a. Notwithstanding sections 331.304A and
8 335.2, a county may adopt a confinement feeding
9 operations siting ordinance, pursuant to section
10 331.302. The purpose of the ordinance shall be to
11 allow approval of the siting of a confinement feeding
12 operation regardless of whether the county has adopted
13 an ordinance under chapter 335.
14 b. The ordinance shall apply to the siting of a
15 confinement feeding operation structure other than a
16 small animal feeding operation.
17 c. The ordinance shall authorize a county to
18 approve the site of the construction or expansion of a
19 confinement feeding operation, including confinement
20 feeding operation buildings and related animal feeding
21 operation structures in order to preserve and protect
22 natural resources, including water sources and fragile
23 environmental locations; lessen congestion and
24 overcrowding of confinement feeding operations,
25 especially near cities; and to protect the health and
26 welfare of the public.
27 d. The ordinance shall provide for methods and
28 procedures required for submission of proposals,
29 review of proposals, and approval of a site. In
30 administering the ordinance, the county shall
31 establish a confinement feeding operations siting
32 commission which shall review each proposal for the
33 construction or expansion of a confinement feeding
34 operation, and recommend to the county board of
35 supervisors that the board approve or disapprove the
36 proposal. The board shall appoint five persons as
37 members of the commission. Four members shall not
38 reside in a city, and one member shall reside in a
39 city. At least three of the members shall be persons

40 who are or were actively engaged in animal
 41 agriculture. The commission shall make its
 42 recommendation to the board within forty-five days
 43 after the date that the board receives a complete
 44 proposal. The board shall approve or disapprove a
 45 proposal within forty-five days after the date that
 46 the board receives the commission's recommendation
 47 regarding approval or disapproval."
 48 2. Page 15, by striking lines 9 through 15.
 49 3. Page 16, by striking lines 16 through 21 and
 50 inserting the following: "The department shall

Page 2

1 approve the".
 2 4. Page 16, by striking lines 46 and 47.
 3 5. Page 20, by striking lines 28 through 37.
 4 6. Page 23, by striking lines 44 and 45, and
 5 inserting the following: "PERMIT APPLICATION
 6 PROCEDURE."
 7 7. Page 24, by striking lines 13 through 15 and
 8 inserting the following:
 9 "2. A county board of supervisors may provide
 10 comment to the".
 11 8. Page 25, by striking lines 9 through 48.
 12 9. Page 25, line 50, by striking the words "or
 13 evaluation".
 14 10. Page 26, line 5, by striking the words "or an
 15 evaluation".
 16 11. By striking page 26, line 29, through page
 17 27, line 22.
 18 12. Page 27, by striking lines 27 and 28, and
 19 inserting the following: "applicant. The county
 20 board of supervisors may".
 21 13. Page 28, by striking lines 17 through 27, and
 22 inserting the following: "contested case proceeding
 23 under chapter 17A. If the commission hears the case,
 24 its".
 25 14. Page 28, by striking lines 39 through 43, and
 26 inserting the following: "chapter 17A. The decision
 27 by the commission shall be".
 28 15. By striking page 29, line 6, through page 30,
 29 line 26.
 30 16. By striking page 44, line 16, through page
 31 50, line 11.
 32 17. Page 50, by striking lines 15 through 19.
 33 18. Page 53, by striking lines 33 through 36.

AMANDA RAGAN
 JOHN P. KIBBIE
 MIKE CONNOLLY
 JOHNIE HAMMOND

BILL FINK
PATRICIA HARPER
ROBERT E. DVORSKY
BETTY A. SOUKUP
MICHAEL E. GRONSTAL

S-5458

1 Amend the amendment, S-5437, to Senate File 2293,
2 as follows:
3 1. Page 16, by inserting after line 6, the
4 following:
5 " . The department may disapprove an application
6 for a construction permit if the department determines
7 that a confinement feeding operation structure poses a
8 significant risk to the environment or public health.
9 The department's determination shall be based on any
10 of the following:
11 a. The animal unit capacity of the confinement
12 feeding operation if the structure were constructed.
13 b. The type of confinement feeding operation
14 structure proposed to be constructed and the type of
15 any related pollution control device or practice
16 proposed to be installed or used, including but not
17 limited to engineering standards for the construction
18 of a manure storage structure as provided in section
19 455B.205 or 455B.205A.
20 c. The proximity to the proposed construction site
21 of any of the following:
22 (1) Human population areas with weight provided to
23 this factor based on the population density of such
24 areas.
25 (2) Fragile land areas including but not limited
26 to wetlands, floodplains, or areas with rare or
27 valuable ecosystems.
28 (3) Water sources including major water sources
29 used as drinking water supplies; watersheds; and
30 aquifers and their recharge areas.
31 (4) Public use areas or areas of unique scenic or
32 historic significance.
33 d. The availability of land required for the
34 application of manure originating from the confinement
35 feeding operation as provided in section 455B.203.
36 e. The geology and hydrology of the site,
37 including but not limited to the risk of pollution to
38 surface and subsurface water caused by a breach in a
39 manure storage structure or leaching or runoff from
40 manure applied on land located in proximity to the
41 confinement feeding operation.
42 f. The impact of the confinement feeding
43 operation, after construction of the proposed
44 confinement feeding operation structure, on the

45 services of any city located in proximity to the
 46 confinement feeding operation or the county in which
 47 the confinement feeding operation is located.
 48 g. The extent to which the applicant has complied
 49 with requirements under this division for other animal
 50 feeding operations owned by the applicant.

Page 2

1 h. The availability of alternative construction
 2 sites, including an analysis of cost comparisons."
 3 2. Page 25, by inserting after line 8, the
 4 following:
 5 "(___) Whether the construction of a proposed
 6 confinement feeding operation structure poses a
 7 significant risk to the environment or public health."
 8 3. Page 43, line 36, by inserting after the
 9 figure "2001." the following: "The board may provide
 10 comments that the confinement feeding operation poses
 11 a significant risk to the environment or public
 12 health."
 13 4. By striking page 45, line 22 through page 50,
 14 line 11.
 15 5. Page 50, by striking lines 15 through 19.
 16 6. By renumbering as necessary.

JOHN P. KIBBIE

S-5459

1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:
 3 1. Page 39, by striking lines 2 through 26 and
 4 inserting the following:
 5 "2. A Except as otherwise provided in this
 6 subsection, a person shall not dispose of apply manure
 7 on eroplant land located within two hundred feet from
 8 a designated area, unless one of the following
 9 applies:
 10 1. The manure is applied by injection or
 11 incorporation within twenty four hours following the
 12 application.
 13 2. An area of permanent vegetation cover exists
 14 for fifty feet surrounding the designated area and
 15 that area is not subject to manure application.
 16 a. The department may require a decreased
 17 separation distance for the application of manure on
 18 land where a water quality improvement practice has
 19 been installed, including filter strips and riparian
 20 forest buffers. The allowance of a decreased
 21 separation distance shall to every extent consistent
 22 with sound water quality practices be modeled on

23 conservation practices required to be designed,
 24 constructed, and maintained according to technical
 25 standards for this state published by the United
 26 States department of agriculture, natural resources
 27 conservation service.
 28 b. The department may require an increased
 29 separation distance for the application of manure
 30 located in proximity to a high-quality water resource
 31 in order to protect the integrity of the high-quality
 32 water resource. However, the department shall not
 33 provide for an increased separation distance
 34 requirement that is more than four times the
 35 separation distance requirement otherwise applicable
 36 under this section."
 37 2. By renumbering as necessary.

BETTY A. SOUKUP
 JOHN P. KIBBIE
 EUGENE S. FRAISE

S-5460

HOUSE AMENDMENT TO SENATE FILE 2286

1 Amend Senate File 2286, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting before line 1 the
 4 following:
 5 "Sec. ____ Section 229A.5, subsection 3, Code
 6 2001, is amended to read as follows:
 7 3. At the hearing, the rules of evidence do not
 8 apply, and the state may rely solely upon the petition
 9 filed under subsection 1, but the state may also
 10 supplement the petition with additional documentary
 11 evidence or live testimony."
 12 2. Page 3, line 24, by striking the words and
 13 figure "who is detained pursuant to section 229A.5
 14 or".
 15 3. Page 6, lines 9 and 10, by striking the words
 16 "and there shall be no presumption to commit or not to
 17 commit".
 18 4. Page 7, lines 14 and 15, by striking the words
 19 "by a unanimous verdict".
 20 5. Page 8, by striking lines 21 and 22, and
 21 inserting the following: "discharge ~~over the~~
 22 ~~director's objection or placement in a transitional~~
 23 ~~release program without authorization from the~~
 24 ~~director~~. The notice shall contain a waiver".
 25 6. Page 9, lines 5 and 6, by striking the words
 26 "ten days of the filing of the notice of annual
 27 review" and inserting the following: "thirty days of

28 the notice of annual review being provided to counsel
 29 for the committed person".

30 7. Page 11, by inserting after line 1 the
 31 following:

32 "_. If the director of human services has
 33 authorized the committed person to petition for
 34 discharge or for placement in a transitional release
 35 program and the case is before a jury, testimony by a
 36 victim of a prior sexually violent offense committed
 37 by the person is not admissible. If the director has
 38 not authorized the petition or the case is before the
 39 court, testimony by a victim of a sexually violent
 40 offense committed by the person may be admitted."

41 8. Page 11, by striking lines 2 through 4.

42 9. Page 17, line 11, by striking the words "The
 43 burden" and inserting the following: "The If the
 44 attorney general objects to the petition for
 45 discharge, the burden".

46 10. Page 19, line 29, by inserting after the word
 47 "privileged" the following: ", except information
 48 subject to attorney-client privilege and attorney work
 49 product."

50 11. By renumbering as necessary.

S-5461

1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:

3 1. Page 13, line 50, by inserting after the word
 4 "location" the following: "and at the property line
 5 of the confinement feeding operation".

6 2. By renumbering, redesignating, and correcting
 7 internal references as necessary.

JEFF ANGELO

S-5462

1 Amend House File 2515, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 13, the
 4 following:

5 "Sec. 301. Section 275.23A, subsection 2, Code
 6 2001, is amended to read as follows:

7 2. Following each federal decennial census the
 8 school board shall determine whether the existing
 9 director district boundaries meet the standards in
 10 subsection 1 according to the most recent federal
 11 decennial census. If necessary, the board of
 12 directors shall redraw the director district
 13 boundaries. The director district boundaries shall be
 14 described in a resolution adopted by the school board.

15 The resolution shall be adopted no earlier than
 16 November 15 of the year immediately following the year
 17 in which the federal decennial census is taken nor
 18 later than ~~April 30~~ May 15 of the second year
 19 immediately following the year in which the federal
 20 decennial census is taken. A copy of the plan shall
 21 be filed with the area education agency administrator
 22 of the area education agency in which the school's
 23 electors reside."

24 2. Page 21, by inserting after line 32, the
 25 following:

26 "Sec. __. EFFECTIVE DATE. Section 301 of this
 27 Act, amending section 275.23A, subsection 2, being
 28 deemed of immediate importance, takes effect upon
 29 enactment."

30 3. Title page, line 2, by inserting after the
 31 word "education" the following: "and the duties of a
 32 school board,".

33 4. By renumbering as necessary.

KITTY REHBERG

S-5463

1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:

3 1. Page 38, line 27, by striking the words "A
 4 confinement" and inserting the following:
 5 "a. Except as provided in paragraph "b", a
 6 confinement".

7 2. Page 38, by inserting after line 30, the
 8 following:

9 "b. A confinement feeding operation structure may
 10 be constructed on land that is part of a one hundred
 11 year floodplain if the finished floor of the structure
 12 is located above the level of the floodplain's average
 13 water mark during a flood occurrence and the
 14 confinement feeding operation is constructed pursuant
 15 to all requirements of law, including but not limited
 16 to construction or operation under permit, the
 17 establishment of encroachment limits, floodplain
 18 regulations, and zoning ordinances."

19 2. By renumbering, redesignating, and correcting
 20 internal references as necessary.

STEVE KING

S-5464

1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:

3 1. Page 33, line 5, by inserting after the figure

4 "455B.200D." the following: "The manure management
 5 plan must also be authenticated by an active
 6 contractor as provided in chapter 202 who owns the
 7 animals maintained as part of the confinement feeding
 8 operation."

JOHN P. KIBBIE

S-5465

1 Amend the amendment, S-5411, to House File 2615 as
 2 amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 1, by striking lines 15 through 24, and
 5 inserting the following:
 6 "____. By striking page 7, line 33, through page
 7 8, line 11, and inserting the following:
 8 "Sec. _____. PRIOR YEAR NONREVERSION.
 9 Notwithstanding 2001 Iowa Acts, chapter 184, section
 10 3, subsection 3, 2001 Iowa Acts, chapter 184, section
 11 13, and section 8.33, moneys appropriated under 2001
 12 Iowa Acts, chapter 184, section 3, subsection 2, for
 13 the establishment and operating of a substance abuse
 14 treatment facility which are unobligated or
 15 unencumbered on April 1, 2002, shall not be expended
 16 or obligated during the remainder of the fiscal year
 17 beginning July 1, 2001, and ending June 30, 2002, and
 18 shall not revert but shall be available for the fiscal
 19 year beginning July 1, 2002, and ending June 30, 2003,
 20 for the following:
 21 1. The first \$200,000 available shall be used for
 22 a value-based treatment program at the Newton
 23 correctional facility.
 24 2. The remaining moneys available shall be used to
 25 supplement the appropriations in this or any other Act
 26 for substance abuse treatment under the substance
 27 abuse treatment program.
 28 3. Any unobligated or unencumbered moneys
 29 remaining at the end of the fiscal year beginning July
 30 1, 2002, shall revert to the healthy Iowans tobacco
 31 trust.""
 32 2. By renumbering as necessary.

MARY E. KRAMER
 JEFF LAMBERTI

S-5466

- 1 Amend the amendment, S-5437, to Senate File 2293 as
 2 follows:
 3 1. Page 45, by striking lines 22 through 24 and
 4 inserting the following:

5 "Sec. ____ INTERIM SITING OF CONFINEMENT FEEDING
6 OPERATION STRUCTURES."

7 2. By striking page 45, line 32, through page 50,
8 line 11, and inserting the following: "amended by
9 this Act. A county board of supervisors may adopt a
10 confinement feeding operations siting ordinance,
11 pursuant to section 331.302. The purpose of the
12 ordinance shall be to allow approval of the siting of
13 a confinement feeding operation structure regardless
14 of whether the board has adopted an ordinance under
15 chapter 335.

16 b. The ordinance shall apply to the siting of
17 confinement feeding operation structures which are
18 part of confinement feeding operations. However, the
19 ordinance shall not apply to a small animal feeding
20 operation.

21 c. The ordinance shall authorize a county to
22 approve the site of the construction or expansion of a
23 confinement feeding operation, including confinement
24 feeding operation buildings and related animal feeding
25 operation structures in order to preserve and protect
26 natural resources, including water sources and fragile
27 environmental locations; lessen congestion and
28 overcrowding of confinement feeding operations,
29 especially near cities; and to protect the health and
30 welfare of the public.

31 3. The county's decision shall be based on all of
32 the following:

33 a. The animal unit capacity of the confinement
34 feeding operation if the structure were constructed.

35 b. The type of confinement feeding operation
36 structure proposed to be constructed and the type of
37 any related pollution control device or practice
38 proposed to be installed or used, including but not
39 limited to engineering standards for the construction
40 of a manure storage structure as provided in section
41 455B.205 or 455B.205A.

42 c. The proximity to the proposed construction site
43 of any of the following:

44 (1) Human population areas with weight provided to
45 this factor based on the population density of such
46 areas.

47 (2) Fragile land areas including but not limited
48 to wetlands, floodplains, or areas with rare or
49 valuable ecosystems.

50 (3) Water sources including major water sources

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1 used as drinking water supplies; watersheds; and
2 aquifers and their recharge areas.

3 (4) Public use areas or areas of unique scenic or

4 historic significance.

5 d. The availability of land required for the
6 application of manure originating from the confinement
7 feeding operation as provided in section 455B.203.

8 e. The geology and hydrology of the site,
9 including but not limited to the risk of pollution to
10 surface and subsurface water caused by a breach in a
11 manure storage structure or leaching or runoff from
12 manure applied on land located in proximity to the
13 confinement feeding operation.

14 f. The impact of the confinement feeding
15 operation, after construction of the proposed
16 confinement feeding operation structure, on the
17 services of any city located in proximity to the
18 confinement feeding operation or the county in which
19 the confinement feeding operation is located.

20 g. The extent to which the applicant has complied
21 with requirements under this division for other animal
22 feeding operations owned by the applicant.

23 h. The availability of alternative construction
24 sites, including an analysis of cost comparisons.

25 4. The ordinance shall provide for methods and
26 procedures required for submission of proposals,
27 review of proposals, and approval of a site. The
28 department shall evaluate a proposal prior to
29 consideration by a county. The department shall
30 forward a written response to the board. In
31 administering the ordinance, the board shall establish
32 a confinement feeding operations siting commission
33 which shall review each proposal for the construction
34 or expansion of a confinement feeding operation, and
35 recommend to the county board of supervisors that the
36 board approve or disapprove the proposal. The board
37 shall appoint five persons as members of the
38 commission. Four members shall not reside in a city,
39 and one member shall reside in a city. At least three
40 of the members shall be persons who are or were
41 actively engaged in animal agriculture. The
42 commission shall make its recommendation to the board
43 within forty-five days after the date that the board
44 receives a complete proposal. The board shall approve
45 or disapprove a proposal within forty-five days after
46 the date that the board receives the commission's
47 recommendation regarding approval or disapproval."

48 3. Page 50, by striking lines 15 through 19 and
49 inserting the following:
50 "Sec. ____. INTERIM PROCESS REPEALED. The section

Page 3

1 of this Act providing for the interim siting of
2 confinement feeding operation structures by county

3 boards of supervisors is repealed March 1, 2003."

4 4. By renumbering as necessary.

BETTY A. SOUKUP
 PATRICIA HARPER
 JOHNIE HAMMOND
 ROBERT E. DVORSKY
 BILL FINK
 STEVEN D. HANSEN
 MICHAEL E. GRONSTAL
 EUGENE S. FRAISE
 JOE BOLKCOM
 MATT McCOY

S-5467

1 Amend House File 2515, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 20 the
 4 following:

5 "Sec. 201. Section 257.14, subsection 2, Code
 6 Supplement 2001, is amended to read as follows:

7 2. For the budget years commencing July 1, 2002,
 8 and July 1, 2003, if the department of management
 9 determines that the regular program district cost of a
 10 school district for a budget year is less than the
 11 total of the regular program district cost plus any
 12 adjustment added under this section for the base year
 13 for that school district, the school district shall be
 14 eligible to receive a budget adjustment for that
 15 district for that budget year up to an amount equal to
 16 the difference. The board of directors of a school
 17 district that wishes to receive a budget adjustment
 18 pursuant to this subsection shall adopt a resolution
 19 to receive the budget adjustment ~~and shall~~, by April
 20 ~~7, 15~~, annually, and shall notify the department of
 21 management of the adoption of the resolution and the
 22 amount of the budget adjustment to be received.

23 Sec. 202. Section 257.14, subsection 3, unnumbered
 24 paragraph 3, Code Supplement 2001, is amended to read
 25 as follows:

26 The board of directors of a school district that
 27 wishes to receive a budget adjustment pursuant to this
 28 subsection shall adopt a resolution to receive the
 29 budget adjustment ~~and shall~~, by April ~~7, 15~~, annually,
 30 and shall notify the department of management of the
 31 adoption of the resolution and the amount of the
 32 budget adjustment to be received."

33 2. Page 21, by striking line 33 and inserting the
 34 following:

35 "Sec. ____ EFFECTIVE DATES — APPLICABILITY.

36 1. Sections 201 and 202 of this Act, relating to

37 the date of adoption of a budget adjustment resolution
 38 and notification of that adoption, being deemed of
 39 immediate importance, take effect upon enactment and
 40 apply retroactively for budget adjustment notification
 41 for the school budget year beginning July 1, 2002.
 42 2. Section 36 of".
 43 3. Title page, line 2, by inserting after the
 44 word "education" the following: "and school boards".
 45 4. By renumbering as necessary.

KITTY REHBERG

S-5468

1 Amend House File 2515, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, by inserting after line 13 the
 4 following:
 5 "Sec. ____ Section 279.59, Code Supplement 2001,
 6 is amended to read as follows:
 7 279.59 ACCESS BY ASSOCIATIONS.
 8 The board of directors of a school district shall
 9 provide not-for-profit, professional education
 10 associations that offer membership to teachers or
 11 administrators equal access to teacher or
 12 administrator mailboxes for distribution of
 13 professional literature. Notwithstanding section
 14 20.9, a school district may collect voluntary
 15 membership fees for such an association through
 16 payroll deduction upon the member's written
 17 authorization and the member may terminate the payroll
 18 deduction authorization at any time by giving thirty
 19 days' written notice."
 20 2. Title page, line 2, by inserting after the
 21 word "education" the following: "and school boards".

KITTY REHBERG

S-5469

1 Amend House File 2515, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, by inserting after line 13, the
 4 following:
 5 "Sec. 301. Section 275.23A, subsection 2, Code
 6 2001, is amended to read as follows:
 7 2. Following each federal decennial census the
 8 school board shall determine whether the existing
 9 director district boundaries meet the standards in
 10 subsection 1 according to the most recent federal
 11 decennial census. If necessary, the board of
 12 directors shall redraw the director district

13 boundaries. The director district boundaries shall be
 14 described in a resolution adopted by the school board.
 15 The resolution shall be adopted no earlier than
 16 November 15 of the year immediately following the year
 17 in which the federal decennial census is taken nor
 18 later than ~~April 30~~ May 15 of the second year
 19 immediately following the year in which the federal
 20 decennial census is taken. A copy of the plan shall
 21 be filed with the area education agency administrator
 22 of the area education agency in which the school's
 23 electors reside."

24 2. Page 21, by inserting after line 32, the
 25 following:

26 "Sec. ____ EFFECTIVE DATE. Section 301 of this
 27 Act, amending section 275.23A, subsection 2, being
 28 deemed of immediate importance, takes effect upon
 29 enactment."

30 3. Title page, line 2, by inserting after the
 31 word "education" the following: "and school boards".

32 4. By renumbering as necessary.

KITTY REHBERG

S-5470

1 Amend the amendment, S-5437, to Senate File 2293,
 2 as follows:

3 1. Page 16, line 2, by inserting after the word
 4 "operation," the following: "However, the person must
 5 obtain a permit under this section if the confinement
 6 feeding operation structure is an unformed manure
 7 storage structure."

MIKE SEXTON

S-5471

1 Amend Senate File 2308 as follows:

2 1. Page 2, by inserting after line 9 the
 3 following:

4 "Sec. ____ Section 437A.5, Code 2001, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 10. a. Notwithstanding anything
 7 to the contrary in this chapter or the provisions of
 8 any other law or charter, the board of supervisors of
 9 a county, in which a natural gas-fired turbine
 10 generator system is proposed to be located or is
 11 located, may enter into an agreement described in this
 12 paragraph with any person. The agreement may provide
 13 that the board will pay to any person designated in
 14 the agreement a sum equal to all or any part of the
 15 amount of the tax paid to that county and to all local

16 taxing districts located within that county pursuant
 17 to this section, with respect to natural gas used or
 18 to be used by a natural gas-fired turbine generator
 19 system located in that county to generate electricity,
 20 for such period and upon such terms and conditions as
 21 the board may determine.

22 b. The board of supervisors shall consult local
 23 taxing authorities within the county as to the
 24 advisability of entering into such an agreement and
 25 the positive economic impact that granting an
 26 exemption would have on the county.

27 c. During the period that any agreement entered
 28 into in accordance with this subsection is in effect,
 29 any delivery of natural gas used or to be used by a
 30 new gas-fired turbine generator system located in that
 31 county to generate electricity shall be excluded for
 32 purposes of computing the recalculation of replacement
 33 tax on the delivery of natural gas under this
 34 section."

35 2. By renumbering, redesignating, and correcting
 36 internal references as necessary.

DAVID MILLER
 SANDRA GREINER

S-5472

1 Amend House File 2515, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 20 the
 4 following:

5 "Sec. ____ NEW SECTION. 257.50 FEDERAL
 6 ASSISTANCE — SCHOOL DISTRICT RESPONSIBILITIES.

7 The director of the department of education, in
 8 accepting and administering federal funds in
 9 accordance with section 256.9, subsection 7, shall
 10 upon receiving federal grant moneys under the federal
 11 21st Century Community Learning Center Grant, Title
 12 IV, Part B of the federal No Child Left Behind Act of
 13 2001, Pub.L. No. 107-110, designate that a school
 14 district be the fiscal agent for an eligible local
 15 grant. Whenever possible, the grant applicant school
 16 district shall collaborate with a community-based
 17 organization, a public or private entity, or a
 18 consortium of two or more of such organizations or
 19 entities in establishing a community learning center.
 20 The department shall give priority to applications for
 21 programs serving students determined through research-
 22 based methods to be in the greatest need of eligible

23 services."

24 2. By renumbering as necessary.

NANCY BOETTGER

S-5473

1 Amend the amendment, S-5437, to Senate File 2293,
2 as follows:

3 1. Page 38, line 27, by striking the words "A
4 confinement" and inserting the following:

5 "a. Except as provided in paragraph "b", a
6 confinement".

7 2. Page 38, by inserting after line 30, the
8 following:

9 "b. A confinement feeding operation structure may
10 be constructed on land that is part of a one hundred
11 year floodplain if the finished floor of the
12 confinement feeding operation building or the
13 freeboard level of a manure storage structure is
14 located at least one foot above the level of the
15 floodplain's average water mark during a flood
16 occurrence and the confinement feeding operation is
17 constructed pursuant to all requirements of law,
18 including but not limited to construction or operation
19 under permit, the establishment of encroachment
20 limits, floodplain regulations, and zoning
21 ordinances."

22 3. By renumbering, redesignating, and correcting
23 internal references as necessary.

STEVE KING
MIKE SEXTON
HUBERT M. HOUSER
RICHARD F. DRAKE

S-5474

1 Amend the amendment, S-5437, to Senate File 2293,
2 as follows:

3 1. Page 22, by striking line 22, and inserting
4 the following:

5 "2. The construction design statement must be
6 prepared by a contractor who posts a bond with the
7 department equaling at least one hundred thousand
8 dollars. The construction design statement must
9 include".

THOMAS FIEGEN

S-5475

HOUSE AMENDMENT TO
SENATE FILE 2318

1 Amend Senate File 2318, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 21 through 26 and
4 inserting the following:

5 "(1) For prepayment in the 2003 calendar year,
6 four percent.

7 (2) For prepayment in the 2004 calendar year,
8 twenty-one percent.

9 (3) For prepayment in the 2005 and subsequent
10 calendar years, fifty percent."

11 2. By striking page 3, line 34 through page 4,
12 line 4 and inserting the following:

13 "(1) For prepayment in the 2003 and 2004 calendar
14 years, eleven percent.

15 (2) For prepayment in the 2005 calendar year,
16 twenty-six percent.

17 (3) For prepayment in the 2006 and subsequent
18 calendar years, fifty percent."

S-5476

1 Amend Senate File 2330 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 331.386 REGIONAL
5 TRANSIT DISTRICT AUTHORIZED — DEFINITION — FINANCE
6 AUTHORITY.

7 1. DEFINITION. As used in this section, unless
8 the context otherwise requires, "regional transit
9 district" means a public transit district created
10 pursuant to an agreement pursuant to chapter 28E by
11 one or more counties or cities to provide support for
12 transportation passengers by one or more public
13 transit systems designated under chapter 324A.

14 2. REGIONAL TRANSIT DISTRICT CREATED.

15 a. One or more counties may create a regional
16 transit district consisting of the area of any
17 participating county outside cities served by an urban
18 transit system and the incorporated area of any
19 participating city. The areas included in a regional
20 transit district need not be contiguous, but the
21 parties to a chapter 28E agreement creating a regional
22 transit district shall include at least one county,
23 plus any of the following:

24 (1) Any contiguous counties which choose to
25 participate.

26 (2) Any cities which choose to participate,

27 provided the cities are located within a participating
28 county or within a county contiguous to a
29 participating county or to a county with at least one
30 participating city.

31 b. The governing body of a regional transit
32 district has all the rights, powers, privileges, and
33 immunities of a local government relating to the
34 purpose for which the regional transit district is
35 created. In exercising its powers, the governing body
36 may establish a schedule of fares and collect fares
37 for the transportation of passengers.

38 3. BONDING AUTHORITY.

39 a. The establishment, construction,
40 reconstruction, repair, equipping, remodeling,
41 extension, maintenance, and operation of works,
42 vehicles, and facilities of a regional transit
43 district may be financed by revenue bonds as a county
44 enterprise pursuant to division IV, part 4.

45 b. The establishment, construction,
46 reconstruction, repair, equipping, remodeling,
47 extension, maintenance, and operation of works,
48 vehicles, and facilities of a regional transit
49 district may be financed by general obligation bonds
50 as an essential county purpose pursuant to division

Page 2

1 IV, part 3.
2 Sec. . NEW SECTION. 331.424D REGIONAL TRANSIT
3 DISTRICT LEVY.

4 The board may levy annually a tax not to exceed
5 ninety-five cents per thousand dollars of the assessed
6 value of all taxable property in the county within a
7 regional transit district but not within the
8 incorporated area of a city. However, if a city
9 participating in a regional transit district
10 authorizes the board to levy a tax for the regional
11 transit district within the city, the tax levy
12 authorized pursuant to section 384.12, subsection 10,
13 shall be reduced by the tax levy imposed by the county
14 pursuant to the agreement. A tax levy imposed
15 pursuant to section 384.12, subsection 10, and this
16 section shall not exceed the aggregate of ninety-five
17 cents per thousand dollars of the assessed value of
18 all taxable property in a participating city. The
19 proceeds of the tax levy shall be used for the
20 operation and maintenance of a regional transit
21 district and for the creation of a reserve fund. The
22 board may divide the territory of a regional transit
23 district outside the boundaries of a city into
24 separate service areas and impose a separate levy not
25 to exceed the maximum rate authorized in this section

26 in each service area.

27 Sec. ____ Section 331.441, subsection 2, paragraph
28 b, Code Supplement 2001, is amended by adding the
29 following new subparagraph:

30 NEW SUBPARAGRAPH. (15) The establishment,
31 construction, reconstruction, repair, equipping,
32 remodeling, extension, maintenance, and operation of
33 works, vehicles, and facilities of a regional transit
34 district.

35 Sec. ____ Section 331.461, subsection 2, Code
36 Supplement 2001, is amended by adding the following
37 new paragraph:

38 NEW PARAGRAPH. h. A regional transit district
39 including the establishment, construction,
40 reconstruction, repair, equipping, remodeling,
41 extension, maintenance, and operation of its works,
42 vehicles, and facilities.

43 Sec. ____ Section 384.12, subsection 10, Code
44 2001, is amended to read as follows:

45 10. A tax for the operation and maintenance of a
46 municipal transit system, and for the creation of a
47 reserve fund for the system, in an amount not to
48 exceed ninety-five cents per thousand dollars of
49 assessed value each year less the rate of tax levied
50 for a regional transit district pursuant to section

Page 3

1 331.424D, when the revenues from the transit system
2 are insufficient for such purposes, but proceeds of
3 the tax may not be used to pay interest and principal
4 on bonds issued for the purposes of the transit
5 system."

6 2. Title page, line 3, by inserting after the
7 word "counties," the following: "authorizing the
8 imposition of a limited tax levy,".

9 3. By renumbering as necessary.

JEFF LAMBERTI

S-5477

1 Amend the amendment, S-5437, to Senate File 2293,
2 as follows:

3 1. Page 38, line 27, by striking the words "A
4 confinement" and inserting the following:

5 "a. Except as provided in paragraph "b", a
6 confinement".

7 2. Page 38, by inserting after line 30, the
8 following:

9 "b. A confinement feeding operation structure may
10 be constructed on land that is part of a one hundred

11 year floodplain if the finished floor of the
 12 confinement feeding operation building or the
 13 freeboard level of a manure storage structure is
 14 located at least one foot above the level of the
 15 floodplain's average water mark during a flood
 16 occurrence and the confinement feeding operation is
 17 constructed pursuant to all requirements of law,
 18 including but not limited to construction or operation
 19 under permit, the establishment of encroachment
 20 limits, floodplain regulations, and zoning ordinances.
 21 3A. When constructing a confinement feeding
 22 operation structure, regardless of its location
 23 including its proximity to a water of the state, a
 24 monitoring system must be installed as part of the
 25 structure. The system shall provide for the placement
 26 of tile around the perimeter of the structure's
 27 foundation and the placement of vertical risers in
 28 order to monitor possible contamination."
 29 3. By renumbering, redesignating, and correcting
 30 internal references as necessary.

STEVE KING

S-5478

1 Amend House File 2622, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 10, line 20, by striking the words "tax-
 4 deferred savings" and inserting the following:
 5 "qualified retirement plan".
 6 2. By striking page 12, line 22 through page 13,
 7 line 35 and inserting the following:
 8 "Sec. ____ Section 422.43, subsection 11, Code
 9 Supplement 2001, is amended by adding the following
 10 new unnumbered paragraph:
 11 NEW UNNUMBERED PARAGRAPH. For purposes of the tax
 12 on enumerated services under this subsection, service
 13 charges of financial institutions do not include
 14 surcharges assessed with regard to nonproprietary ATM
 15 transactions. This paragraph is repealed June 30,
 16 2003."
 17 3. Page 16, by inserting after line 32 the
 18 following:
 19 "Sec. ____ Section 425.15, Code 2001, is amended
 20 to read as follows:
 21 425.15 DISABLED VETERAN TAX CREDIT.
 22 If the owner of a homestead allowed a credit under
 23 this chapter is a veteran of any of the military
 24 forces of the United States, who acquired the
 25 homestead under 38 U.S.C. § 21.801, 21.802, or 38
 26 U.S.C. § 2101, 2102, the credit allowed on the
 27 homestead from the homestead credit fund shall be the

28 entire amount of the tax levied on the homestead. The
29 credit allowed shall be continued to the estate of a
30 veteran who is deceased or the surviving spouse and
31 any child, as defined in section 234.1, who are the
32 beneficiaries of a deceased veteran, so long as the
33 surviving spouse remains unmarried. This section is
34 not applicable to the holder of title to any homestead
35 whose annual income, together with that of the
36 titleholder's spouse, if any, for the last preceding
37 twelve-month income tax accounting period exceeds
38 ~~twenty-five~~ thirty-five thousand dollars. For the
39 purpose of this section "income" means taxable income
40 for federal income tax purposes plus income from
41 securities of state and other political subdivisions
42 exempt from federal income tax. A veteran or a
43 beneficiary of a veteran who elects to secure the
44 credit provided in this section is not eligible for
45 any other real property tax exemption provided by law
46 for veterans of military service. If a veteran
47 acquires a different homestead, the credit allowed
48 under this section may be claimed on the new homestead
49 unless the veteran fails to meet the other
50 requirements of this section."

Page 2

1 4. Page 18, by inserting after line 2 the
2 following:
3 "Sec. ____ Section 427.1, subsection 2, Code
4 Supplement 2001, is amended by adding the following
5 new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. The operation of bingo
7 games on property of a school corporation shall not
8 adversely affect the exemption of that property under
9 this subsection if all proceeds, in excess of
10 expenses, are used for the legitimate purposes of the
11 school corporation."
12 5. Page 18, by inserting after line 12 the
13 following:
14 "Sec. ____ Section 427.1, subsection 8, Code
15 Supplement 2001, is amended by adding the following
16 new unnumbered paragraph:
17 NEW UNNUMBERED PARAGRAPH. The operation of bingo
18 games on property of a literary, scientific,
19 charitable, benevolent, agricultural, and religious
20 institutions and societies shall not adversely affect
21 the exemption of that property under this subsection
22 if all proceeds, in excess of expenses, are used for
23 the legitimate purposes of the institutions or
24 societies.
25 Sec. ____ Section 427.1, subsection 9, Code
26 Supplement 2001, is amended by adding the following

27 new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. The operation of bingo
29 games on property of an educational institution shall
30 not adversely affect the exemption of that property
31 under this subsection if all proceeds, in excess of
32 expenses, are used for the legitimate purposes of the
33 educational institution."

34 6. Page 21, by striking lines 33 through 35.

35 7. Page 22, by striking lines 24 through 29.

36 8. Page 23, by inserting before line 4 the

37 following:

38 "Sec. ___. VOLUNTEER FIRE FIGHTERS PENSION TASK

39 FORCE — REPORT. A volunteer fire fighters pension

40 task force is created concerning the establishment of

41 a pension system for volunteer fire fighters in this

42 state. The task force shall examine pension plans

43 established by other states for volunteer fire

44 fighters and shall solicit information from volunteer

45 fire fighters, and cities and townships with volunteer

46 fire fighters, concerning the establishment of a

47 pension system for volunteer fire fighters. The task

48 force shall also identify and examine issues relating

49 to volunteer fire departments' attraction and

50 retention of fire fighters and shall propose solutions

Page 3

1 to these issues of attraction and retention.

2 Membership of the task force is to be determined by

3 the legislative council. Members shall be appointed

4 by the legislative council. The membership shall

5 include, but not be limited to, the following:

6 1. The commissioner of insurance or the

7 commissioner's designee.

8 2. The treasurer of state or the treasurer's

9 designee.

10 3. A representative of a pension system

11 established pursuant to Code chapter 411.

12 4. A representative of the Iowa public employees'

13 retirement system.

14 5. A representative of a pension system

15 established for private sector employees.

16 6. A representative of the state fire and

17 emergency response council.

18 7. A representative of volunteer fire fighters in

19 the state.

20 8. A representative of township trustees.

21 9. A representative of the Iowa league of cities.

22 The legislative service bureau and the legislative

23 fiscal bureau shall provide staffing assistance to the

24 task force. The department of management shall

25 provide other assistance to the task force in

26 completing its duties.

27 The task force shall submit a report to the general
28 assembly by January 1, 2003. The report shall contain
29 the findings and recommendations of the task force."

30 9. Page 23, by inserting before line 4, the
31 following:

32 Sec. ____ IMPLEMENTATION OF ACT. Section 25B.7
33 does not apply to the section of this Act amending
34 section 425.15 relating to the disabled veteran tax
35 credit."

36 10. Page 23, by striking lines 17 through 20.

37 11. Page 23, by inserting after line 33 the
38 following:

39 "____. The section of this Act amending section
40 425.15, being deemed of immediate importance, takes
41 effect upon enactment and applies retroactively to
42 January 1, 2002, for claims filed or on file on or
43 after that date."

44 12. Title page, line 5, by inserting after the
45 word "taxes" the following: ", directing a study,".

46 13. By renumbering, relettering, or redesignating
47 and correcting internal references as necessary.

COMMITTEE ON WAYS AND MEANS
LARRY McKIBBEN, Chair

S-5479

1 Amend House File 2615, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, line 20, by striking the figure
4 "5,000,000" and inserting the following: "9,345,394".

5 2. Page 9, line 18, by striking the figure
6 "9,000,000" and inserting the following:

7 "12,345,394".

THOMAS FIEGEN
JOE BOLKCOM
JOHNIE HAMMOND
MAGGIE TINSMAN

S-5480

1 Amend the amendment, S-5437, to Senate File 2293,
2 as follows:

3 1. Page 13, line 50, by striking the word
4 "location." and inserting the following: "location
5 and at the property line of the confinement feeding
6 operation. However, if two or more confinement
7 feeding operations may be the source of the emission,
8 the department shall take measurements from a location
9 that is an equal distance from the confinement feeding

10 operations."

11 2. By renumbering, redesignating, and correcting
12 internal references as necessary.

JEFF ANGELO
JERRY BEHN
MIKE SEXTON

S-5481

1 Amend the amendment, S-5437, to Senate File 2293,
2 as follows:
3 1. Page 14, by inserting after line 29, the
4 following:
5 "Sec. ____ NEW SECTION. 455B.189 DISCHARGE POINT
6 IDENTIFICATION.
7 The department, pursuant to this division, shall
8 consult with municipalities and industrial national
9 pollutant discharge elimination system permit holders
10 and develop guidelines regarding public identification
11 of sites where national pollutant discharge
12 elimination system permitted discharges occur to state
13 waters."

JOE BOLKCOM

S-5482

1 Amend the amendment, S-5437, to Senate File 2293,
2 as follows:
3 1. Page 25, lines 17 and 18, by striking the
4 words "application permit" and inserting the
5 following: "permit application".
6 2. Page 36, line 44, by inserting before the word
7 "contractor" the following: "active".
8 3. Page 42, by inserting after line 50, the
9 following:
10 "Sec. ____ MANURE STORAGE INDEMNITY FUND —
11 TEMPORARY TRANSFER. Notwithstanding section 455J.2,
12 the department is authorized to temporarily transfer
13 any amount of the unobligated and unencumbered balance
14 of the manure storage indemnity fund as provided under
15 section 455J.2 to the general account of the animal
16 agriculture compliance fund as created in section
17 455B.127, as enacted in this Act, for use as provided
18 in section 455B.127. The department shall return the
19 amount transferred under this section to the manure
20 storage indemnity fund according to a schedule
21 established by the department upon the collection of
22 compliance fees deposited into the animal agriculture
23 compliance fund pursuant to section 455B.203C.
24 Notwithstanding section 455B.127, the department may

25 return moneys from the assessment account of the
26 animal agriculture compliance fund to the manure
27 storage indemnity fund if at any time moneys are not
28 sufficiently available to make the return from the
29 general account of the animal agriculture compliance
30 fund."

31 4. Page 52, line 48, by striking the word
32 "section" and inserting the following: "Act".

33 5. By renumbering as necessary.

JEFF ANGELO
JOHN P. KIBBIE

S-5483

1 Amend the amendment, S-5437, to Senate File 2293 as
2 follows:

3 1. Page 45, line 26, by inserting after the
4 figure "455B.200F," the following: "unless a county
5 board of supervisors adopts a confinement feeding
6 operations siting ordinance as provided in this Act,".

7 2. Page 50, by inserting after line 11 the
8 following:

9 "Sec. ____ INTERIM SITING OF CONFINEMENT FEEDING
10 OPERATION STRUCTURES.

11 1. a. A county board of supervisors may adopt a
12 confinement feeding operations siting ordinance,
13 pursuant to section 331.302. The purpose of the
14 ordinance shall be to allow approval of the siting of
15 a confinement feeding operation structure regardless
16 of whether the board has adopted an ordinance under
17 chapter 335. The department shall deliver a copy of
18 the ordinance to the department as required by the
19 department.

20 b. The ordinance shall apply to the siting of
21 confinement feeding operation structures which are
22 part of confinement feeding operations. However, the
23 ordinance shall not apply to a small animal feeding
24 operation.

25 c. The ordinance shall authorize a county to
26 approve the site of the construction or expansion of a
27 confinement feeding operation, including confinement
28 feeding operation structures in order to preserve and
29 protect natural resources, including water sources and
30 fragile environmental locations; lessen congestion and
31 overcrowding of confinement feeding operations,
32 especially near cities; and to protect the health and
33 welfare of the public.

34 2. The county's decision shall be based on all of
35 the following:

36 a. The animal unit capacity of the confinement
37 feeding operation if the structure were constructed.

- 38 b. The type of confinement feeding operation
39 structure proposed to be constructed and the type of
40 any related pollution control device or practice
41 proposed to be installed or used, including but not
42 limited to engineering standards for the construction
43 of a manure storage structure as provided in section
44 455B.205 or 455B.205A.
- 45 c. The proximity to the proposed construction site
46 of any of the following:
- 47 (1) Human population areas with weight provided to
48 this factor based on the population density of such
49 areas.
- 50 (2) Fragile land areas including but not limited

Page 2

- 1 to wetlands, floodplains, or areas with rare or
2 valuable ecosystems.
- 3 (3) Water sources including major water sources
4 used as drinking water supplies; watersheds; and
5 aquifers and their recharge areas.
- 6 (4) Public use areas or areas of unique scenic or
7 historic significance.
- 8 d. The availability of land required for the
9 application of manure originating from the confinement
10 feeding operation as provided in section 455B.203.
- 11 e. The geology and hydrology of the site,
12 including but not limited to the risk of pollution to
13 surface and subsurface water caused by a breach in a
14 manure storage structure or leaching or runoff from
15 manure applied on land located in proximity to the
16 confinement feeding operation.
- 17 f. The impact of the confinement feeding
18 operation, after construction of the proposed
19 confinement feeding operation structure, on the
20 services of any city located in proximity to the
21 confinement feeding operation or the county in which
22 the confinement feeding operation is located.
- 23 g. The extent to which the applicant has complied
24 with requirements under this division for other animal
25 feeding operations owned by the applicant.
- 26 h. The availability of alternative construction
27 sites, including an analysis of cost comparisons.
- 28 3. The ordinance shall provide for methods and
29 procedures required for submission of proposals,
30 review of proposals, and approval of a site. The
31 department shall evaluate a proposal prior to
32 consideration by a county. The department shall
33 forward a written response to the board. In
34 administering the ordinance, the board shall establish
35 a confinement feeding operations siting commission
36 which shall review each proposal for the construction

37 or expansion of a confinement feeding operation, and
 38 recommend to the county board of supervisors that the
 39 board approve or disapprove the proposal. The board
 40 shall appoint five persons as members of the
 41 commission. Four members shall not reside in a city,
 42 and one member shall reside in a city. At least three
 43 of the members shall be persons who are or were
 44 actively engaged in animal agriculture. The
 45 commission shall make its recommendation to the board
 46 within forty-five days after the date that the board
 47 receives a complete proposal. The board shall approve
 48 or disapprove a proposal within forty-five days after
 49 the date that the board receives the commission's
 50 recommendation regarding approval or disapproval."

Page 3

- 1 3. Page 50, by inserting after line 19 the
- 2 following:
- 3 "Sec. ____ INTERIM COUNTY SITING OF CONFINEMENT
- 4 FEEDING OPERATION STRUCTURES REPEALED. The section of
- 5 this Act providing for the interim siting of
- 6 confinement feeding operation structures by county
- 7 boards of supervisors is repealed March 1, 2003."
- 8 4. By renumbering as necessary.

BETTY A. SOUKUP

S-5484

- 1 Amend the amendment, S-5437, to Senate File 2293,
- 2 as follows:
- 3 1. Page 13, line 40, by inserting after the words
- 4 "based on" the following: "and enforced at".
- 5 2. Page 13, by striking lines 48 through 50, and
- 6 inserting the following: "the airborne pollutant.
- 7 This section does not prohibit the".

JEFF ANGELO

S-5485

- 1 Amend the amendment, S-5437, to Senate File 2293,
- 2 as follows:
- 3 1. Page 48, by striking lines 43 and 44 and
- 4 inserting the following:
- 5 "() The following points shall be awarded if an
- 6 additional separation distance is required for the".
- 7 2. Page 49, line 41, by striking the words "high
- 8 phytase corn" and inserting the following: "low
- 9 phytase corn or the feeding of phytase".
- 10 3. Page 53, line 45, by inserting after the

11 figure "2003." the following: "The provisions of
12 section 455B.205A, as enacted by this Act, as the
13 provisions apply to confinement feeding operations
14 storing manure exclusively on a dry matter basis, take
15 effect upon the effective date of rules adopted to
16 implement section 455B.205A."

JEFF ANGELO

S-5486

1 Amend the amendment, S-5437, to Senate File 2293,
2 as follows:
3 1. Page 52, by inserting after line 35, the
4 following:
5 "___ . The Code editor is directed to replace the
6 date "March 1, 2003" to the date that is the effective
7 date of this Act wherever it appears in this Act other
8 than the section provided in division III of this Act
9 providing for effective dates."
10 2. Page 53, by striking lines 41 through 45, and
11 inserting the following:
12 "___ . Section 455B.200E, as enacted in this Act,
13 takes effect on March 1, 2003."
14 3. By renumbering as necessary.

BETTY A. SOUKUP

S-5487

1 Amend House File 2622, 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 99F.11, unnumbered paragraph
6 1, Code 2001, is amended to read as follows:
7 A tax is imposed on the adjusted gross receipts
8 received annually from gambling games authorized under
9 this chapter at the rate of five percent on the first
10 one million dollars of adjusted gross receipts, at the
11 rate of ten percent on the next two million dollars of
12 adjusted gross receipts, and at the rate of twenty
13 percent on any amount of adjusted gross receipts over
14 three million dollars. However, beginning January 1,
15 1997, the rate on any amount of adjusted gross
16 receipts over three million dollars from gambling
17 games at racetrack enclosures is twenty-two percent
18 and shall increase by two percent each succeeding
19 calendar year until the rate is thirty-six percent.
20 However, at racetrack enclosures at which the total
21 amount of adjusted gross receipts from gambling games
22 annually is not more than seventy million dollars, the

23 tax rate on the amount of adjusted gross receipts over
24 three million dollars from gambling games is the rate
25 which was in effect on December 31, 2001. The taxes
26 imposed by this section shall be paid by the licensee
27 to the treasurer of state within ten days after the
28 close of the day when the wagers were made and shall
29 be distributed as follows:"
30 2. Title page, line 5, by inserting after the
31 word "taxes" the following: ", wagering taxes,".

MIKE CONNOLLY

S-5488

- 1 Amend Senate File 2327 as follows:
- 2 1. By striking page 1, line 1 through page 4,
- 3 line 8.
- 4 2. Title page, by striking lines 1 through 3 and
- 5 inserting the following: "An Act imposing".
- 6 3. By renumbering as necessary.

MIKE CONNOLLY

S-5489

HOUSE AMENDMENT TO
SENATE FILE 2325

- 1 Amend Senate File 2325, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 20, by inserting after line 17 the
- 4 following:
- 5 "Sec. ___. Section 455D.6, Code 2001, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 6A. Develop a strategy and
- 8 recommend to the commission the adoption of rules
- 9 necessary to implement by January 1, 2004, a strategy
- 10 for the recycling of electronic goods and the
- 11 disassembling and removing of toxic parts from
- 12 electronic goods."
- 13 2. Page 28, by striking lines 8 through 11 and
- 14 inserting the following:
- 15 "Sec. ___. Section 135.61, subsection 2, Code
- 16 2001, is amended by striking the subsection and
- 17 inserting in lieu thereof the following:
- 18 2. "Birth center" means a facility or institution,
- 19 which is not an ambulatory surgical center or a
- 20 hospital or in a hospital, in which births are planned
- 21 to occur following a normal, uncomplicated, low-risk
- 22 pregnancy."
- 23 3. By renumbering, relettering, or redesignating
- 24 and correcting internal references as necessary.

S-5490

1 Amend House File 2339, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 9 through 18 and
4 inserting the following:

5 "2. If the judgment or order appealed from is for
6 money, such bond shall not exceed fifty million
7 dollars."

8 2. By renumbering as necessary.

DONALD B. REDFERN

S-5491

1 Amend House File 2617, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 6, the
4 following:

5 "c. The following fees, which shall be in addition
6 to any fee required to accompany a permit as required
7 in this section, shall be assessed:

8 (1) A reinspection fee that shall be paid by a
9 person holding a permit under this subsection for
10 which reinspection is required as a condition of
11 retaining the permit. The amount of the reinspection
12 fee shall not be more than forty dollars for each such
13 reinspection.

14 (2) A resealing fee that shall be paid by a person
15 holding a milk plant permit, for resealing a milk
16 plant's pasteurizer. The amount of the resealing fee
17 shall not be more than one hundred dollars for each
18 such resealing.

19 d. A person who renews a permit and submits any
20 accompanying renewal fee under this subsection more
21 than thirty days after the date that the renewal
22 period expires shall pay a late fee. The amount of
23 the late fee shall be equal to ten percent of the
24 permit renewal fee. However, in no instance shall the
25 late fee be less than twenty-five dollars."

26 2. Page 3, by striking lines 20 and 21, and
27 inserting the following:

28 "1. "Bulk milk tanker" means all of the following:

29 a. A bulk milk tanker as defined in section
30 192.101A.

31 b. A vehicle that transports milk stored in milk
32 cans."

KITTY REHBERG

S-5492

1 Amend the House amendment, S-5460, to Senate File
2 2286, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 37, by inserting after the word
5 "admissible" the following: "if the court finds that
6 the probative value of the testimony is substantially
7 outweighed by the danger of unfair prejudice,
8 confusion of the issues, or misleading the jury, or by
9 considerations of undue delay, waste of time, or
10 needless presentation".

THOMAS FIEGEN
JOHNIE HAMMOND

S-5493

1 Amend Senate File 2308 as follows:
2 1. Page 2, by inserting after line 9 the
3 following:
4 "Sec. ____ Section 437A.5, Code 2001, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 10. a. Notwithstanding anything
7 to the contrary in this chapter or the provisions of
8 any other law or charter, the board of supervisors of
9 a county, in which a natural gas-fired turbine
10 generator system is proposed to be located or is
11 located, may enter into an agreement described in this
12 paragraph with any person. The agreement may provide
13 that the board will pay to any person designated in
14 the agreement, subsequent to the payment of tax
15 required under this section, a sum equal to all or any
16 part of the amount of the tax paid to that county and
17 to all local taxing districts located within that
18 county pursuant to this section, with respect to
19 natural gas used or to be used by a natural gas-fired
20 turbine generator system located in that county to
21 generate electricity, for such period and upon such
22 terms and conditions as the board may determine.
23 b. The board of supervisors shall consult local
24 taxing authorities within the county as to the
25 advisability of entering into such an agreement and
26 the positive economic impact that the agreement would
27 have on the county.
28 c. During the period that any agreement entered
29 into in accordance with this subsection is in effect,
30 any delivery of natural gas used or to be used by a
31 new gas-fired turbine generator system located in that
32 county to generate electricity shall be excluded for
33 purposes of computing the recalculation of replacement
34 tax on the delivery of natural gas under this

35 section."
 36 2. By renumbering, redesignating, and correcting
 37 internal references as necessary.

DAVID MILLER
 SANDRA GREINER

S-5494

1 Amend the amendment, S-5487, to House File 2622, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 22, by inserting after the word
 5 "than" the following: "one hundred".

DICK L. DEARDEN

S-5495

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2614

1 Amend the Senate amendment, H-8583, to House File
 2 2614, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking line 6.
 5 2. By striking page 1, line 7, through page 2,
 6 line 4.
 7 3. Page 2, by striking line 25.
 8 4. Page 2, line 36, by inserting after the word
 9 "home" the following: ", notwithstanding section
 10 8.57, subsection 5, paragraph "c".
 11 5. By renumbering, relettering, or redesignating
 12 and correcting internal references as necessary.

S-5496

1 Amend the House amendment, S-5475, to Senate File
 2 2318, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 2 the
 5 following:
 6 "___". Page 2, by striking lines 10 through 15 and
 7 inserting the following:
 8 "b. For the 2003 calendar year:
 9 (1) One and three-fourths percent if the company
 10 or association is described as any of the following:
 11 (a) It is taxed under section 432.2.
 12 (b) Its policies and contracts provide for third-
 13 party payments or prepayments of health or medical
 14 expenses which include coverage benefits for treatment

15 for neurobiological disorders and underlying co-
16 morbidity as provided in section 514C.21 and it meets
17 the requirements of subparagraph subdivision (d), (e),
18 or (f).

19 (c) Its commercial domicile is not in Iowa.

20 (d) Its commercial domicile is in Iowa and its
21 total premiums received in the previous calendar year
22 are less than ten million dollars and in the case of a
23 health insurance company or association it meets the
24 requirements of subparagraph subdivision (b).

25 (e) Its commercial domicile is in Iowa, its total
26 premiums received in the previous calendar year are at
27 least ten million dollars but not more than one
28 hundred million dollars, and it has purchased equity
29 interests in the Iowa fund of funds created pursuant
30 to section 15E.225 through the end of the previous
31 calendar year of at least five hundred thousand
32 dollars and in the case of a health insurance company
33 or association it meets the requirements of
34 subparagraph subdivision (b).

35 (f) Its commercial domicile is in Iowa, its total
36 premiums received in the previous calendar year are
37 more than one hundred million dollars, and it has
38 purchased equity interests in the Iowa fund of funds
39 through the end of the previous calendar year of at
40 least one million dollars and in the case of a health
41 insurance company or association it meets the
42 requirements of subparagraph subdivision (b).

43 (2) Two percent if the company or association does
44 not meet any of the descriptions in subparagraph (1).

45 c. For the 2004 calendar year:

46 (1) One and one-half percent if the company or
47 association is described as any of the following:

48 (a) It is taxed under section 432.2.

49 (b) Its policies and contracts provide for third-
50 party payments or prepayments of health or medical

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1 expenses which include coverage benefits for treatment
2 for neurobiological disorders and underlying co-
3 morbidity as provided in section 514C.21 and it meets
4 the requirements of subparagraph subdivision (d), (e),
5 or (f).

6 (c) Its commercial domicile is not in Iowa.

7 (d) Its commercial domicile is in Iowa and its
8 total premiums received in the previous calendar year
9 are less than ten million dollars and in the case of a
10 health insurance company or association it meets the
11 requirements of subparagraph subdivision (b).

12 (e) Its commercial domicile is in Iowa, its total
13 premiums received in the previous calendar year are at

14 least ten million dollars but not more than one
15 hundred million dollars, and it has purchased equity
16 interests in the Iowa fund of funds through the end of
17 the previous calendar year of at least one million
18 dollars and in the case of a health insurance company
19 or association it meets the requirements of
20 subparagraph subdivision (b).

21 (f) Its commercial domicile is in Iowa, its total
22 premiums received in the previous calendar year are
23 more than one hundred million dollars, and it has
24 purchased equity interests in the Iowa fund of funds
25 through the end of the previous calendar year of at
26 least two million dollars and in the case of a health
27 insurance company or association it meets the
28 requirements of subparagraph subdivision (b).

29 (2) Two percent if the company or association does
30 not meet any of the descriptions in subparagraph (1).

31 d. For the 2005 calendar year:

32 (1) One and one-fourth percent if the company or
33 association is described as any of the following:

34 (a) It is taxed under section 432.2.

35 (b) Its policies and contracts provide for third-
36 party payments or prepayments of health or medical
37 expenses which include coverage benefits for treatment
38 for neurobiological disorders and underlying co-
39 morbidity as provided in section 514C.21 and it meets
40 the requirements of subparagraph subdivision (d), (e),
41 or (f).

42 (c) Its commercial domicile is not in Iowa.

43 (d) Its commercial domicile is in Iowa and its
44 total premiums received in the previous calendar year
45 are less than ten million dollars and in the case of a
46 health insurance company or association it meets the
47 requirements of subparagraph subdivision (b).

48 (e) Its commercial domicile is in Iowa, its total
49 premiums received in the previous calendar year are at
50 least ten million dollars but not more than one

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1 hundred million dollars, and it has purchased equity
2 interests in the Iowa fund of funds through the end of
3 the previous calendar year of at least one million
4 five hundred thousand dollars and in the case of a
5 health insurance company or association it meets the
6 requirements of subparagraph subdivision (b).

7 (f) Its commercial domicile is in Iowa, its total
8 premiums received in the previous calendar year are
9 more than one hundred million dollars, and it has
10 purchased equity interests in the Iowa fund of funds
11 through the end of the previous calendar year of at
12 least three million dollars and in the case of a

13 health insurance company or association it meets the
14 requirements of subparagraph subdivision (b).

15 (2) Two percent if the company or association does
16 not meet any of the descriptions in subparagraph (1).

17 e. For the 2006 and subsequent calendar years:

18 (1) One percent if the company or association is
19 described as any of the following:

20 (a) It is taxed under section 432.2.

21 (b) Its policies and contracts provide for third-
22 party payments or prepayments of health or medical
23 expenses which include coverage benefits for treatment
24 for neurobiological disorders and underlying co-
25 morbidity as provided in section 514C.21 and it meets
26 the requirements of subparagraph subdivision (d), (e),
27 or (f).

28 (c) Its commercial domicile is not in Iowa.

29 (d) Its commercial domicile is in Iowa and its
30 total premiums received in the previous calendar year
31 are less than ten million dollars and in the case of a
32 health insurance company or association it meets the
33 requirements of subparagraph subdivision (b).

34 (e) Its commercial domicile is in Iowa, its total
35 premiums received in the previous calendar year are at
36 least ten million dollars but not more than one
37 hundred million dollars, and it has purchased equity
38 interests in the Iowa fund of funds through the end of
39 the previous calendar year of at least two million
40 dollars and in the case of a health insurance company
41 or association it meets the requirements of
42 subparagraph subdivision (b).

43 (f) Its commercial domicile is in Iowa, its total
44 premiums received in the previous calendar year are
45 more than one hundred million dollars, and it has
46 purchased equity interests in the Iowa fund of funds
47 through the end of the previous calendar year of at
48 least four million dollars and in the case of a health
49 insurance company or association it meets the
50 requirements of subparagraph subdivision (b).

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1 (2) Two percent if the company or association does
2 not meet any of the descriptions in subparagraph (1)."
3 _____. By striking page 2, line 34 through page 3,
4 line 4 and inserting the following:

5 "b. For the 2004 calendar year:

6 (1) One and three-fourths percent if the company
7 or association is described as any of the following:

8 (a) Its commercial domicile is not in Iowa.

9 (b) Its commercial domicile is in Iowa and its
10 total premiums received in the previous calendar year
11 are less than ten million dollars.

12 (c) Its commercial domicile is in Iowa, its total
13 premiums received in the previous calendar year are at
14 least ten million dollars but not more than one
15 hundred million dollars, and it has purchased equity
16 interests in the Iowa fund of funds through the end of
17 the previous calendar year of at least five hundred
18 thousand dollars.

19 (d) Its commercial domicile is in Iowa, its total
20 premiums received in the previous calendar year are
21 more than one hundred million dollars, and it has
22 purchased equity interests in the Iowa fund of funds
23 through the end of the previous calendar year of at
24 least one million dollars.

25 (2) Two percent if the company or association does
26 not meet any of the descriptions in subparagraph (1).

27 c. For the 2005 calendar year:

28 (1) One and one-half percent if the company or
29 association is described as any of the following:

30 (a) Its commercial domicile is not in Iowa.

31 (b) Its commercial domicile is in Iowa and its
32 total premiums received in the previous calendar year
33 are less than ten million dollars.

34 (c) Its commercial domicile is in Iowa, its total
35 premiums received in the previous calendar year are at
36 least ten million dollars but not more than one
37 hundred million dollars, and it has purchased equity
38 interests in the Iowa fund of funds through the end of
39 the previous calendar year of at least one million
40 dollars.

41 (d) Its commercial domicile is in Iowa, its total
42 premiums received in the previous calendar year are
43 more than one hundred million dollars, and it has
44 purchased equity interests in the Iowa fund of funds
45 through the end of the previous calendar year of at
46 least two million dollars.

47 (2) Two percent if the company or association does
48 not meet any of the descriptions in subparagraph (1).

49 d. For the 2006 calendar year:

50 (1) One and one-fourth percent if the company or

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1 association is described as any of the following:

2 (a) Its commercial domicile is not in Iowa.

3 (b) Its commercial domicile is in Iowa and its
4 total premiums received in the previous calendar year
5 are less than ten million dollars.

6 (c) Its commercial domicile is in Iowa, its total
7 premiums received in the previous calendar year are at
8 least ten million dollars but not more than one
9 hundred million dollars, and it has purchased equity
10 interests in the Iowa fund of funds through the end of

11 the previous calendar year of at least one million
12 five hundred thousand dollars.

13 (d) Its commercial domicile is in Iowa, its total
14 premiums received in the previous calendar year are
15 more than one hundred million dollars, and it has
16 purchased equity interests in the Iowa fund of funds
17 through the end of the previous calendar year of at
18 least three million dollars.

19 (2) Two percent if the company or association does
20 not meet any of the descriptions in subparagraph (1).

21 e. For the 2007 and subsequent calendar years:

22 (1) One percent if the company or association is
23 described as any of the following:

24 (a) Its commercial domicile is not in Iowa.

25 (b) Its commercial domicile is in Iowa and its
26 total premiums received in the previous calendar year
27 are less than ten million dollars.

28 (c) Its commercial domicile is in Iowa, its total
29 premiums received in the previous calendar year are at
30 least ten million dollars but not more than one
31 hundred million dollars, and it has purchased equity
32 interests in the Iowa fund of funds the end of the
33 previous calendar year of at least two million
34 dollars.

35 (d) Its commercial domicile is in Iowa, its total
36 premiums received in the previous calendar year are
37 more than one hundred million dollars, and it has
38 purchased equity interests in the Iowa fund of funds
39 through the end of the previous calendar year of at
40 least four million dollars.

41 (2) Two percent if the company or association does
42 not meet any of the descriptions in subparagraph
43 (1)."

44 2. Page 1, by inserting after line 18 the
45 following:

46 "____. Page 5, by inserting after line 16 the
47 following:

48 "Sec. ____ NEW SECTION. 514C.21 MANDATED
49 COVERAGE FOR NEUROBIOLOGICAL DISORDERS AND UNDERLYING
50 CO-MORBIDITY.

Page 6

- 1 1. For purposes of this section, unless the
- 2 context otherwise requires:
- 3 a. "Co-morbidity" means the coexistence of
- 4 conditions or diagnosable disorders such as
- 5 neurobiological disorders and substance abuse. For
- 6 purposes of this section, "substance abuse" means a
- 7 pattern of pathological use of alcohol or a drug that
- 8 causes impairment in social or occupational
- 9 functioning, or that produces physiological dependency

10 evidenced by physical tolerance or by physical
11 symptoms when the alcohol or drug is withdrawn.

12 b. "Neurobiological disorder" means the following:

13 (1) Schizophrenia and other psychotic disorders.

14 (2) Affective disorders.

15 (3) Anxiety disorders.

16 (4) Pervasive developmental disorders.

17 (5) Attention deficit hyperactivity disorder and
18 related disorders.

19 (6) Disorders identified in childhood and
20 adolescence.

21 The commissioner, by rule, shall identify the
22 neurobiological disorders covered by this definition,
23 consistent with the guidelines provided in the most
24 recent edition of the American psychiatric
25 association's diagnostic and statistical manual of
26 mental disorders, as such definitions may be amended
27 from time to time. The commissioner may adopt the
28 definitions provided in the manual by reference.

29 c. "Rates, terms, and conditions" means any
30 lifetime or annual payment limits, deductibles,
31 copayments, coinsurance, and any other cost-sharing
32 requirements, out-of-pocket limits, visit limitations,
33 and any other financial component of benefits coverage
34 that affects the covered individual.

35 2. a. Notwithstanding the uniformity of treatment
36 requirements of section 514C.6, a policy, contract, or
37 plan providing for third-party payment or prepayment
38 of health or medical expenses shall provide coverage
39 benefits for treatment for neurobiological disorders
40 and underlying co-morbidity based on rates, terms, and
41 conditions that are no more restrictive than the
42 rates, terms, and conditions for coverage benefits
43 provided for other health or medical conditions under
44 the policy, contract, or plan.

45 b. Any restrictions or limitations with respect to
46 rates, terms, and conditions involving deductibles,
47 copayments, coinsurance, and any other cost-sharing
48 requirements shall be cumulative for coverage of
49 treatment for neurobiological disorders and underlying
50 co-morbidity and other health or medical conditions

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1 under a policy, contract, or plan. A policy,
2 contract, or plan subject to this section shall not
3 impose an aggregate lifetime or annual limit on
4 treatment for neurobiological disorders and underlying
5 co-morbidity coverage benefits unless the policy,
6 contract, or plan imposes an aggregate lifetime or
7 annual limit on substantially all health or medical
8 coverage benefits. A policy, contract, or plan

9 subject to this section that imposes an aggregate
10 lifetime or annual limit on substantially all medical
11 and surgical coverage benefits shall not impose an
12 aggregate lifetime or annual limit on treatment for
13 neurobiological disorders and underlying co-morbidity
14 coverage benefits that is less than the aggregate
15 lifetime or annual limit imposed on substantially all
16 health or medical coverage benefits.

17 c. Coverage required under this section shall be
18 for the treatment of neurobiological disorders and
19 underlying co-morbidity, for services provided by a
20 health professional licensed under chapter 147A, 148,
21 150A, 152, 154B, 154C, or 154D, for services provided
22 in a hospital, clinic, office, community mental health
23 center, health care facility, outpatient treatment
24 facility, residential treatment facility, halfway
25 house, or similar facility for the provision of health
26 care services, and for services provided pursuant to
27 the comprehensive program for treatment for substance
28 abuse maintained by the department of public health
29 pursuant to section 125.12 in a hospital licensed
30 under chapter 135B or a facility licensed under
31 chapter 125.

32 3. This section applies to the following classes
33 of third-party payment provider policies, contracts,
34 or plans delivered, issued for delivery, continued, or
35 renewed in this state on or after January 1, 2003:

36 a. Individual or group accident and sickness
37 insurance providing coverage on an expense-incurred
38 basis.

39 b. An individual or group hospital or medical
40 service contract issued pursuant to chapter 509, 514,
41 or 514A.

42 c. A plan established pursuant to chapter 509A for
43 public employees.

44 d. An individual or group health maintenance
45 organization contract regulated under chapter 514B.

46 e. An individual or group Medicare supplemental
47 policy, unless coverage pursuant to such policy is
48 preempted by federal law.

49 f. Any other entity engaged in the business of
50 insurance, risk transfer, or risk retention, which is

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1 subject to the jurisdiction of the commissioner.

2 g. An organized delivery system licensed by the
3 director of public health.

4 4. The commissioner shall adopt rules pursuant to
5 chapter 17A to administer this section."

6 _____. By renumbering, redesignating, and
7 correcting internal references as necessary."

THOMAS FIEGEN
MARK SHEARER
STEVEN D. HANSEN
AMANDA RAGAN
JOE BOLKCOM
MIKE CONNOLLY
BETTY A. SOUKUP
PATRICIA HARPER
BILL FINK
ROBERT E. DVORSKY
JOHNIE HAMMOND
MICHAEL E. GRONSTAL
JOHN P. KIBBIE
DENNIS H. BLACK
WALLY E. HORN
DICK L. DEARDEN
EUGENE S. FRAISE
MARY A. LUNDBY

S-5497

1 Amend House File 2515, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 20 the
4 following:
5 "Sec. ____ NEW SECTION. 257.50 FEDERAL
6 ASSISTANCE — SCHOOL DISTRICT RESPONSIBILITIES.
7 The director of the department of education, in
8 accepting and administering federal funds in
9 accordance with section 256.9, subsection 7, shall
10 upon receiving federal grant moneys under the federal
11 21st Century Community Learning Center Grant, Title
12 IV, Part B of the federal No Child Left Behind Act of
13 2001, Pub. L. No. 107-110, designate that a school
14 district be the fiscal agent for an eligible local
15 grant. Whenever possible, the grant applicant school
16 district shall collaborate with a community-based
17 organization, a public or private entity, or a
18 consortium of two or more of such organizations or
19 entities in establishing a community learning center.
20 The department shall give priority to applications for
21 programs serving students determined through research-
22 based methods to be in the greatest need of eligible
23 services. Notwithstanding the provisions of this
24 section, if federal rules or regulations relating to
25 the 21st Century Community Learning Center Grant are
26 adopted that are inconsistent with the provisions of
27 this section, the department of education shall comply
28 with the requirements of the federal rules or

29 regulations."

30 2. By renumbering as necessary.

NANCY BOETTGER

S-5498

1 Amend House File 2622, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 9, line 20, through page 10,
4 line 16.

5 2. By striking page 22, line 30, through page 23,
6 line 3, and inserting the following:

7 "Sec. ____.

8 1. ABATEMENT OF SALES AND USE TAXES. The director
9 of revenue and finance shall abate unpaid state sales
10 and use taxes and local sales and services taxes owed
11 by any foundry located in Lee or Jefferson county on
12 purchases of tangible personal property used by the
13 foundry in making patterns, molds, or dies which
14 purchases occurred between July 1, 1997, and the
15 effective date of this section.

16 2. REFUNDS. If the state sales and use taxes and
17 local sales and services taxes have been paid on the
18 purchases of tangible personal property which occurred
19 between July 1, 1997, and the effective date of this
20 section and which taxes would have been abated under
21 subsection 1 if not paid, then such taxes and any
22 interest and penalties, that were paid, are eligible
23 for refund. However, refunds shall not be allowed
24 unless claims are filed prior to October 1, 2002, and
25 shall be limited to twenty-five thousand dollars in
26 the aggregate. If the amount of claims totals more
27 than twenty-five thousand dollars in the aggregate,
28 the department of revenue and finance shall prorate
29 the twenty-five thousand dollars among all claimants
30 in relation to the amounts of the claimants' valid
31 claims."

32 3. Page 23, by striking lines 26 through 30 and
33 inserting the following:

34 "____. The section of this Act that provides for
35 the abatement of sales and use taxes owed or the
36 refund of sales and use tax paid on the purchases of
37 certain tangible personal property by a foundry, being
38 deemed of immediate importance, takes effect upon
39 enactment."

PATRICIA HARPER
PAUL McKINLEY
MARK SHEARER
LARRY McKIBBEN

S-5499

1 Amend the amendment, S-5487, to House File 2622, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 29 the
5 following:
6 "____. Page 10, by inserting before line 17 the
7 following:
8 "Sec. ____ Section 422.5, subsection 1, Code 2001,
9 is amended by adding the following new paragraph:
10 NEW PARAGRAPH. 1. Notwithstanding the rate
11 schedule specified in paragraphs "a" through "i" of
12 this subsection, for the tax year beginning on or
13 after January 1, 2002, but before January 1, 2003, the
14 tax rates for those taxpayers whose taxable income is
15 less than thirty thousand dollars shall be one-half of
16 the tax rates specified in the tax rate schedule in
17 paragraphs "a" through "i" of this subsection.""

JOHN REDWINE
ANDY McKEAN

S-5500

1 Amend House File 2549, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 14, the
4 following:
5 "Sec. ____ Section 279.17, unnumbered paragraphs 1
6 and 2, Code 2001, are amended to read as follows:
7 ~~If the teacher is no longer a probationary teacher,~~
8 ~~the~~ The teacher may, within ten days, appeal the
9 determination of the board to an adjudicator by filing
10 a notice of appeal with the secretary of the board.
11 The notice of appeal shall contain a concise statement
12 of the action which is the subject of the appeal, the
13 particular board action appealed from, the grounds on
14 which relief is sought and the relief sought.
15 Within five days following receipt by the secretary
16 of the notice of appeal, the board or the board's
17 legal representative, if any, and the teacher or the
18 teacher's representative, if any, may select an
19 adjudicator who resides within the boundaries of the
20 merged area in which the school district is located.
21 If an adjudicator cannot be mutually agreed upon
22 within the five-day period, the secretary shall notify
23 the chairperson of the public employment relations
24 board by transmitting the notice of appeal, and the
25 chairperson of the public employment relations board
26 shall within five days provide a list of five
27 adjudicators to the parties. Within three days from

28 receipt of the list of adjudicators, the parties shall
 29 select an adjudicator by alternately removing a name
 30 from the list until only one name remains. The person
 31 whose name remains shall be the adjudicator. The
 32 parties shall determine by lot which party shall
 33 remove the first name from the list submitted by the
 34 chairperson of the public employment relations board.
 35 The secretary of the board shall inform the
 36 chairperson of the public employee relations board of
 37 the name of the adjudicator selected. If the teacher
 38 is a probationary teacher, the adjudicator shall have
 39 successfully completed training related to the Iowa
 40 teaching standards, the model criteria adopted by the
 41 state board of education in accordance with section
 42 284.3, subsection 3, and any additional training
 43 required under rules adopted by the public employment
 44 relations board in cooperation with the state board of
 45 education."

46 2. Page 4, line 31, by inserting after the word
 47 "concerns" the following: "for a period not to exceed
 48 twelve months".

49 3. Page 5, line 1, by inserting after the word
 50 "standards" the following: ", and to determine

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1 whether the teacher's practice meets school district
 2 expectations for career advancement in accordance with
 3 section 284.7".

4 4. Page 9, line 18, by striking the words "an
 5 educational" and inserting the following: "a
 6 standard".

7 5. Page 9, line 25, by inserting after the word
 8 "plan." the following: "The evaluator shall consult
 9 with the teacher's supervisor on the development of
 10 the individual teacher career development plan."

11 6. Page 10, line 8, by inserting after the word
 12 "plan." the following: "The teacher's supervisor
 13 shall review, modify, or accept modifications made to
 14 the teacher's individual plan."

15 7. Page 10, line 23, by striking the word "and".

16 8. Page 10, line 24, by inserting after the word
 17 "improvement" the following: ", or to determine
 18 whether the teacher's practice meets school district
 19 expectations for career advancement in accordance with
 20 section 284.7".

21 9. Page 10, line 27, by striking the word "may"
 22 and inserting the following: "shall".

23 10. Page 10, line 28, by striking the word
 24 "also".

25 11. Page 10, line 30, by inserting before the
 26 word "an" the following: "a supervisor or".

27 12. Page 11, line 3, by striking the word "may"
 28 and inserting the following: "shall, at the direction
 29 of the teacher's supervisor,".

30 13. Page 11, by inserting after line 8 the
 31 following:

32 "3. If a teacher is denied advancement based upon
 33 a performance review, the teacher may appeal the
 34 decision to an adjudicator under the process
 35 established under section 279.17. However, the
 36 decision of the adjudicator is final."

37 14. By striking page 11, line 22, through page
 38 12, line 5.

39 15. Page 12, by inserting after line 28 the
 40 following:

41 "Sec. ____ TEACHER CAREER PATH PILOT PROGRAM. It
 42 is the intent of the general assembly to create a
 43 statewide career path pilot program to be implemented
 44 in approved school districts during the school year
 45 beginning July 1, 2003, and ending June 30, 2004. By
 46 December 15, 2002, the department of education shall
 47 develop recommendations for the pilot program in
 48 consultation with persons representing teachers,
 49 administrators, school boards, and other education
 50 stakeholders as appropriate, and shall submit its

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1 recommendations to the chairpersons and ranking
 2 members of the senate and house standing committees on
 3 education and the joint appropriations subcommittee on
 4 education. The recommendations shall, at a minimum,
 5 include proposals for grant criteria, measures by
 6 which a school district may identify the
 7 characteristics that define a career II and advanced
 8 level teacher, maximum use of the career and advanced
 9 teacher's skills and knowledge to benefit the school
 10 district and its students, and a review process."

11 16. By renumbering as necessary.

NANCY BOETTGER

S-5501

1 Amend House File 2515, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 20 the
 4 following:

5 "Sec. ____ Section 257.16, Code 2001, is amended
 6 to read as follows:

7 1. There is appropriated each year from the
 8 general fund of the state an amount necessary to pay
 9 the foundation aid and supplementary aid under section

10 257.4, subsection 2.

11 2. All state aids paid under this chapter, unless
 12 otherwise stated, shall be paid in monthly
 13 installments beginning on September 15 of a budget
 14 year and ending on or about June 15 of the budget year
 15 as determined by the department of management, taking
 16 into consideration the relative budget and cash
 17 position of the state resources.

18 3. All moneys received by a school district from
 19 the state under this chapter shall be deposited in the
 20 general fund of the school district, and may be used
 21 for any school general fund purpose.

22 4. Notwithstanding any provision to the contrary,
 23 if the governor orders budget reductions in accordance
 24 with section 8.31, reductions in the appropriations
 25 provided in accordance with this section shall be
 26 distributed on a per pupil basis calculated with the
 27 weighted enrollment determined in accordance with
 28 section 257.6, subsection 5."

29 2. By renumbering as necessary.

NANCY BOETTGER

S-5502

1 Amend House File 2486, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. By striking page 5, line 11, through page 7,
 4 line 4, and inserting the following:

5 "Sec. ____ Section 42.4, subsection 8, Code 2001,
 6 is amended to read as follows:

7 8. Each bill embodying a plan drawn under this
 8 section shall include provisions for election of
 9 senators to the general assemblies which take office
 10 in the years ending in three and five, which shall be
 11 in conformity with article III, section 6, of the
 12 Constitution of the State of Iowa. With respect to
 13 any plan drawn for consideration ~~in the year 2001,~~

14 those provisions shall be substantially as follows:
 15 a. Each ~~odd-numbered~~ senatorial district ~~in the~~
 16 ~~plan which is not a holdover senatorial district~~ shall
 17 elect a senator in ~~2002 the year ending in two~~ for a
 18 four-year term commencing in January ~~2003 of the year~~
 19 ~~ending in three~~. If an incumbent senator who was
 20 elected to a four-year term which commenced in January
 21 ~~2001 of the year ending in one,~~ or was subsequently
 22 elected to fill a vacancy in such a term, is residing
 23 in ~~an odd-numbered~~ a senatorial district ~~in the plan~~
 24 ~~which is not a holdover senatorial district~~ on the
 25 ~~first Wednesday in February 1, 2002 of the year ending~~
 26 ~~in two,~~ that senator's term of office shall be
 27 terminated on January 1, ~~2003 of the year ending in~~

28 three.

29 b. Each ~~even-numbered holdover~~ senatorial district
30 in the plan shall elect a senator in 2004 the year
31 ending in four for a four-year term commencing in
32 January 2005 of the year ending in five.

33 (1) If one and only one incumbent state senator is
34 residing in ~~an even-numbered a holdover~~ senatorial
35 district in the plan on the first Wednesday in
36 February 1, 2002 of the year ending in two, and that
37 senator meets all of the following requirements, the
38 senator shall represent the district in the senate for
39 the ~~Eightieth~~ General Assembly commencing in January
40 of the year ending in three:

41 (a) The senator was elected to a four-year term
42 which commenced in January 2001 of the year ending in
43 one or was subsequently elected to fill a vacancy in
44 such a term.

45 (b) The senatorial district in the plan which
46 includes the place of residence of the state senator
47 on the date of the senator's last election to the
48 senate is the same as the ~~even-numbered holdover~~
49 senatorial district in which the senator resides on
50 the first Wednesday in February 1, 2002 of the year

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1 ending in two, or is contiguous to such ~~even-numbered~~
2 ~~holdover~~ senatorial district ~~and the senator's~~
3 ~~declared residence as of February 1, 2002, was within~~
4 ~~the district from which the senator was last elected.~~
5 Areas which meet only at the points of adjoining
6 corners are not contiguous.

7 ~~The secretary of state shall prescribe a form to be~~
8 ~~completed by all senators to declare their residences~~
9 ~~as of February 1, 2002. The form shall be filed with~~
10 ~~the secretary of state no later than five p.m. on~~
11 ~~February 1, 2002.~~

12 (2) Each ~~even-numbered holdover~~ senatorial
13 district to which subparagraph (1) of this paragraph
14 is not applicable shall elect a senator in ~~2002 the~~
15 year ending in two for a two-year term commencing in
16 January 2003 of the year ending in three. However, if
17 more than one incumbent state senator is residing in
18 ~~an even-numbered a holdover~~ senatorial district on the
19 first Wednesday in February 1, 2002 of the year ending
20 in two, and, on or before the third Wednesday in
21 February 15, 2002 of the year ending in two, all but
22 one of the incumbent senators resigns from office
23 effective no later than January 1, 2003 of the year
24 ending in three, the remaining incumbent senator shall
25 represent the district in the senate for the ~~Eightieth~~
26 General Assembly commencing in January of the year

27 ending in three. A copy of the resignation must be
 28 filed in the office of the secretary of state no later
 29 than five p.m. on the third Wednesday in February 15,
 30 ~~2002~~ of the year ending in two.
 31 c. For purposes of this subsection:
 32 (1) "Holdover senatorial district" means a
 33 senatorial district in the plan which is numbered with
 34 an even or odd number in the same manner as senatorial
 35 districts, which were required to elect a senator in
 36 the year ending in zero, were numbered.
 37 (2) "Incumbent state senator" means a state
 38 senator who holds the office of state senator on the
 39 first Wednesday in February of the year ending in two,
 40 and whose declared residence on that day is within the
 41 district from which the senator was last elected.
 42 d. The secretary of state shall prescribe a form
 43 to be completed by all senators to declare their
 44 residences as of the first Wednesday in February of
 45 the year ending in two. The form shall be filed with
 46 the secretary of state no later than five p.m. on the
 47 first Wednesday in February of the year ending in
 48 two."
 49 2. Page 10, by striking lines 17 and 18 and
 50 inserting the following: "representation plan has met

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1 the legal requirements applicable to the plan, an
 2 eligible".
 3 3. Page 10, lines 23 and 24, by striking the
 4 words "for improper political reasons" and inserting
 5 the following: "in violation of the applicable legal
 6 requirements".
 7 4. Page 10, line 27, by striking the word "two"
 8 and inserting the following: "one".
 9 5. Page 10, by striking lines 28 through 34 and
 10 inserting the following: "thousand dollars."
 11 6. Page 11, line 1 by inserting after the words
 12 "paragraph "b"" the following: "alleging that the
 13 plan was drawn for improper political purposes".
 14 7. Page 11, line 12, by inserting after the word
 15 "plan." the following: "For purposes of this
 16 paragraph "b", "a plan drawn for improper political
 17 reasons" means a plan approved by the board that
 18 contains at least one district that has been drawn for
 19 one or more of the purposes prohibited in section
 20 42.4, subsection 5, or a plan approved by the board in
 21 which consideration was given to one or more
 22 prohibited factors listed in section 49.3, subsection
 23 4, paragraph "d"."
 24 8. Page 11, by inserting after line 12 the
 25 following:

26 "(3) If a complaint is filed with the state
 27 commissioner of elections under this paragraph "b",
 28 which includes reasons for rejecting the plan that are
 29 not allegations that the plan was drawn for improper
 30 political reasons, the state commissioner shall review
 31 and investigate the complaint. If the state
 32 commissioner of elections finds, by a preponderance of
 33 the evidence, that the plan has not met all the legal
 34 requirements applicable to the plan, the state
 35 commissioner shall reject the plan."
 36 9. Page 11, line 13, by striking the figure
 37 "(3)", and inserting the following: "(4)".
 38 10. Page 11, line 22, by striking the word
 39 "ninety-five", and inserting the following: "two
 40 hundred fifty".
 41 11. Page 11, line 34, by striking the word "or",
 42 and inserting the following: "of".
 43 12. Page 12, by striking line 4 and inserting the
 44 following: "plan as provided by paragraph "d", which
 45 plan shall better meet the applicable legal
 46 requirements than the plan drawn by the legislative
 47 service bureau. For purposes of this paragraph "f",
 48 "a plan which shall better meet the applicable
 49 requirements" means a plan, based upon the applicable
 50 legal requirements, which has lower population

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1 deviations among the districts, does not establish
 2 districts which divide more cities or political
 3 subdivisions, and has districts that are more compact,
 4 than the plan drawn by the legislative service
 5 bureau."
 6 13. Page 12, by striking lines 5 through 20.
 7 14. By renumbering as necessary.

STEVE KING

S-5503

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 2515

1 Amend the Senate amendment, H-8681, to House File
 2 2515, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, by inserting after line 38 the
 5 following:
 6 "Sec. ____ . Section 256.7, subsection 21, paragraph
 7 c, Code Supplement 2001, is amended to read as
 8 follows:

- 9 c. A requirement that all school districts and
 10 accredited nonpublic schools annually report to the
 11 department and the local community the district-wide
 12 progress made in attaining student achievement goals
 13 on the academic and other core indicators and the
 14 district-wide progress made in attaining locally
 15 established student learning goals. The school
 16 districts and accredited nonpublic schools shall
 17 demonstrate the use of multiple assessment measures in
 18 determining student achievement levels. The school
 19 districts and accredited nonpublic schools shall also
 20 report the number of students who enter ninth grade
 21 but do not graduate from the school or school
 22 district; and the number of students who are tested
 23 and the percentage of students who are so tested
 24 annually. The board shall develop and adopt uniform
 25 definitions consistent with the federal No Child Left
 26 Behind Act of 2001, Pub. L. No. 107-110 and any
 27 federal regulations adopted pursuant to the federal
 28 Act. The school districts and accredited nonpublic
 29 schools may report on other locally determined factors
 30 influencing student achievement. The school districts
 31 and accredited nonpublic schools shall also report to
 32 the local community their results by individual
 33 attendance center.""
- 34 2. By striking page 6, line 11, through page 8,
 35 line 43.
- 36 3. Page 9, by striking lines 14 through 18.
- 37 4. By renumbering as necessary.

S-5504

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2615

- 1 Amend the Senate amendment, H-8642, to House File
 2 2615, as amended, passed, and reprinted by the House,
 3 as follows:
- 4 1. Page 1, by striking lines 32 through 34, and
 5 inserting the following:
- 6 "1. The first \$27,409 available shall be used to
 7 supplement the appropriations in this or any other Act
 8 for the state poison control center.
- 9 2. The next \$172,591 available shall be used for a
 10 value-based treatment program at the Newton
 11 correctional facility."
- 12 2. Page 1, line 35, by striking the figure "2"
 13 and inserting the following: "3".
- 14 3. Page 1, line 39, by striking the figure "3"
 15 and inserting the following: "4".
- 16 4. Page 2, line 3, by striking the word "to".

- 17 5. Page 2, by striking lines 4 and 5.
 18 6. By renumbering as necessary.

S-5505

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2622

- 1 Amend the Senate amendment, H-8682, to House File
 2 2622, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, by striking lines 3 through 35.

S-5506

- 1 Amend Senate File 2331 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "DIVISION I
 5 COMPENSATION AND BENEFITS
 6 Section 1.
 7 1. STATE BOARD OF REGENTS DEMUTUALIZATION PROCEEDS
 8 AND UNDERGROUND STORAGE TANK FUND TRANSFERS.
 9 a. The state board of regents shall transfer by
 10 June 1, 2002, to the treasurer of state for deposit in
 11 the salary adjustment fund the sum of \$30,000,000 from
 12 the proceeds received by the state board of regents as
 13 a result of the demutualization of the principal
 14 mutual holding company. The amount transferred
 15 represents the portion of the funds utilized by the
 16 state board of regents institutions for employer
 17 contributions toward the premiums on insurance
 18 policies which were paid from state general fund
 19 appropriations for previous fiscal years.
 20 b. Notwithstanding section 455G.3, subsection 1,
 21 on July 1, 2002, \$11,100,000 is transferred from the
 22 Iowa comprehensive petroleum underground storage tank
 23 fund created in section 455G.3, subsection 1, to the
 24 salary adjustment fund.
 25 2. COLLECTIVE BARGAINING AGREEMENTS FUNDED —
 26 REGENTS DEMUTUALIZATION PROCEEDS — UNDERGROUND
 27 STORAGE TANK FUND TRANSFER. The state board of
 28 regents demutualization proceeds and underground
 29 storage tank fund moneys transferred pursuant to
 30 subsection 1 to the salary adjustment fund are
 31 appropriated and shall be distributed by the
 32 department of management to the various state
 33 departments, boards, commissions, councils, and
 34 agencies, including the state board of regents, for
 35 the fiscal year beginning July 1, 2002, and ending
 36 June 30, 2003, in the amount of \$41,100,000, or so

37 much thereof as may be necessary, to fully fund the
38 following annual pay adjustments, expense
39 reimbursements, and related benefits:
40 a. The collective bargaining agreement negotiated
41 pursuant to chapter 20 for employees in the blue
42 collar bargaining unit.
43 b. The collective bargaining agreement negotiated
44 pursuant to chapter 20 for employees in the public
45 safety bargaining unit.
46 c. The collective bargaining agreement negotiated
47 pursuant to chapter 20 for employees in the security
48 bargaining unit.
49 d. The collective bargaining agreement negotiated
50 pursuant to chapter 20 for employees in the technical

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1 bargaining unit.
2 e. The collective bargaining agreement negotiated
3 pursuant to chapter 20 for employees in the
4 professional fiscal and staff bargaining unit.
5 f. The collective bargaining agreement negotiated
6 pursuant to chapter 20 for employees in the university
7 of northern Iowa faculty bargaining unit.
8 g. The collective bargaining agreement negotiated
9 pursuant to chapter 20 for employees in the clerical
10 bargaining unit.
11 h. The collective bargaining agreement negotiated
12 pursuant to chapter 20 for employees in the
13 professional social services bargaining unit.
14 i. The collective bargaining agreement negotiated
15 pursuant to chapter 20 for employees in the community-
16 based corrections bargaining unit.
17 j. The collective bargaining agreement negotiated
18 pursuant to chapter 20 for employees in the judicial
19 branch of government bargaining unit.
20 k. The collective bargaining agreement negotiated
21 pursuant to chapter 20 for employees in the patient
22 care bargaining unit.
23 l. The collective bargaining agreement negotiated
24 pursuant to chapter 20 for employees in the science
25 bargaining unit.
26 m. The collective bargaining agreement negotiated
27 pursuant to chapter 20 for employees in the state
28 university of Iowa graduate student bargaining unit.
29 n. The collective bargaining agreement negotiated
30 pursuant to chapter 20 for employees in the state
31 university of Iowa hospital and clinics tertiary
32 health care bargaining unit.
33 o. The annual pay adjustments, related benefits,
34 and expense reimbursements referred to in sections 2
35 and 3 of this division of this Act for employees not

36 covered by a collective bargaining agreement.

37 3. In distributing moneys from the salary
38 adjustment fund, the department of management shall
39 take into consideration the special circumstances of
40 those state institutions operating under the net
41 general fund appropriation budgeting system so that
42 such institutions are not adversely affected because
43 of the use of that budgeting system.

44 Sec. 2. NONCONTRACT STATE EMPLOYEES — GENERAL.

45 1. a. For the fiscal year beginning July 1, 2002,
46 the maximum salary levels of all pay plans provided
47 for in section 19A.9, subsection 2, as they exist for
48 the fiscal year ending June 30, 2002, shall be
49 increased by 3 percent for the pay period beginning
50 October 25, 2002, and any additional changes in the

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1 pay plans shall be approved by the governor.

2 b. For the fiscal year beginning July 1, 2002,
3 employees may receive a step increase or the
4 equivalent of a step increase.

5 2. The pay plans for state employees who are
6 exempt from chapter 19A and who are included in the
7 department of revenue and finance's centralized
8 payroll system shall be increased in the same manner
9 as provided in subsection 1, and any additional
10 changes in any executive branch pay plans shall be
11 approved by the governor.

12 3. This section does not apply to members of the
13 general assembly, board members, commission members,
14 salaries of persons set by the general assembly
15 pursuant to this division of this Act or salaries of
16 appointed state officers set by the governor, other
17 persons designated, employees designated under section
18 19A.3, subsection 5, and employees covered by 581 IAC
19 4.6(3).

20 4. The pay plans for the bargaining eligible
21 employees of the state shall be increased in the same
22 manner as provided in subsection 1, and any additional
23 changes in such executive branch pay plans shall be
24 approved by the governor. As used in this section,
25 "bargaining eligible employee" means an employee who
26 is eligible to organize under chapter 20, but has not
27 done so.

28 5. The policies for implementation of this section
29 shall be approved by the governor.

30 Sec. 3. STATE EMPLOYEES — STATE BOARD OF REGENTS.

31 Funds from the appropriation in section 1, subsection
32 2 of this division of this Act, not to exceed
33 \$25,000,000, shall be allocated to the state board of
34 regents for the purposes of providing increases for

35 state board of regents employees covered by section 1
36 of this division of this Act and for state board of
37 regents employees not covered by a collective
38 bargaining agreement as follows:

39 1. For regents merit system employees and merit
40 supervisory employees to fund for the fiscal year,
41 increases comparable to those provided for similar
42 contract-covered employees in this division of this
43 Act.

44 2. For faculty members and professional and
45 scientific employees to fund for the fiscal year,
46 percentage increases comparable to those provided for
47 contract-covered employees in section 1, subsection 2,
48 paragraph "f", of this division of this Act.

49 Sec. 4. STATE COURTS — JUSTICES, JUDGES, AND
50 MAGISTRATES.

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1 1. Funds from the appropriation in section 1,
2 subsection 2 of this division of this Act, not to
3 exceed \$4,000,000, shall be allocated to the judicial
4 branch for the purpose of providing increases in
5 salaries for state judges, justices, and magistrates
6 and for increases for other judicial branch employees.
7 The salary rates specified in subsection 2 are for the
8 fiscal year beginning July 1, 2002, effective for the
9 pay period beginning December 20, 2002, and for
10 subsequent fiscal years until otherwise provided by
11 the general assembly.

12 2. The following annual salary rates shall be paid
13 to the persons holding the judicial positions
14 indicated during the fiscal year beginning July 1,
15 2002, effective with the pay period beginning December
16 20, 2002, and for subsequent pay periods.

17 a. Chief justice of the supreme court:		
18	\$	124,550
19 b. Each justice of the supreme court:		
20	\$	120,100
21 c. Chief judge of the court of appeals:		
22	\$	119,980
23 d. Each associate judge of the court of appeals:		
24	\$	115,540
25 e. Each chief judge of a judicial district:		
26	\$	114,470
27 f. Each district judge except the chief judge of a 28 judicial district:		
29	\$	109,810
30 g. Each district associate judge:		
31	\$	95,700
32 h. Each associate juvenile judge:		
33	\$	95,700

34	i. Each associate probate judge:	
35	.....	\$ 95,700
36	j. Each judicial magistrate:	
37	.....	\$ 28,530
38	k. Each senior judge:	
39	.....	\$ 6,370

40 3. Persons receiving the salary rates established
 41 under subsection 2 shall not receive any additional
 42 salary adjustments provided by this division of this
 43 Act.

44 Sec. 5. APPROPRIATIONS FROM ROAD FUNDS.

45 1. There is appropriated from the road use tax
 46 fund to the salary adjustment fund for the fiscal year
 47 beginning July 1, 2002, and ending June 30, 2003, the
 48 following amount, or so much thereof as may be
 49 necessary, to be used for the purpose designated:
 50 To supplement other funds appropriated by the

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1	general assembly:	
2	\$ 1,588,368
3	2. There is appropriated from the primary road	
4	fund to the salary adjustment fund, for the fiscal	
5	year beginning July 1, 2002, and ending June 30, 2003,	
6	the following amount, or so much thereof as may be	
7	necessary, to be used for the purpose designated:	
8	To supplement other funds appropriated by the	
9	general assembly:	
10	.....	\$ 8,627,499

11 3. Except as otherwise provided in this division
 12 of this Act, the amounts appropriated in subsections 1
 13 and 2 shall be used to fund the annual pay
 14 adjustments, expense reimbursements, and related
 15 benefits for public employees as provided in this
 16 division of this Act.

17 Sec. 6. SPECIAL FUNDS — AUTHORIZATION. For
 18 departmental revolving, trust, or special funds,
 19 except for the primary road fund or the road use tax
 20 fund, for which the general assembly has established
 21 an operating budget, a supplemental expenditure
 22 authorization is provided, unless otherwise provided,
 23 in an amount necessary to fund salary adjustments, as
 24 provided in this division of this Act.

25 Sec. 7. GENERAL FUND SALARY MONEYS. Funds
 26 appropriated for distribution from the salary
 27 adjustment fund in section 1, subsection 2 of this
 28 division of this Act relate only to salaries supported
 29 from general fund appropriations of the state except
 30 for employees of the state board of regents. The
 31 funds allocated in this division of this Act for
 32 employees of the state board of regents shall exclude

33 general university indirect costs and general
34 university federal funds.
35 Sec. 8. FEDERAL FUNDS APPROPRIATED. For the
36 fiscal year beginning July 1, 2002, and ending June
37 30, 2003, all federal grants to and the federal
38 receipts of the agencies affected by this division of
39 this Act which are received and may be expended for
40 purposes of this division of this Act are appropriated
41 for those purposes and as set forth in the federal
42 grants or receipts.

43 Sec. 9. STATE TROOPER MEAL ALLOWANCE. For the
44 fiscal year beginning July 1, 2002, and ending June
45 30, 2003, the sworn peace officers in the department
46 of public safety who are not covered by a collective
47 bargaining agreement negotiated pursuant to chapter 20
48 shall receive the same per diem meal allowance as the
49 sworn peace officers in the department of public
50 safety who are covered by a collective bargaining

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1 agreement negotiated pursuant to chapter 20.
2 Sec. 10. SALARY MODEL COORDINATOR. Of the funds
3 appropriated in section 1, subsection 2, of this
4 division of this Act, \$126,767 for the fiscal year
5 beginning July 1, 2002, is allocated to the department
6 of management for salary and support of the salary
7 model coordinator who shall work in conjunction with
8 the legislative fiscal bureau to maintain the state's
9 salary model used for analyzing, comparing, and
10 projecting state employee salary and benefit
11 information, including information relating to
12 employees of the state board of regents. The
13 department of revenue and finance, the department of
14 personnel, the five institutions under the
15 jurisdiction of the state board of regents, the
16 judicial district departments of correctional
17 services, and the state department of transportation
18 shall provide salary data to the department of
19 management and the legislative fiscal bureau to
20 operate the state's salary model. The format and
21 frequency of provision of the salary data shall be
22 determined by the department of management and the
23 legislative fiscal bureau. The information shall be
24 used in collective bargaining processes under chapter
25 20 and in calculating the funding needs contained
26 within the annual salary adjustment legislation. A
27 state employee organization as defined in section
28 20.3, subsection 4, may request information produced
29 by the model, but the information provided shall not
30 contain information attributable to individual
31 employees.

32 Sec. 11. HEALTH INSURANCE INCENTIVE PROGRAMS. For
33 the fiscal year beginning July 1, 2002, and ending
34 June 30, 2003, the department of revenue and finance
35 shall administer the health insurance incentive
36 programs as contained in the collective bargaining
37 agreements. The incentive payment shall be
38 distributed in the paycheck of an eligible state
39 employee if the employee is employed by a central
40 state agency. Each judicial district department of
41 correctional services and the state board of regents
42 shall provide monthly to the department of revenue and
43 finance a list of their employee counts by benefit
44 plan that qualify for the incentive and the amount of
45 the incentive due. The judicial district department
46 of correctional services and the state board of
47 regents shall include the amount of the incentive
48 payment in their eligible employees' paychecks as soon
49 as the payment is administratively practical.
50 Sec. 12. TERMINAL LIABILITY HEALTH INSURANCE

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1 SURCHARGE. For the period beginning July 1, 2002, and
2 ending January 3, 2003, the department of personnel
3 shall include in the rates for the Wellmark Blue
4 Cross/Blue Shield Program 3 Plus, Wellmark Blue
5 Cross/Blue Shield Program 3 plus with a comprehensive
6 major medical overlay, and Iowa Select Preferred
7 Provider Organization health insurance plans a
8 surcharge, as determined by the department of
9 management, on only the employer's share of the health
10 insurance premium cost to fund the state's share of
11 the terminal liability of the existing Wellmark health
12 insurance contract. The department of revenue and
13 finance shall collect the surcharge from state
14 agencies, the state fair board, state board of
15 regents, and the judicial district departments of
16 correctional services. The proceeds of the surcharge
17 shall be credited to the terminal liability health
18 insurance fund created in section 421.46. The health
19 insurance plans provided to state employees covered by
20 the state police officers council collective
21 bargaining agreement are exempt from the surcharge
22 provided in this section.
23 Sec. 13. 2002 Iowa Acts, Senate File 2304, section
24 21, subsection 3, is amended to read as follows:
25 3. As part of implementing the reduction made in
26 subsection 1, notwithstanding the annual salary rates
27 authorized for justices, judges, and magistrates in
28 2001 Iowa Acts, chapter 190, section 1, for the fiscal
29 year beginning July 1, 2001, those salary rates shall
30 be reduced by applying a 5 percent reduction to the

31 portion of annual salary attributable to the period
 32 beginning on the effective date of this Act through
 33 June 30 20, 2002. Subsection 2 does not apply to
 34 justices, judges, and magistrates subject to this
 35 subsection.

36 Sec. 14. 2002 Iowa Acts, Senate File 2304, section
 37 25, subsections 3 and 4, are amended to read as
 38 follows:

39 3. As part of implementing the reduction made in
 40 this section, notwithstanding the annual salary rates
 41 authorized for elective executive branch officials in
 42 2000 Iowa Acts, chapter 1219, section 3, for the
 43 fiscal year beginning July 1, 2001, the salary rates
 44 for such officials shall be reduced by applying a 5
 45 percent reduction to the portion of annual salary
 46 attributable to the period beginning on the effective
 47 date of this Act through June 30 20, 2002. Subsection
 48 2 does not apply to elective executive branch
 49 officials subject to this subsection.

50 4. As part of implementing the reduction made in

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1 this section, notwithstanding the annual salaries
 2 established under 2001 Iowa Acts, chapter 190, section
 3 3, for the fiscal year beginning July 1, 2001, each of
 4 those salaries shall be reduced by applying a 5
 5 percent reduction to the portion of the salary
 6 attributable to the period beginning on the effective
 7 date of this Act through June 30 20, 2002. Subsection
 8 2 does not apply to appointed executive branch
 9 officers subject to this subsection.

10 Sec. 15. Section 421.46, subsection 2, Code
 11 Supplement 2001, is amended by striking the
 12 subsection.

13 Sec. 16. EFFECTIVE DATE. Section 1, subsection 1
 14 of this Act relating to the state board of regents
 15 demutualization proceeds transfer, being deemed of
 16 immediate importance, takes effect upon enactment.

DIVISION II

STATUTORY AND SESSION LAW CHANGES

19 Sec. 17. Section 8.63, subsection 4, Code 2001, is
 20 amended to read as follows:

21 4. ~~a.~~ In order for the innovations fund to be
 22 self-supporting, the innovations fund committee shall
 23 establish repayment schedules for each innovation fund
 24 loan awarded. Agencies shall repay the funds over a
 25 period not to exceed five years with interest, at a
 26 rate to be determined by the innovations fund
 27 committee.

28 ~~b. If the department of management and the~~
 29 ~~department of revenue and finance certify that the~~

30 savings from a proposed innovations fund project will
31 result in a net increase in the balance of the general
32 fund of the state without a corresponding cost savings
33 to the requesting agency, and if the requesting agency
34 meets all other eligibility requirements, the
35 innovations fund committee may approve the loan for
36 the project and not require repayment by the
37 requesting agency. ~~There is appropriated from the~~
38 ~~general fund of the state to the department of revenue~~
39 ~~and finance an amount sufficient to repay the loan~~
40 ~~amount.~~

41 Sec. 18. Section 12.21, Code 2001, is amended to
42 read as follows:

43 12.21 ACCEPTING CREDIT CARD PAYMENTS.

44 1. The treasurer of state may enter into an
45 agreement with a financial institution or other credit
46 card processor to provide credit card receipt
47 processing for state departments which are authorized
48 by the treasurer of state to accept payment by credit
49 card.

50 2. A department ~~which accepts~~ authorized by the

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1 treasurer of state to accept payment by credit card
2 payments may adjust its fees to reflect the cost of
3 credit card receipt processing as determined by the
4 treasurer of state. ~~A fee may be charged by a~~
5 ~~department for using the credit card payment method~~
6 ~~notwithstanding any other provision of the Code~~
7 ~~setting specific fees. The fees charged to a payer~~
8 ~~shall be the same regardless of payment method unless~~
9 ~~otherwise permitted in the agreement with the~~
10 ~~financial institution or credit card processor.~~

11 3. The credit card charges applied by a financial
12 institution or credit card processor for credit card
13 receipts accepted in accordance with subsection 1
14 shall be considered to be part of the payment due and
15 accepted. A state department authorized by the
16 treasurer of state to accept payment by credit card
17 shall pay the credit card receipt processing charges
18 from aggregate fees collected.

19 4. The treasurer of state shall adopt rules to
20 implement this section.

21 Sec. 19. Section 14B.203, subsection 3, Code
22 Supplement 2001, is amended to read as follows:

23 3. In addition to other forms of payment, credit
24 cards shall be accepted in payment for moneys owed to
25 a governmental entity as provided in this section,
26 according to rules ~~which shall be~~ adopted by the
27 treasurer of state under section 12.21. The fees to
28 ~~be charged shall not exceed those permitted by~~

29 statute. A governmental entity may adjust its fees to
 30 reflect the cost of processing as determined by the
 31 treasurer of state. The discount charged by the
 32 credit card issuer may be included in determining the
 33 fees to be paid for completing a financial transaction
 34 under this section by using a credit card.

35 Sec. 20. Section 14B.205, Code 2001, is amended to
 36 read as follows:

37 14B.205 CREDIT CARDS ACCEPTED.

38 In addition to other forms of payment, credit cards
 39 ~~may shall~~ be accepted in accordance with section 12.21
 40 in payment for any fees, including but not limited to
 41 interest, penalties, subscriptions, registrations,
 42 purchases, applications, licenses, permits, or other
 43 filings transmitted or transactions conducted
 44 electronically. ~~The fees to be charged shall not~~
 45 ~~exceed those permitted by statute, except that the~~
 46 ~~discount charged by the credit card issuer may be~~
 47 ~~included in determining the fee to be charged for~~
 48 ~~records transmitted or transactions conducted~~
 49 ~~electronically.~~

50 Sec. 21. Section 15.108, subsection 9, paragraph

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1 e, Code Supplement 2001, is amended to read as
 2 follows:

3 e. ~~At the director's discretion, accept~~ Accept
 4 payment by credit card in accordance with section
 5 12.21 of any fees, interest, penalties, subscriptions,
 6 registrations, purchases, or other payments, or any
 7 portion of such payments, which are due or collected
 8 by the department. ~~The department may adjust the~~
 9 ~~amount of the payment to reflect the costs of~~
 10 ~~processing the payment as determined by the treasurer~~
 11 ~~of state and the payment by credit card shall include,~~
 12 ~~in addition to all other charges, any discount charged~~
 13 ~~by the credit card issuer.~~

14 Sec. 22. Section 15E.112, subsection 1, Code 2001,
 15 is amended to read as follows:

16 1. A value-added agricultural products and
 17 processes financial assistance fund is created within
 18 the state treasury under the control of the
 19 department. The fund shall consist of moneys
 20 allocated from the Iowa strategic investment fund
 21 created in section 15.313, those appropriated moneys,
 22 and any other moneys available to and obtained or
 23 accepted by the department from the federal government
 24 or private sources for placement in the fund. The
 25 assets of the fund shall be used by the department
 26 only for administration and carrying out the purposes
 27 of section 15E.111.

28 Sec. 23. Section 18.75, subsection 6, Code 2001,
29 is amended to read as follows:

30 6. Have legal custody of all Codes, session laws,
31 books of annotations, tables of corresponding
32 sections, publications, except premium lists published
33 by the Iowa state fair board, containing reprints of
34 statutes or administrative rules, or both, reports of
35 state departments, and reports of the supreme court,
36 and sell, account for, and distribute the same as
37 provided by law. However, the legislative service
38 bureau shall solicit and process orders for the
39 distribution of all printed Codes, session laws,
40 administrative codes and bulletins, court rules, and
41 the state roster.

42 Sec. 24. Section 18.97A, Code 2001, is amended by
43 adding the following new unnumbered paragraph:
44 NEW UNNUMBERED PARAGRAPH. The office of the
45 governor, the supreme court, and the legislative
46 council shall control the number of copies of the
47 printed publications enumerated in section 18.97
48 distributed to recipients in their respective
49 branches.

50 Sec. 25. Section 124.401A, Code 2001, is amended

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1 to read as follows:

2 124.401A ENHANCED PENALTY FOR MANUFACTURE OR
3 DISTRIBUTION TO PERSONS ON CERTAIN REAL PROPERTY.

4 In addition to any other penalties provided in this
5 chapter, a person who is eighteen years of age or
6 older who unlawfully manufactures with intent to
7 distribute, distributes, or possesses with intent to
8 distribute a substance or counterfeit substance listed
9 in schedule I, II, or III, or a simulated controlled
10 substance represented to be a controlled substance
11 classified in schedule I, II, or III, to another
12 person who is eighteen years of age or older in or on,
13 or within one thousand feet of the real property
14 comprising a public or private elementary or secondary
15 school, public park, public swimming pool, public
16 recreation center, or on a marked school bus, may be
17 sentenced up to an additional term of confinement of
18 five years.

19 Sec. 26. Section 124.409, subsection 1, Code 2001,
20 is amended by striking the subsection.

21 Sec. 27. NEW SECTION. 239B.2B ELIGIBILITY OF
22 NONCITIZENS.

23 A person who meets the conditions of eligibility
24 under section 239B.2 and who meets either of the
25 following requirements shall be eligible for
26 participation in the family investment program:

27 1. The person is a conditional resident alien who
28 was battered or subjected to extreme cruelty, or whose
29 child was battered or subjected to extreme cruelty,
30 perpetrated by the person's spouse who is a United
31 States citizen or lawful permanent resident as
32 described in 8 C.F.R. § 216.5(a)(3).

33 2. The person was battered or subjected to extreme
34 cruelty, or the person's child was battered or
35 subjected to extreme cruelty, perpetrated by the
36 person's spouse who is a United States citizen or
37 lawful permanent resident and the person's petition
38 has been approved or a petition is pending that sets
39 forth a prima facie case that the person has
40 noncitizen status under any of the following
41 categories:

42 a. Status as a spouse or child of a United States
43 citizen or lawful permanent resident under the federal
44 Immigration and Nationality Act, § 204(a)(1), as
45 codified in 8 U.S.C. § 1154(a)(1)(A).

46 b. Status as a spouse or child who was battered or
47 subjected to extreme cruelty by a United States
48 citizen or lawful permanent resident, under the
49 federal Immigration and Nationality Act, §
50 204(a)(iii), as codified in 8 U.S.C. §

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1 1154(a)(1)(A)(iii).

2 c. Classification as a person lawfully admitted
3 for permanent residence under the federal Immigration
4 and Nationality Act.

5 d. Suspension of deportation and adjustment of
6 status under the federal Immigration and Nationality
7 Act, § 244(a), as in effect before the date of
8 enactment of the federal Illegal Immigration Reform
9 and Immigrant Responsibility Act of 1996.

10 e. Cancellation of removal or adjustment of status
11 under the federal Immigration and Nationality Act, §
12 240A, as codified in 8 U.S.C. § 1229b.

13 f. Status as an asylee, if asylum is pending,
14 under the federal Immigration and Nationality Act, §
15 208, as codified in 8 U.S.C. § 1158.

16 Sec. 28. Section 249A.3, subsection 2, paragraph
17 a, Code Supplement 2001, is amended to read as
18 follows:

19 a. As provided either pursuant to subparagraph (1)
20 or pursuant to subparagraphs (2) and (3):

21 (1) As allowed under 42 U.S.C. §
22 1396a(a)(10)(A)(ii)(XIII), individuals with
23 disabilities, who are less than sixty-five years of
24 age, who are members of families whose income is less
25 than two hundred fifty percent of the most recently

26 revised official poverty ~~line~~ guidelines published by
 27 the ~~federal office of management and budget~~ United
 28 States department of health and human services for the
 29 family, who have earned income and who are eligible for
 30 for supplemental security income or supplemental
 31 security income-related medical assistance ~~or~~
 32 ~~additional medical assistance~~ under this section if
 33 earnings are disregarded. As allowed by 42 U.S.C. §
 34 1396a(r)(2), unearned income shall also be disregarded
 35 in determining whether an individual is eligible for
 36 assistance under this ~~paragraph~~ subparagraph. For the
 37 purposes of determining the amount of an individual's
 38 resources under this ~~paragraph~~ subparagraph and as
 39 allowed by 42 U.S.C. § 1396a(r)(2), a maximum of ten
 40 thousand dollars of available resources shall be
 41 disregarded and any additional resources held in a
 42 retirement account, in a medical savings account, or
 43 in any other account approved under rules adopted by
 44 the department shall also be disregarded. Individuals
 45 eligible for assistance under this ~~paragraph~~
 46 subparagraph, whose individual income exceeds one
 47 hundred fifty percent of the official poverty ~~line~~
 48 guidelines published by the ~~federal office of~~
 49 ~~management and budget~~ United States department of
 50 health and human services for an individual, shall pay

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1 a premium. The amount of the premium shall be based
 2 on a sliding fee schedule adopted by rule of the
 3 department and shall be based on a percentage of the
 4 individual's income. The maximum premium payable by
 5 an individual whose income exceeds one hundred fifty
 6 percent of the official poverty ~~line~~ guidelines shall
 7 be commensurate with ~~premiums charged for private~~ the
 8 cost of state employees' group health insurance in
 9 this state. ~~This paragraph shall be implemented no~~
 10 ~~later than March 1, 2000.~~

11 (2) As allowed under 42 U.S.C. §
 12 1396a(a)(10)(A)(i)(XV), individuals who are at least
 13 sixteen years of age but less than sixty-five years of
 14 age who, but for earnings in excess of the limit
 15 established under 42 U.S.C. § 1396d(q)(2)(B), would be
 16 considered to be receiving federal supplemental
 17 security income, and who are members of families whose
 18 income is less than two hundred fifty percent of the
 19 most recently revised official poverty guidelines
 20 published by the United States department of health
 21 and human services for the family, subject to a
 22 resource limit of twelve thousand dollars for an
 23 individual and thirteen thousand dollars for a couple.
 24 For the purposes of determining the amount of an

25 individual's or couple's resources under this
26 subparagraph, any resources held in a retirement
27 account, in a medical savings account, or in any other
28 account approved under rules adopted by the department
29 shall be disregarded. Individuals eligible for
30 assistance under this subparagraph whose individual
31 income exceeds one hundred fifty percent of the
32 official poverty guidelines for an individual shall
33 pay a premium. The amount of the premium shall be
34 based on a sliding fee schedule adopted by rule of the
35 department and shall be based on a percentage of the
36 individual's income. The maximum premium payable by
37 an individual whose income exceeds one hundred fifty
38 percent of the official poverty guidelines shall be
39 commensurate with the cost of state employees' group
40 health insurance in this state, but shall not exceed
41 seven and one-half percent of income, unless the
42 individual's income exceeds four hundred fifty percent
43 of the official poverty guidelines.
44 (3) As allowed under 42 U.S.C. §
45 1396a(a)(10)(A)(ii)(XVI), employed individuals with a
46 medically improved disability, as defined in 42 U.S.C.
47 § 1396d(v)(1), who are members of families whose
48 income is less than two hundred fifty percent of the
49 most recently revised official poverty guidelines
50 published by the United States department of health

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1 and human services for the family, subject to a
2 resource limit of twelve thousand dollars for an
3 individual and thirteen thousand dollars for a couple.
4 For the purposes of determining the amount of an
5 individual's or couple's resources under this
6 subparagraph, any resources held in a retirement
7 account, in a medical savings account, or in any other
8 account approved under rules adopted by the department
9 shall be disregarded. Individuals eligible for
10 assistance under this subparagraph whose individual
11 income exceeds one hundred fifty percent of the
12 official poverty guidelines for an individual shall
13 pay a premium. The amount of the premium shall be
14 based on a sliding fee schedule adopted by rule of the
15 department and shall be based on a percentage of the
16 individual's income. The maximum premium payable by
17 an individual whose income exceeds one hundred fifty
18 percent of the official poverty guidelines shall be
19 commensurate with the cost of state employees' group
20 health insurance in this state, but shall not exceed
21 seven and one-half percent of income, unless the
22 individual's income exceeds four hundred fifty percent
23 of the official poverty guidelines.

24 Sec. 29. Section 256.67, subsection 1, Code
25 Supplement 2001, is amended to read as follows:
26 1. Act as administrator and executive secretary of
27 the ~~region~~ library service area in accordance with the
28 objectives and policies adopted by the area board of
29 trustees and with the intent of this chapter.

30 Sec. 30. Section 260G.4B, subsection 1, Code
31 Supplement 2001, is amended to read as follows:
32 1. The total amount of program job credits from
33 all employers which shall be allocated for all
34 accelerated career education programs in the state in
35 any one fiscal year shall not exceed the sum of three
36 million dollars in the fiscal year beginning July 1,
37 2000, three million dollars in the fiscal year
38 beginning July 1, 2001, three million dollars in the
39 fiscal year beginning July 1, 2002, and six million
40 dollars in the fiscal year beginning July 1, ~~2002~~
41 2003, and every fiscal year thereafter. Any increase
42 in program job credits above the six-million-dollar
43 limitation per fiscal year shall be developed, based
44 on recommendations in a study which shall be conducted
45 by the department of economic development of the needs
46 and performance of approved programs in the fiscal
47 years beginning July 1, 2000, and July 1, 2001. The
48 study's findings and recommendations shall be
49 submitted to the general assembly by the department by
50 December 31, 2002. The study shall include but not be

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1 limited to an examination of the quality of the
2 programs, the number of program participant
3 placements, the wages and benefits in program jobs,
4 the level of employer contributions, the size of
5 participating employers, and employer locations. A
6 community college shall file a copy of each agreement
7 with the department of economic development. The
8 department shall maintain an annual record of the
9 proposed program job credits under each agreement for
10 each fiscal year. Upon receiving a copy of an
11 agreement, the department shall allocate any available
12 amount of program job credits to the community college
13 according to the agreement sufficient for the fiscal
14 year and for the term of the agreement. When the
15 total available program job credits are allocated for
16 a fiscal year, the department shall notify all
17 community colleges that the maximum amount has been
18 allocated and that further program job credits will
19 not be available for the remainder of the fiscal year.
20 Once program job credits have been allocated to a
21 community college, the full allocation shall be
22 received by the community college throughout the

23 fiscal year and for the term of the agreement even if
 24 the statewide program job credit maximum amount is
 25 subsequently allocated and used.
 26 Sec. 31. Section 368.4, Code 2001, as amended by
 27 2002 Iowa Acts, House File 582, if enacted, is amended
 28 to read as follows:
 29 368.4 ANNEXING MORATORIUM.
 30 A city, following notice and hearing, may by
 31 resolution agree with another city or cities to
 32 refrain from annexing specifically described territory
 33 for a period not to exceed ten years and, following
 34 notice and hearing, may by resolution extend the
 35 agreement for subsequent periods not to exceed ten
 36 years each. Notice of a hearing shall be served by
 37 regular mail at least thirty days before the hearing
 38 on the city development board, on the board of
 39 supervisors of the county in which the territory is
 40 located, and on all persons owning land within the
 41 area subject to the agreement. The notice shall
 42 include the time and place of the hearing, describe
 43 the territory subject to the proposed agreement, and
 44 the general terms of the agreement. After passage of
 45 a resolution by the cities approving the agreements, a
 46 copy of the agreement and a copy of any resolution
 47 extending an agreement shall be filed with the city
 48 development board within ten days of enactment. If
 49 such an agreement is in force, the board shall dismiss
 50 a petition or plan which violates the terms of the

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1 agreement.
 2 Sec. 32. Section 368.26, if enacted by 2002 Iowa
 3 Acts, House File 582, is amended to read as follows:
 4 368.26 FAILURE TO PROVIDE MUNICIPAL SERVICES.
 5 If a city fails to provide municipal services to
 6 territory involuntarily annexed, according to the plan
 7 filed pursuant to section 368.11, within three years
 8 after city taxes are imposed in the annexed territory,
 9 the city development board shall initiate proceedings
 10 to sever the annexed territory from the city.
 11 However, a city may appeal to the board for an
 12 additional three years to provide municipal services
 13 if good cause is shown. A petition for severance
 14 filed pursuant to this section shall be filed and
 15 acted upon in the same manner as a petition under
 16 section 368.11. For purposes of this section ~~and~~
 17 ~~section 368.11, subsection 14,~~ "municipal services"
 18 means services selected by a landowner to be provided
 19 by the city, including, but not limited to, water
 20 supply, sewage disposal, street and road maintenance,
 21 and police and fire protection, if the provision of

22 such services is within the legal authority of the
 23 annexing city.

24 Sec. 33. Section 421.17, subsection 31, Code
 25 Supplement 2001, is amended to read as follows:

26 31. ~~At the director's discretion, accept~~ Accept
 27 payment of taxes, penalties, interest, and fees, or
 28 any portion thereof of the payment, by credit card in
 29 accordance with section 12.21. ~~The director may~~
 30 ~~adjust the payable amount to reflect the costs of~~
 31 ~~processing the payment as determined by the treasurer~~
 32 ~~of state and the payment by credit card shall include,~~
 33 ~~in addition to all other charges, any discount charged~~
 34 ~~by the credit card issuer.~~

35 Sec. 34. Section 421.17, subsection 34, paragraph
 36 f, Code Supplement 2001, is amended to read as
 37 follows:

38 f. ~~At the director's discretion, the~~ The
 39 department ~~may~~ shall accept payment of debts,
 40 interest, and fees, or any portion of the payment by
 41 credit card in accordance with section 12.21. ~~The~~
 42 ~~director may adjust the payable amount to reflect the~~
 43 ~~costs of processing the payment as determined by the~~
 44 ~~treasurer of state and the payment by credit card~~
 45 ~~shall include, in addition to all other charges, any~~
 46 ~~discount charge by the credit card issuer.~~

47 Sec. 35. Section 455A.4, subsection 5, Code 2001,
 48 is amended to read as follows:

49 5. The department may accept payment of any fees,
 50 interest, penalties, subscriptions, or other payments

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1 due or collected by the department, or any portion of
 2 such payments, by credit card in accordance with
 3 section 12.21. ~~The department may adjust the amount~~
 4 ~~of the payment to reflect the costs of processing the~~
 5 ~~payment as determined by the treasurer of state and~~
 6 ~~the payment by credit card shall include, in addition~~
 7 ~~to all other charges, any discount charged by the~~
 8 ~~credit card issuer.~~

9 Sec. 36. Section 476.97, subsection 11, paragraph
 10 g, subparagraph (4), Code 2001, as amended by 2002
 11 Iowa Acts, Senate File 429, section 2, is amended by
 12 striking the subparagraph and inserting in lieu
 13 thereof the following:

14 (4) Rates may be adjusted by the board to reflect
 15 any changes in revenues, expenses, and investment due
 16 to exogenous factors beyond the control of the local
 17 exchange carrier, including, but not limited to, the
 18 effects of local competition. The board shall have
 19 one hundred eighty days to consider rate changes
 20 proposed under this subparagraph, but for good cause

21 may grant one extension of sixty days, not to exceed a
22 total of two hundred forty days.

23 Sec. 37. Section 514I.5, subsection 3, Code 2001,
24 is amended to read as follows:

25 3. Members appointed by the governor shall serve
26 two-year staggered terms as designated by the
27 governor, and legislative members of the board shall
28 serve two-year terms. The filling of positions
29 reserved for the public representatives, vacancies,
30 membership terms, payment of compensation and
31 expenses, and removal of the members are governed by
32 chapter 69. Members of the board are entitled to
33 receive reimbursement of actual expenses incurred in
34 the discharge of their duties. Public members of the
35 board are also eligible to receive compensation as
36 provided in section 7E.6. The members shall select a
37 chairperson on an annual basis from among the
38 membership of the board.

39 Sec. 38. Section 541A.1, subsection 7, Code 2001,
40 is amended to read as follows:

41 7. "Individual development account" means a either
42 of the following:

43 a. A financial instrument ~~which that~~ is certified
44 to have the characteristics described in section
45 541A.2 by the operating organization.

46 b. A financial instrument that is certified by the
47 operating organization to have the characteristics
48 described in and funded by a federal individual
49 development account program under which federal and
50 state funding contributed to match account holder

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1 deposits is deposited by an operating organization in
2 accordance with federal law and regulations, and which
3 includes but is not limited to any of the programs
4 implemented under the following federal laws:

5 (1) The federal Personal Responsibility and Work
6 Opportunity Act of 1996, 42 U.S.C. § 604(h).

7 (2) The federal Assets for Independence Act, Pub.
8 L. No. 105-285, Title IV.

9 Sec. 39. Section 541A.3, subsection 1, unnumbered
10 paragraph 1, Code 2001, is amended to read as follows:

11 Payment by the state of a savings refund on amounts
12 of up to two thousand dollars per calendar year that
13 an account holder deposits in the account holder's
14 account. Moneys transferred to an individual
15 development account from another individual
16 development account shall not be considered an account
17 holder deposit for purposes of determining a savings
18 refund. Payment of a savings refund either shall be
19 made directly to the account holder's account or to an

20 operating organization's central reserve account for
 21 later distribution to the account holder's account in
 22 the most appropriate manner as determined by the
 23 administrator. The state savings refund shall be the
 24 indicated percentage of the amount deposited:

25 Sec. 40. Section 541A.3, subsection 5, Code 2001,
 26 is amended to read as follows:

27 5. The administrator shall coordinate the filing
 28 of claims for savings refunds authorized under
 29 subsection 1, between account holders, operating
 30 organizations, and the department of revenue and
 31 finance. Claims approved by the administrator may be
 32 paid by the department of revenue and finance to each
 33 account, ~~or~~ for an aggregate amount for distribution
 34 to the accounts in a particular financial institution,
 35 or to an operating organization's central reserve
 36 account for later distribution to the account holders'
 37 accounts depending on the efficiency for issuing the
 38 refunds. Claims shall be initially filed with the
 39 administrator on or before a date established by the
 40 administrator. Claims approved by the administrator
 41 shall be paid from the general fund of the state in
 42 the manner specified in section 422.74.

43 Sec. 41. Section 546.10, subsection 3, unnumbered
 44 paragraph 2, if enacted by Senate File 2326, section
 45 32, is amended to read as follows:

46 Notwithstanding subsection 5, eighty-five percent
 47 of the funds received annually resulting from an
 48 increase in licensing fees ~~approved and implemented on~~
 49 ~~or after July~~ April 1, 2002, by a licensing board or
 50 commission listed in subsection 1, is appropriated to

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1 the professional licensing and regulation division to
 2 be allocated to the board or commission for the fiscal
 3 year beginning July 1, 2002, and succeeding fiscal
 4 years, for purposes related to the duties of the board
 5 or commission, including but not limited to additional
 6 full-time equivalent positions. The director of
 7 revenue and finance shall draw warrants upon the
 8 treasurer of state from the funds appropriated as
 9 provided in this section and shall make the funds
 10 available to the professional licensing division on a
 11 monthly basis during each fiscal year.

12 Sec. 42. Section 556.12, subsection 1, Code 2001,
 13 is amended to read as follows:

14 1. If a report has been filed with the treasurer
 15 of state, or property has been paid or delivered to
 16 the treasurer of state, for the fiscal year ending on
 17 June 30 as required by section 556.11, the treasurer
 18 of state shall provide for the publication annually of

19 at least one notice ~~not later than~~ which notice shall
 20 not be published between the following September 10
 21 and the following November 30 10. Each notice shall
 22 be published at least once each week for two
 23 successive weeks in an English language newspaper of
 24 general circulation in the county in this state in
 25 which is located the last known address of any person
 26 to be named in the notice. If an address is not
 27 listed or if the address is outside this state, the
 28 notice shall be published in the county in which the
 29 holder of the abandoned property has its principal
 30 place of business within this state.

31 Sec. 43. Section 602.1302, subsection 3, Code
 32 2001, is amended to read as follows:

33 3. A revolving fund is created in the state
 34 treasury for the payment of jury and witness fees, ~~and~~
 35 ~~mileage, and costs related to summoning jurors~~ by the
 36 judicial branch. The judicial branch shall deposit
 37 any reimbursements to the state for the payment of
 38 jury and witness fees and mileage in the revolving
 39 fund. Notwithstanding section 8.33, unencumbered and
 40 unobligated receipts in the revolving fund at the end
 41 of a fiscal year do not revert to the general fund of
 42 the state. The judicial branch shall on or before
 43 February 1 file a financial accounting of the moneys
 44 in the revolving fund with the legislative fiscal
 45 bureau. The accounting shall include an estimate of
 46 disbursements from the revolving fund for the
 47 remainder of the fiscal year and for the next fiscal
 48 year.

49 Sec. 44. Section 602.8108, subsection 5, Code
 50 Supplement 2001, is amended to read as follows:

Page 20

1 5. A court technology and modernization fund is
 2 established as a separate fund in the state treasury.
 3 The state court administrator shall allocate one
 4 million dollars of the moneys received under
 5 subsection 2 to be deposited in the fund, which shall
 6 be administered by the supreme court and shall be used
 7 as follows:

8 ~~a. Eighty percent shall be used to enhance the~~
 9 ability of the judicial branch to process cases more
 10 quickly and efficiently, to electronically transmit
 11 information to state government, local governments,
 12 law enforcement agencies, and the public, and to
 13 improve public access to the court system. ~~Moneys in~~
 14 ~~this paragraph shall not be used for the Iowa court~~
 15 ~~information system.~~

16 ~~b. Twenty percent shall be used in equal amounts~~
 17 ~~to facilitate alternative dispute resolution and~~

18 ~~methods to resolve domestic abuse cases, which may~~
19 ~~include personnel for hearings under section 236.4.~~

20 Sec. 45. 2001 Iowa Acts, chapter 182, section 7,
21 subsection 2, is amended by adding the following new
22 paragraph:

23 NEW PARAGRAPH. g. Notwithstanding section 8.33,
24 any moneys which exceed the amount budgeted in the
25 fiscal year beginning July 1, 2001, and ending June
26 30, 2002, that remain unencumbered or unobligated at
27 the close of the fiscal year shall not revert but
28 shall remain available for expenditure by the veterans
29 home until the close of the succeeding fiscal year.
30 For the purposes of this paragraph, "moneys" means
31 cash receipts, accruals attributable to the fiscal
32 year beginning July 1, 2001, and ending June 30, 2002,
33 and the amount of the estimated reversions to the
34 general fund, as last agreed to by the state revenue
35 estimating conference during fiscal year beginning
36 July 1, 2001.

37 Sec. 46. 2001 Iowa Acts, chapter 191, section 14,
38 subsection 2, is amended by adding the following new
39 paragraph:

40 NEW PARAGRAPH. f. Notwithstanding section
41 232.143, subsection 1, a region may exceed its budget
42 target for group foster care by up to twenty percent
43 in the fiscal year beginning July 1, 2001, and ending
44 June 30, 2002, provided the overall funding allocated
45 by the department for all child welfare services in
46 the region is not exceeded. It is the intent of the
47 general assembly that for the fiscal year beginning
48 July 1, 2002, the budget targets for group foster care
49 will be determined at levels so that special statutory
50 authority for exceeding the budget targets beyond the

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1 amount authorized in section 232.143, subsection 1,
2 will not be necessary.

3 Sec. 47. Section 904.108, subsection 1, paragraph
4 o, Code Supplement 2001, is amended to read as
5 follows:

6 o. Establish and maintain a correctional training
7 ~~center at the Mount Pleasant correctional facility~~
8 program.

9 Sec. 48. IOWA CONGRESSIONAL MEDAL OF HONOR
10 RECIPIENTS. The department of cultural affairs shall
11 conduct a study to identify an appropriate location in
12 the state capitol for a plaque and display honoring
13 the Iowa recipients of the congressional medal of
14 honor. The department shall report the findings and
15 recommendations of the study to the governor and
16 general assembly on or before December 31, 2002.

17 Sec. 49. DUPLICATION AND REORGANIZATION REVIEWS.

18 In implementing the requirements of 2002 Iowa Acts,
19 Senate File 2326, division I, if enacted, involving
20 the department of general services, department of
21 management, department of personnel, and information
22 technology department identifying duplicative
23 positions or studying the reorganization of state
24 government, those departments shall consult with the
25 departments that may be affected, consider previously
26 conducted studies or reviews, and identify the
27 projected impacts of recommended changes upon the
28 general fund of the state, road use tax fund, and any
29 other affected funding source.

30 Sec. 50. CHEROKEE MENTAL HEALTH INSTITUTE —
31 RELOCATION OF SEXUALLY VIOLENT PREDATORS UNIT. In

32 implementing the relocation of the unit for commitment
33 of sexually violent predators from Oakdale to the
34 state mental health institute at Cherokee in the
35 fiscal year beginning July 1, 2002, in accordance with
36 the requirement in the appropriation for the unit in
37 2002 Iowa Acts, Senate File 2326, if enacted, it is
38 the intent of the general assembly that the department
39 of human services complete the renovation of space at
40 the institute and the relocation of the unit as
41 expeditiously as possible. If requested by the
42 department of human services as necessary to complete
43 the renovation of space and relocation as
44 expeditiously as possible, notwithstanding any
45 provision of law or rule to the contrary, the
46 department of general services shall grant a waiver
47 for purposes of the renovation project from those
48 requirements in administrative rule and policy that
49 would otherwise govern the length of time the
50 renovation project components are noticed.

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1 Sec. 51. MEDICAL ASSISTANCE — DENTAL SERVICES FOR

2 ADULTS. In addition to other dental services provided
3 to adults under the medical assistance program in
4 accordance with 2002 Iowa Acts, House File 2245,
5 section 7, subsection 2, the following services shall
6 be provided:

7 1. Root canal treatments on permanent anterior
8 teeth.

9 2. General anesthesia and intravenous sedation if
10 necessitated by the physical or mental disability of
11 the patient.

12 The department may adopt emergency rules to
13 implement this section in accordance with the
14 provisions of 2002 Iowa Acts, Senate File 2326,
15 division VI, section 135, if enacted.

16 Sec. 52. EXPENDITURE REPORTS. For the fiscal year
 17 beginning July 1, 2002, the department of agriculture
 18 and land stewardship and the department of natural
 19 resources shall each file a written report on a
 20 quarterly basis with the chairpersons and ranking
 21 members of the joint appropriations subcommittee on
 22 agriculture and natural resources and the legislative
 23 fiscal bureau regarding all expenditures of moneys
 24 appropriated from the general fund of the state or
 25 from other funds available to either department during
 26 the quarter and the number of full-time equivalent
 27 positions allocated during the quarter.

28 Sec. 53. IPERS POSITIONS. The number of full-time
 29 equivalent positions authorized the Iowa public
 30 employees' retirement system division in 2002 Iowa
 31 Acts, Senate File 2326, section 15, subsection 1, if
 32 enacted, is increased by 2.00 full-time equivalent
 33 positions.

34 Sec. 54. 2002 Iowa Acts, Senate File 2326, section
 35 25, unnumbered paragraph 4, if enacted, is amended to
 36 read as follows:

37 If 2002 Iowa Acts, House File 681, is enacted and
 38 provides for the pledging of collateral in relation to
 39 the deposit of uninsured public funds, then the
 40 treasurer of state is authorized not more than the
 41 following additional full-time equivalent positions
 42 for the purposes provided for in that Act:

43	FTEs	2.00
44	FTE	1.00

45 Sec. 55. 2002 Iowa Acts, Senate File 2326, section
 46 39, if enacted, is amended by adding the following new
 47 subsection:

48 NEW SUBSECTION. 5. Of the amount appropriated in
 49 this section, \$1,250,000 shall be used for salaries,
 50 support, maintenance, and miscellaneous purposes for

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1 activities regarding animal agriculture.

2 Sec. 56. SCHOOL FOR THE DEAF POSITIONS. 2002 Iowa
 3 Acts, Senate File 2326, section 81, subsection 5, if
 4 enacted, is amended to read as follows:

5 5. STATE SCHOOL FOR THE DEAF
 6 For salaries, support, maintenance, miscellaneous
 7 purposes, and for not more than the following full-
 8 time equivalent positions:

9	\$	7,891,351
10	FTEs	117.29
11		129.60

12 Sec. 57. SCOPE OF PRACTICE REVIEW COMMITTEE. 2002
 13 Iowa Acts, Senate File 2326, section 91, subsection
 14 10, paragraph a, if enacted, is amended to read as

15 follows:

16 a. The department may expend funds received from
 17 licensing fees in addition to amounts appropriated in
 18 this subsection, if those additional expenditures are
 19 directly the result of ~~a scope of practice review~~
 20 ~~committee~~ or unanticipated litigation costs arising
 21 from the discharge of an examining board's regulatory
 22 duties. Before the department expends or encumbers
 23 funds for ~~a scope of practice review committee~~ or an
 24 amount in excess of the funds budgeted for an
 25 examining board, the director of the department of
 26 management shall approve the expenditure or
 27 encumbrance. The amounts necessary to fund any
 28 unanticipated litigation ~~or scope of practice review~~
 29 ~~committee~~ expense in the fiscal year beginning July 1,
 30 2002, shall not exceed 5 percent of the average annual
 31 fees generated by the boards for the previous two
 32 fiscal years.

33 Sec. 58. 2002 Iowa Acts, Senate File 2326, section
 34 92, subsection 6, if enacted, is amended by adding the
 35 following new unnumbered paragraph:
 36 NEW UNNUMBERED PARAGRAPH. The appropriation in
 37 this subsection is contingent upon the appointment of
 38 an administrator of the division on the status of
 39 African-Americans and the appointment of all nine
 40 members to the commission on the status of African-
 41 Americans.

42 Sec. 59. SCOPE OF PRACTICE REVIEW COMMITTEE. 2002
 43 Iowa Acts, Senate File 2326, section 98, if enacted,
 44 is repealed.

45 Sec. 60. 2002 Iowa Acts, Senate File 2326, section
 46 99, subsection 1, if enacted, is amended to read as
 47 follows:

48 1. To be credited to the family investment program
 49 account and used for assistance under the family
 50 investment program under chapter 239B:

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1	\$	45,618,447
2			<u>46,508,982</u>
3	Sec. 61. 2002 Iowa Acts, Senate File 2326, section		
4	99, subsection 11, unnumbered paragraph 2, if enacted,		
5	is amended to read as follows:		
6	Pregnancy prevention grants shall be awarded to		
7	programs in existence on or before July 1, 2002, if		
8	the programs are comprehensive in scope and have		
9	demonstrated positive outcomes. Grants shall be		
10	awarded to pregnancy prevention programs which are		
11	developed after July 1, 2002, if the programs are		
12	comprehensive in scope and are based on existing		
13	models that have demonstrated positive outcomes.		

14 Grants shall comply with the requirements provided in
 15 1997 Iowa Acts, chapter 208, section 14, subsections 1
 16 and 2, including the requirement that grant programs
 17 must emphasize sexual abstinence. Priority in the
 18 awarding of grants shall be given to programs that
 19 serve areas of the state which demonstrate the highest
 20 percentage of unplanned pregnancies of females age or
 21 older but younger than age 18 within the geographic
 22 area to be served by the grant.

23 In addition to the full-time equivalent positions
 24 funded in this division of this Act, the department
 25 may use a portion of the funds appropriated in this
 26 subsection to employ an employee in up to 1.00 full-
 27 time equivalent position for the administration of
 28 programs specified in this subsection.

29 Sec. 62. 2002 Iowa Acts, Senate File 2326, section
 30 127, subsection 1, paragraph a, if enacted, is amended
 31 to read as follows:

32 a. ~~Notwithstanding 2001 Iowa Acts, chapter 192,~~
 33 ~~section 4, subsection 2, paragraph "b", the modified~~
 34 ~~price-based case-mix reimbursement rate upon which the~~
 35 ~~reimbursement rate for nursing facilities is~~
 36 ~~determined shall only include an additional inflation~~
 37 ~~factor to the extent of the funding budgeted and~~
 38 ~~appropriated specifically for nursing facility~~
 39 ~~reimbursement based on a case-mix reimbursement~~
 40 ~~methodology in this division of this Act or in other~~
 41 ~~appropriations. For the fiscal year beginning July 1,~~
 42 ~~2002, and ending June 30, 2003, nursing facilities~~
 43 ~~shall be reimbursed as provided in 2002 Iowa Acts,~~
 44 ~~House File 2613, if enacted.~~ Nursing facilities
 45 reimbursed under the medical assistance program shall
 46 submit annual cost reports and additional
 47 documentation as required by rules adopted by the
 48 department.

49 Sec. 63. 2002 Iowa Acts, Senate File 2326, section
 50 134, if enacted, is amended to read as follows:

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1 SEC. 134. COUNTY MENTAL HEALTH, MENTAL
 2 RETARDATION, AND DEVELOPMENTAL DISABILITIES (MH/MR/DD)
 3 ALLOWED GROWTH FACTOR ADJUSTMENT AND ALLOCATIONS —
 4 DISTRIBUTION FOR FY 2002-2003.

5 1. For the fiscal year beginning July 1, 2002, the
 6 moneys appropriated in 2001 Acts, chapter 176, section
 7 1, as amended by this division of this Act, for
 8 distribution to counties of the county mental health,
 9 mental retardation, and developmental disabilities
 10 allowed growth factor adjustment, shall be distributed
 11 as provided in this section in lieu of the provisions
 12 of section 331.438, subsection 2, and section 331.439,

13 subsection 3, and chapter 426B, as follows:

14 a. The first ~~\$2,000,000~~ 500,000 shall be credited
15 to the risk pool created in the property tax relief
16 fund and shall be distributed pursuant to section
17 426B.5, subsection 2.

18 b. The remaining ~~\$12,500,000~~ 14,000,000 shall be
19 distributed as provided in this section.

20 2. The following formula amounts shall be utilized
21 only to calculate preliminary distribution amounts for
22 fiscal year 2002-2003 under this section by applying
23 the indicated formula provisions to the formula
24 amounts and producing a preliminary distribution total
25 for each county:

26 a. For calculation of an allowed growth factor
27 adjustment amount for each county in accordance with
28 the formula in section 331.438, subsection 2,
29 paragraph "b":

30\$ 12,000,000

31 b. For calculation of a distribution amount for
32 eligible counties from the per capita expenditure
33 target pool created in the property tax relief fund in
34 accordance with the requirements in section 426B.5,
35 subsection 1:

36\$ 12,492,712
37 14,492,712

38 c. For calculation of a distribution amount for
39 counties from the mental health and developmental
40 disabilities (MH/DD) community services fund in
41 accordance with the formula provided in this division
42 of this Act:

43\$ 18,127,352

44 3. Notwithstanding any contrary provisions of
45 sections 225C.7, 331.438, subsection 2, 331.439,
46 subsection 3, and 426B.5, the moneys allocated for
47 distribution in subsection 1, paragraph "b", and in
48 any other Act of the Seventy-ninth General Assembly,
49 2002 Session, for distribution to counties in the
50 fiscal year beginning July 1, 2002, for purposes of

1 the mental health and developmental disabilities
2 (MH/DD) community services fund under section 225C.7,
3 and for the allowed growth factor adjustment for
4 services paid under a county's section 331.424A mental
5 health, mental retardation, and developmental
6 disabilities services fund and as calculated under
7 subsection 2 to produce preliminary distribution
8 amounts for counties shall be subject to withholding
9 as provided in this section.

10 4. After applying the applicable statutory
11 distribution formulas to the amounts indicated in

12 subsection 2 for purposes of formula calculations to
 13 produce preliminary distribution totals, the
 14 department of human services shall apply a withholding
 15 factor to adjust an eligible individual county's
 16 preliminary distribution total. An ending balance
 17 percentage for each county shall be determined by
 18 expressing the county's ending balance on a modified
 19 accrual basis under generally accepted accounting
 20 principles for the fiscal year beginning July 1, 2001,
 21 in the county's mental health, mental retardation, and
 22 developmental disabilities services fund created under
 23 section 331.424A, as a percentage of the county's
 24 gross expenditures from that fund for that fiscal
 25 year. The withholding factor for a county shall be
 26 the following applicable percent:

- 27 a. For an ending balance percentage of less than
 28 10 percent, a withholding factor of 0 percent.
- 29 b. For an ending balance percentage of 10 through
 30 24 percent, a withholding factor of ~~25~~ 41.47 percent.
- 31 c. For an ending balance percentage of 25 through
 32 34 percent, a withholding factor of 60 percent.
- 33 d. For an ending balance percentage of 35 through
 34 44 percent, a withholding factor of 85 percent.
- 35 e. For an ending balance percentage of 45 percent
 36 or more, a withholding factor of 100 percent.

37 5. The total withholding amounts applied pursuant
 38 to subsection 4 shall be equal to a withholding target
 39 amount of ~~\$11,992,712~~ 12,492,712 and the appropriation
 40 made in this division of this Act for the MH/DD
 41 community services fund and the appropriation made in
 42 2001 Iowa Acts, chapter 176, section 1, as amended by
 43 this division of this Act shall be reduced by the
 44 amount necessary to attain the withholding target
 45 amount. If the department of human services
 46 determines that the amount to be withheld in
 47 accordance with subsection 4 is not equal to the
 48 target withholding amount, the department shall adjust
 49 the withholding factors listed in subsection 4 as
 50 necessary to achieve the withholding target amount.

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1 However, in making such adjustments to the withholding
 2 factors, the department shall strive to minimize
 3 changes to the withholding factors for those ending
 4 balance percentage ranges that are lower than others
 5 and shall not adjust the zero withholding factor
 6 specified in subsection 4, paragraph "a".
 7 6. A In order to be eligible for a funding
 8 distribution under this section, a county must levy at
 9 least 70 percent of the maximum allowed for the
 10 county's services fund under section 331.424A for

11 taxes due and payable in the fiscal year beginning
12 July 1, 2002, and comply with the December 1, 2002,
13 filing deadline for the county annual financial report
14 in accordance with section 331.403. The amount that
15 would otherwise be available for distribution to a
16 county that fails to so comply shall be
17 proportionately distributed among the eligible
18 counties.

19 7. The department of human services shall
20 authorize the issuance of warrants payable to the
21 county treasurer for the distribution amounts due the
22 counties eligible under this section and
23 notwithstanding prior practice for the MH/DD community
24 services fund, the warrants shall be issued in January
25 2003.

26 Sec. 64. 2002 Iowa Acts, Senate File 2326, section
27 104, subsection 12, if enacted, is amended to read as
28 follows:

29 12. ~~If federal funding is received or if moneys~~
30 ~~are appropriated, the department may participate Of~~
31 the moneys appropriated in this section, \$150,000
32 shall be used as state matching funds, in combination
33 with federal and private funds, for participation in a
34 federal home telecare pilot program intended to manage
35 health care needs of subpopulations of Iowans and
36 specifically including subpopulations of Iowans who
37 require high utilization of health care services and
38 represent a disproportionate share of consumption of
39 health care services. The program shall be
40 administered by the Iowa telecare consortium, which is
41 a collaboration of public, private, academic, and
42 governmental participants coordinated by Des Moines
43 university — osteopathic medical center. The program
44 may direct telecare services to persons with diagnoses
45 of specific nonacute chronic illnesses, which may
46 include, but are not limited to, chronic obstructive
47 pulmonary disease, congestive heart disease, diabetes,
48 and asthma. Des Moines university — osteopathic
49 medical center shall submit a report to the general
50 assembly by January 15, 2003, regarding the status of

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1 the pilot program. The program guidelines shall be
2 consistent with those specified under 2001 Iowa Acts,
3 chapter 191, section 7, subsection 15.

4 Sec. 65. 2002 Iowa Acts, Senate File 2326, section
5 154, subsection 2, unnumbered paragraph 2, if enacted,
6 is amended to read as follows:

7 Riverboat enforcement costs shall be billed in
8 accordance with section 99F.10, subsection 4, and
9 section 99F.10A. The costs shall be not more than the

10 department's estimated expenditures, including salary
 11 adjustment, for riverboat enforcement for the fiscal
 12 year. The costs billed to the riverboats shall not be
 13 more than \$1,280,000 in excess of the amount billed to
 14 the riverboats in the fiscal year beginning July 1,
 15 2001. Racetrack enforcement costs shall be billed in
 16 accordance with section 99D.14, subsection 7, and
 17 section 99D.14A. The costs shall be not more than the
 18 department's estimated expenditures, including salary
 19 adjustment, for racetrack enforcement for the fiscal
 20 year. The costs billed to the racetracks shall not be
 21 more than \$420,000 in excess of the amount billed to
 22 the racetracks in the fiscal year beginning July 1,
 23 2001.

24 Sec. 66. PUBLIC TRANSIT ASSISTANCE APPROPRIATION.
 25 2002 Iowa Acts, Senate File 2326, section 175,
 26 subsection 14, if enacted, is amended by striking the
 27 subsection.

28 Sec. 67. PUBLIC TRANSIT ASSISTANCE APPROPRIATION.
 29 Notwithstanding section 312.2, subsection 14, the
 30 amount appropriated from the general fund of the state
 31 under section 312.2, subsection 14, to the state
 32 department of transportation for public transit
 33 assistance under chapter 324A for the fiscal year
 34 beginning July 1, 2001, and ending June 30, 2002, is
 35 reduced by the following amount:

36\$ 1,107,938

37 Sec. 68. Chapter 2A, Code 2001, is repealed.

38 Sec. 69. EFFECTIVE DATE — CONTINGENCY — REPORT
 39 TO CODE EDITOR. The section of this division of this
 40 Act amending section 249A.3, relating to the optional
 41 category of individuals covered under the medical
 42 assistance program relating to persons with
 43 disabilities who have earned income, takes effect only
 44 if the department does not win the appeal against the
 45 centers for Medicare and Medicaid of the United States
 46 department of health and human services relating to
 47 the state plan amendment. The department shall notify
 48 the Code editor when the department is notified of a
 49 decision on the appeal in order to identify an
 50 effective date.

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1 Sec. 70. EFFECTIVE DATE. The section in this Act
 2 relating to dental services for adults under the
 3 medical assistance program, being deemed of immediate
 4 importance, takes effect upon enactment.

5 Sec. 71. EFFECTIVE DATE. The section of this
 6 division of this Act that amends 2001 Iowa Acts,
 7 chapter 182, section 7, being deemed of immediate
 8 importance, takes effect upon enactment.

9 Sec. 72. EFFECTIVE DATE. The provision of this
 10 division of this Act amending 2001 Iowa Acts, chapter
 11 191, section 14, relating to the department of human
 12 services exceeding its budget target for group foster
 13 care by up to twenty percent in fiscal year 2001-2002.

14 DIVISION III

15 CORRECTIVE AMENDMENTS

16 Sec. 73. Section 8.55, subsection 2, paragraph d,
 17 if enacted by 2002 Iowa Acts, House File 2075, section
 18 1, is amended to read as follows:

19 d. Notwithstanding paragraph "a", any moneys in
 20 excess of the maximum balance in the economic
 21 emergency fund after the distribution of the surplus
 22 in the general fund of the state at the conclusion of
 23 each fiscal year and after the appropriate ~~amount~~
 24 amounts have been transferred pursuant to paragraphs
 25 "b" and "c" shall not be transferred to the general
 26 fund of the state but shall be transferred to the
 27 endowment for Iowa's health account of the tobacco
 28 settlement trust fund. The total amount transferred,
 29 in the aggregate, under this paragraph for all fiscal
 30 years shall not exceed the difference between fifty-
 31 one million five hundred thousand dollars and the
 32 amounts transferred to the endowment for Iowa's health
 33 account to repay the amounts transferred or
 34 appropriated from the endowment for Iowa's health
 35 account in 2002 Iowa Acts, House File 2245, 2002 Iowa
 36 Acts, Senate File 2304, and 2002 Iowa Acts, Senate
 37 File 2315.

38 Sec. 74. Section 10D.1, unnumbered paragraph 1, as
 39 enacted by 2002 Iowa Acts, Senate File 2210, section
 40 3, is amended to read as follows:

41 As used in this ~~section~~ chapter, unless the context
 42 otherwise requires:

43 Sec. 75. Section 15E.42, subsection 3, as enacted
 44 by 2002 Iowa Acts, House File 2271, section 2, is
 45 amended to read as follows:

46 3. "Investor" means an individual making a cash
 47 investment in a qualifying business or a person making
 48 a cash investment in a community-based seed capital
 49 fund. "Investor" does not include a person which is a
 50 current or previous owner, member, or shareholder in a

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1 ~~qualified~~ qualifying business.

2 Sec. 76. Section 15E.43, subsection 1, paragraph
 3 a, as enacted by 2002 Iowa Acts, House File 2271,
 4 section 3, is amended to read as follows:

5 a. For tax years beginning on or after January 1,
 6 2002, a tax credit shall be allowed against the taxes
 7 imposed in chapter 422, division II, for a portion of

8 an individual taxpayer's equity investment, as
9 provided in subsection 2, in a ~~qualified~~ qualifying
10 business. An individual shall not claim a tax credit
11 under this paragraph of a partnership, limited
12 liability company, S corporation, estate, or trust
13 electing to have income taxed directly to the
14 individual.

15 Sec. 77. Section 15E.224, subsection 1, as enacted
16 by 2002 Iowa Acts, House File 2078, section 4, is
17 amended to read as follows:

18 1. An Iowa capital investment corporation may be
19 organized as a private, not-for-profit corporation
20 under chapter 504A. The Iowa capital investment
21 corporation is not a public corporation or
22 instrumentality of the state and shall not enjoy any
23 of the privileges and shall not be required to comply
24 with the requirements of a state agency. Except as
25 otherwise provided in this division, this division
26 does not exempt the corporation from the requirements
27 under state law which apply to other corporations
28 organized under chapter 504A. The purposes of an Iowa
29 capital investment corporation shall be to organize
30 the Iowa fund of funds, to select a venture capital
31 investment fund allocation manager to select venture
32 capital fund investments by the Iowa fund of funds, to
33 negotiate the terms of a contract with the venture
34 capital investment fund allocation manager, to execute
35 the contract with the selected venture capital
36 investment fund allocation manager on behalf of the
37 Iowa fund of funds, to receive investment returns from
38 the Iowa fund of funds, and to reinvest the investment
39 returns in additional venture capital investments
40 designed to result in a significant potential to
41 create jobs and to diversify and stabilize the economy
42 of the state. The corporation shall not exercise
43 governmental functions and shall not have members.
44 The obligations of the corporation are not obligations
45 of this state or any political subdivision of this
46 state within the meaning of any constitutional or
47 statutory debt limitations, but are obligations of the
48 corporation payable solely and only from the
49 corporation's funds. The corporation shall not and
50 cannot pledge the credit or taxing power of this state

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1 or any political subdivision of this state or make its
2 debts payable out of any moneys except those of the
3 corporation.

4 Sec. 78. Section 29A.90, subsection 3, if enacted
5 by 2002 Iowa Acts, Senate File 2124, section 24, is
6 amended to read as follows:

7 3. "Military service" means full-time active state
 8 service or state active duty, as defined in section
 9 29A.1, for a period of at least ninety consecutive
 10 days, commencing on or after the effective date of
 11 this division of this Act.

12 Sec. 79. Section 41.1, subsection 28, Code 2001,
 13 as amended by 2001 Iowa Acts, First Extraordinary
 14 Session, chapter 1, section 2, is amended to read as
 15 follows:

16 28. The twenty-eighth representative district in
 17 Dubuque county shall consist of those portions of
 18 Dubuque and Table Mound townships and the city of
 19 Dubuque bounded by a line commencing at the point
 20 Asbury road intersects the east corporate limit of the
 21 city of Asbury, then proceeding first south, and then
 22 in a clockwise manner along the corporate limits of
 23 the city of Asbury until it intersects the ~~west east~~
 24 boundary of ~~Dubuque~~ Center township, then proceeding
 25 first south, and then in a clockwise manner along the
 26 ~~west~~ boundary of ~~Dubuque~~ Center township until it
 27 intersects the east boundary of Vernon township and
 28 the corporate limits of the city of Dubuque, then
 29 proceeding first ~~west south~~, and then in a
 30 counterclockwise manner along the corporate limits of
 31 the city of Dubuque until it intersects the south
 32 boundary of Dubuque township, then proceeding east
 33 along the south boundary of Dubuque township until it
 34 intersects the corporate limits of the city of
 35 Dubuque, then proceeding first east, and then in a
 36 counterclockwise manner along the corporate limits of
 37 the city of Dubuque until it intersects the east
 38 boundary of Table Mound township, then proceeding
 39 north along the boundary of Table Mound township until
 40 it intersects the corporate limits of the city of
 41 Dubuque, then proceeding first east, and then in a
 42 counterclockwise manner along the corporate limits of
 43 the city of Dubuque until it intersects the Peosta
 44 channel of the Mississippi river, then proceeding
 45 southwesterly along the Peosta channel until it
 46 intersects East Sixteenth street, then proceeding
 47 southwesterly along East Sixteenth street until it
 48 intersects Kerper boulevard, then proceeding northerly
 49 along Kerper boulevard until it intersects Fengler
 50 street, then proceeding northwest along Fengler street

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1 until it intersects the I & M Rail Link tracks, then
 2 proceeding southwest along the I & M Rail Link tracks
 3 until it intersects the extension of Stafford street,
 4 then proceeding westerly along the extension of
 5 Stafford street until it intersects Garfield avenue,

6 then proceeding southwest along Garfield avenue until
7 it intersects East Twentieth street, then proceeding
8 southwesterly along East Twentieth street until it
9 intersects Central avenue, then proceeding northwest
10 along Central avenue until it intersects West Twenty-
11 third street, then proceeding southwesterly along West
12 Twenty-third street until it intersects Valeria
13 street, then proceeding northwesterly along Valeria
14 street until it intersects Kaufmann avenue, then
15 proceeding southeast along Kaufmann avenue until it
16 intersects Hempstead street, then proceeding southwest
17 along Hempstead street until it intersects Montcrest
18 street, then proceeding westerly along Montcrest
19 street until it intersects Portland street, then
20 proceeding southwest along Portland street until it
21 intersects Abbott street, then proceeding south along
22 Abbott street until it intersects Lowell street, then
23 proceeding east along Lowell street until it
24 intersects Harold street, then proceeding south along
25 Harold street until it intersects Clarke drive, then
26 proceeding easterly along Clarke drive until it
27 intersects Foye street, then proceeding southerly
28 along Foye street until it intersects West Locust
29 street, then proceeding west along West Locust street
30 until it intersects Kirkwood street, then proceeding
31 southwest along Kirkwood street until it intersects
32 Cox street, then proceeding southeast along Cox street
33 until it intersects Loras boulevard, then proceeding
34 southwest along Loras boulevard until it intersects
35 Wood street, then proceeding southeast along Wood
36 street until it intersects University avenue, then
37 proceeding east along University avenue until it
38 intersects Delhi street, then proceeding southwest
39 along Delhi street until it intersects West Fifth
40 street, then proceeding southeast along West Fifth
41 street until it intersects College street, then
42 proceeding southerly along College street until it
43 intersects West Third street, then proceeding
44 southwest along West Third street until it intersects
45 North Grandview avenue, then proceeding south along
46 North Grandview avenue until it intersects Hale
47 street, then proceeding west along Hale street until
48 it intersects North Algona street, then proceeding
49 north along North Algona street until it intersects
50 Bennett street, then proceeding west along Bennett

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1 street until it intersects McCormick street, then
2 proceeding northerly along McCormick street until it
3 intersects Mineral street, then proceeding west along
4 Mineral street until it intersects O'Hagen street,

5 then proceeding north along O'Hagen street until it
6 intersects Pearl street, then proceeding west along
7 Pearl street until it intersects Finley street, then
8 proceeding northwest along Finley street until it
9 intersects University avenue, then proceeding
10 northeast along University avenue until it intersects
11 Asbury road, then proceeding northwesterly along
12 Asbury road until it intersects Wilbricht lane, then
13 proceeding west along Wilbricht lane until it
14 intersects Flora Park road, then proceeding
15 southwesterly along Flora Park road until it
16 intersects Pennsylvania avenue, then proceeding west
17 along Pennsylvania avenue until it intersects
18 Churchill drive, then proceeding north along Churchill
19 drive until it intersects St. Anne drive, then
20 proceeding west along St. Anne drive until it
21 intersects Carter road, then proceeding north along
22 Carter road until it intersects Hillcrest road, then
23 proceeding west along Hillcrest road until it
24 intersects John F. Kennedy road, then proceeding north
25 along John F. Kennedy road until it intersects
26 Hillcrest road, then proceeding west along Hillcrest
27 road until it intersects Key Largo drive, then
28 proceeding south along Key Largo drive until it
29 intersects Keymeer drive, then proceeding east along
30 Keymeer drive until it intersects Key Way drive, then
31 proceeding south along Key Way drive until it
32 intersects the north fork of Catfish creek, then
33 proceeding west along the north fork of Catfish creek
34 until it intersects the extension of Winne court, then
35 proceeding north along Winne court and its extension
36 until it intersects Hillcrest road, then proceeding
37 east along Hillcrest road until it intersects the
38 north branch of the north fork of Catfish creek, then
39 proceeding northwesterly along the north branch of the
40 north fork of Catfish creek until it intersects the
41 northwest branch of the north fork of Catfish creek,
42 then proceeding northwest along the northwest branch
43 of the north fork of Catfish creek until it intersects
44 Asbury road, then proceeding west along Asbury road to
45 the point of origin.

46 Sec. 80. Section 53.7, subsection 2, Code 2001, as
47 amended by 2002 Iowa Acts, House File 2409, section
48 11, is amended to read as follows:

49 2. It is unlawful for any public officer or
50 employee, or any person acting under color of a public

1 officer or employee, to knowingly require a public
2 employee to solicit an application or request ~~for~~ an
3 application for an absentee ballot, or to knowingly

4 ~~requires that require~~ an employee to take an affidavit
5 or request for an affidavit in connection with an
6 absentee ballot application.

7 Sec. 81. Section 256F.4, subsections 1 and 3, if
8 enacted by 2002 Iowa Acts, Senate File 348, section 4,
9 are amended to read as follows:

10 1. Within fifteen days after approval of a charter
11 school application submitted in accordance with
12 section 256F.3, subsection 2, a school board shall
13 report to the department the name of the charter
14 school applicant ~~entry~~, the proposed charter school
15 location, and its projected enrollment.

16 3. A charter school shall not discriminate in its
17 student admissions policies or practices on the basis
18 of intellectual or athletic ability, measures of
19 achievement or aptitude, or status as a person with a
20 disability. However, a charter school may limit
21 admission to students who are within a particular
22 range of ~~age ages~~ or ~~grade level levels~~ or on any
23 other basis that would be legal if initiated by a
24 school district. Enrollment priority shall be given
25 to the siblings of students enrolled in a charter
26 school.

27 Sec. 82. Section 303A.7, subsection 1, as enacted
28 by 2002 Iowa Acts, House File 2571, section 8, is
29 amended to read as follows:

30 1. An Iowa cultural trust grant account is created
31 in the office of the treasurer of state under the
32 control of the board to receive interest attributable
33 to the investment of trust fund moneys as required by
34 section 303A.4, subsection 4. The moneys in the grant
35 account are appropriated to the board for purposes of
36 the Iowa cultural trust created in section 303A.4.
37 Moneys in the grant account shall not be subject to
38 appropriation for any other purpose by the general
39 assembly, but shall be used only for the purposes of
40 the Iowa cultural trust. The treasurer of state shall
41 act as custodian of the grant account and disburse
42 moneys contained in the grant account as directed by
43 the board. The board shall make expenditures from the
44 grant account consistent with the purposes of the Iowa
45 cultural trust.

46 Sec. 83. Section 356.36A, as enacted by 2002 Iowa
47 Acts, Senate File 2278, section 1, is amended to read
48 as follows:

49 356.36A CONFINEMENT AND DETENTION REPORT — DESIGN
50 PROPOSALS.

3 consultation with the department of corrections, the
4 Iowa county attorneys association, the Iowa state
5 sheriff's association, the Iowa association of chiefs
6 of police and peace officers, a statewide organization
7 representing rural property taxpayers, the Iowa league
8 of cities, and the Iowa board of supervisors
9 association, shall prepare a report analyzing the
10 confinement and detention needs of jails and
11 facilities established pursuant to ~~chapter chapters~~
12 356 and 356A. The report for each type of jail or
13 facility shall include but is not limited to an
14 inventory of prisoner space, daily prisoner counts,
15 options for detention of prisoners with mental illness
16 or substance abuse service needs, and the compliance
17 status under section 356.36 for each jail or facility.
18 The report shall contain an inventory of recent jail
19 or facility construction projects in which voters have
20 approved the issuance of general obligation bonds,
21 essential county purpose bonds, revenue bonds, or
22 bonds issued pursuant to chapter 422B. The report
23 shall be revised periodically as directed by the
24 administrator of the division of criminal and juvenile
25 justice planning. The first submission of the report
26 shall include recommendations on offender data needed
27 to estimate jail space needs in the next two, three,
28 and five years, on a county, geographic region, and
29 statewide basis, which may be based upon information
30 submitted pursuant to section 356.49.

31 Sec. 84. Section 359.49, subsection 7A, unnumbered
32 paragraph 1, as enacted by 2002 Iowa Acts, House File
33 2448, section 1, is amended to read as follows:
34 A township that has entered into an agreement with
35 a municipality to receive fire protection service or
36 emergency medical service from the municipality may
37 request that a portion of its taxes be paid directly
38 to the municipality providing the fire protection
39 service or emergency medical service. Each year, the
40 township must note its request on the budget and must
41 attach a copy of the emergency services agreement to
42 each copy of the budget transmitted to the county
43 auditor. The auditor shall direct the county
44 treasurer as to what portion of the township taxes to
45 disburse to the municipality providing the fire
46 protection service or emergency medical service.

47 Sec. 85. Section 453A.58, subsection 1, paragraph
48 a, as created in 2002 Iowa Acts, Senate File 2317,
49 section 4, if enacted, is amended to read as follows:
50 a. The tobacco product manufacturer of the brand,

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1 or any predecessor tobacco product manufacturer of the
2 brand, is a participating manufacturer ~~in compliance~~
3 ~~with as described in~~ section 453C.2, subsection 1.

4 Sec. 86. Section 453A.58, subsection 2, as created
5 in 2002 Iowa Acts, Senate File 2317, section 4, if
6 enacted, is amended to read as follows:

7 2. A distributor shall not affix stamps or cause
8 stamps to be affixed to individual packages of any
9 brand of cigarettes, subsequent to notice to the
10 distributor by the department of revenue and finance
11 that the tobacco product manufacturer is ~~in violation~~
12 ~~of chapter 453C~~ not in compliance with subsection 1
13 with reference to that brand.

14 Sec. 87. Section 453A.59, subsection 1, paragraph
15 a, as created in 2002 Iowa Acts, Senate File 2317,
16 section 5, if enacted, is amended to read as follows:

17 a. A participating manufacturer ~~pursuant to~~
18 described in section 453C.2, subsection 1.

19 Sec. 88. Section 490.732, subsection 4, if enacted
20 by 2002 Iowa Acts, House File 2509, section 22, is
21 amended to read as follows:

22 4. An agreement authorized by this section shall
23 cease to be effective when shares of the corporation
24 are listed on a national securities exchange or
25 regularly ~~traded~~ traded in a market maintained by one
26 or more members of a national or affiliated securities
27 association. If the agreement ceases to be effective
28 for any reason, the board of directors may, if the
29 agreement is contained or referred to in the
30 corporation's articles of incorporation or bylaws,
31 adopt an amendment to the articles of incorporation or
32 bylaws, without shareholder action, to delete the
33 agreement and any references to it.

34 Sec. 89. Section 490.853, subsection 3, unnumbered
35 paragraph 1, if enacted by 2002 Iowa Acts, House File
36 2509, section 47, is amended to read as follows:

37 Authorizations under this section shall be made
38 according to ~~the~~ one of the following:

39 Sec. 90. Section 490.1003, subsection 2, if
40 enacted by 2002 Iowa Acts, House File 2509, section
41 56, is amended to read as follows:

42 2. Except as provided in ~~section~~ sections
43 490.1005, 490.1007, and 490.1008, after adopting the
44 proposed amendment, the board of directors must submit
45 the amendment to the shareholders for their approval.
46 The board of directors must also transmit to the
47 shareholders a recommendation that the shareholders
48 approved the amendment, unless the board of directors
49 makes a determination that because of conflicts of
50 interest or other special circumstances it should not

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1 make such a recommendation, in which case the board of
2 directors must transmit to the shareholders the basis
3 for the determination.

4 Sec. 91. Section 490.1303, subsection 2, paragraph
5 b, Code 2001, as amended by 2002 Iowa Acts, House File
6 2509, section 80, if enacted, is amended to read as
7 follows:

8 b. Does so with respect to all shares of the class
9 of or series that are beneficially owned by the
10 beneficial shareholder.

11 Sec. 92. Section 524.814, Code 2001, is amended to
12 read as follows:

13 524.814 PLEDGE OF ASSETS.

14 Pursuant to a resolution of its board of directors,
15 a state bank may lend or pledge its assets for the
16 following purposes, and for no other purposes:

17 1. To secure deposits of the state bank or a bank
18 that is an affiliate of the state bank when a customer
19 is required to obtain such security, or a bank is
20 required to provide security, by the laws of the
21 United States, by any agency or instrumentality of the
22 United States, by the laws of the state of Iowa, by
23 the state board of regents, by a resolution or
24 ordinance relating to the issuance of bonds, by the
25 terms of any interstate compact or by order of any
26 court of competent jurisdiction. The lending of
27 securities to a bank that is an affiliate, or the
28 pledging of securities for the account of a bank that
29 is an affiliate, shall be on terms and conditions that
30 are consistent with safe and sound banking practices.

31 2. To secure money borrowed by the state bank,
32 provided that capital notes or debentures issued
33 pursuant to section 524.404 shall not in any event be
34 secured by a pledge of assets or otherwise.

35 3. To secure participations sold to the federal
36 agricultural mortgage corporation.

37 Sec. 93. Section 633.4213, subsection 1, Code
38 Supplement 2001, as amended by 2002 Iowa Acts, House
39 File 2531, section 12, if enacted, is amended to read
40 as follows:

41 1. The trustee shall inform each qualified
42 beneficiary of ~~their~~ the beneficiary's right to
43 receive an annual accounting and a copy of the trust
44 instrument. The trustee shall also inform each
45 qualified beneficiary about the process necessary to
46 obtain an annual accounting or a copy of the trust
47 instrument, if not provided. The trustee shall
48 further inform the beneficiary whether the beneficiary
49 will, or will not, receive an annual accounting if the
50 beneficiary fails to take any action. If a

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1 beneficiary has previously been provided the notice
2 required by this section, additional notice shall not
3 be required due to a change of trustees or a change in
4 the composition of the qualified beneficiaries.

5 Sec. 94. Section 724.26, as amended by 2002 Iowa
6 Acts, House File 2363, section 4, is amended to read
7 as follows:

8 724.26 POSSESSION, RECEIPT, TRANSPORTATION, OR
9 DOMINION AND CONTROL OF FIREARMS AND OFFENSIVE WEAPONS
10 BY FELONS.

11 A person who is convicted of a felony in a state or
12 federal court, or who is adjudicated delinquent on the
13 basis of conduct that would constitute a felony if
14 committed by an adult, and who knowingly has under the
15 person's dominion and control or possession, or
16 receives, or transports or causes to be transported a
17 firearm or offensive weapon is guilty of a class "D"
18 felony.

19 Sec. 95. 2001 Iowa Acts, chapter 174, section 1,
20 subsection 1, unnumbered paragraph 3, as enacted by
21 2002 Iowa Acts, Senate File 2315, section 4, is
22 amended to read as follows:

23 For the fiscal year beginning July 1, 2002, and
24 ending June 30, 2003, of the \$75,000,000 to be
25 deposited in the endowment for Iowa's health account
26 of the tobacco settlement trust fund under this
27 subsection, ~~the first~~ \$20,000,000 is appropriated to
28 the department of management to pay that part of
29 foundation aid which represents the allowable growth
30 amounts for all school districts. An appropriation
31 from the general fund of the state for foundation aid
32 which is supplanted by the appropriation made in this
33 subsection, shall be reduced by the amount of the
34 appropriation which supplants it.

35 Sec. 96. 2002 Iowa Acts, Senate File 348, section
36 14, if enacted, is amended to read as follows:

37 SEC. 14. EXPEDITED APPLICATION PROCEDURE. The
38 state board of education shall develop an expedited
39 charter school application procedure for the fiscal
40 year beginning July 1, ~~2003~~ 2002, for purposes of
41 receiving federal planning funds issued pursuant to
42 the federal Elementary and Secondary Education Act of
43 1965, Title X, Part C, as codified in 20 U.S.C. §
44 8061-8067.

45 Sec. 97. 2002 Iowa Acts, Senate File 2326, section
46 38, subsection 2, if enacted, is amended to read as
47 follows:

48 2. If House File ~~2524~~ 2617 is enacted by the
49 Seventy-ninth General Assembly, 2002 Session, the
50 amount appropriated in subsection 1 shall be increased

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1 by \$38,000. The increased amount shall be used to
2 fill a vacant position in the dairy products control
3 bureau.

4 Sec. 98. 2002 Iowa Acts, Senate File 2326, section
5 175, subsection 2, unnumbered paragraph 2, if enacted,
6 is amended to read as follows:

7 If total approved claims for reimbursement for
8 nonpublic school pupil transportation claims exceed
9 the amount appropriated in this ~~section~~ subsection,
10 the department of education shall prorate the amount
11 of each claim.

12 Sec. 99. 2002 Iowa Acts, House File 2378, section
13 10, subsection 1, if enacted, is amended to read as
14 follows:

15 1. Section 4 of this Act, amending section
16 15E.193C, subsections 2, 5, and 10, Code Supplement
17 2001, being deemed of immediate importance, takes
18 effect April 30, 2002, and, if approved by the
19 governor after April 30, 2002, shall apply
20 retroactively to April 30, 2002.

21 Sec. 100. 2002 Iowa Acts, Senate File 2275,
22 sections 170 through 174, if enacted, are repealed.

23 Sec. 101. 2002 Iowa Acts, House File 2453, section
24 6, if enacted, is repealed.

25 Sec. 102. EFFECTIVE DATE. The sections in this
26 division of this Act amending new Code section 29A.90,
27 subsection 3, and 2002 Iowa Acts, Senate File 348,
28 section 14, being deemed of immediate importance, take
29 effect upon enactment.

30 Sec. 103. CONTINGENT EFFECTIVE DATE. The section
31 in this division of this Act amending section 524.814
32 is effective contingent upon the enactment of 2002
33 Iowa Acts, House File 681.

34 DIVISION IV

35 MH/MR/DD — FY 2003-2004 ALLOWED GROWTH

36 Sec. 104. COUNTY MENTAL HEALTH, MENTAL
37 RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED
38 GROWTH FACTOR ADJUSTMENT AND ALLOCATIONS — FISCAL
39 YEAR 2003-2004. There is appropriated from the
40 general fund of the state to the department of human
41 services for the fiscal year beginning July 1, 2003,
42 and ending June 30, 2004, the following amount, or so
43 much thereof as is necessary, to be used for the
44 purpose designated:

45 For distribution to counties of the county mental
46 health, mental retardation, and developmental
47 disabilities allowed growth factor adjustment, as
48 provided in this section in lieu of the provisions of
49 section 331.438, subsection 2, and section 331.439,
50 subsection 3, and chapter 426B:

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1	\$	19,073,638
2	1. The funding appropriated in this section is the		
3	allowed growth factor adjustment for fiscal year 2003-		
4	2004, and is allocated as follows:		
5	a. For distribution as provided in this section:		
6	.....	\$	17,073,638
7	b. For deposit in the risk pool created in the		
8	property tax relief fund and for distribution in		
9	accordance with section 426B.5, subsection 2:		
10	.....	\$	2,000,000
11	2. The following formula amounts shall be utilized		
12	only to calculate preliminary distribution amounts for		
13	fiscal year 2003-2004 under this section by applying		
14	the indicated formula provisions to the formula		
15	amounts and producing a preliminary distribution total		
16	for each county:		
17	a. For calculation of an allowed growth factor		
18	adjustment amount for each county in accordance with		
19	the formula in section 331.438, subsection 2,		
20	paragraph "b":		
21	.....	\$	12,000,000
22	b. For calculation of a distribution amount for		
23	eligible counties from the per capita expenditure		
24	target pool created in the property tax relief fund in		
25	accordance with the requirements in section 426B.5,		
26	subsection 1:		
27	.....	\$	12,492,712
28	c. For calculation of a distribution amount for		
29	counties from the mental health and developmental		
30	disabilities (MH/DD) community services fund in		
31	accordance with the formula provided in 2002 Iowa		
32	Acts, Senate File 2326, section 119, subsection 1:		
33	.....	\$	18,127,352
34	3. Notwithstanding any contrary provisions of		
35	sections 225C.7, 331.438, subsection 2, 331.439,		
36	subsection 3, and 426B.5, the moneys allocated for		
37	distribution in subsection 1, paragraph "b", and in		
38	any other Act of the Eightieth General Assembly, 2003		
39	Session, for distribution to counties in the fiscal		
40	year beginning July 1, 2003, for purposes of the		
41	mental health and developmental disabilities (MH/DD)		
42	community services fund under section 225C.7, and for		
43	the allowed growth factor adjustment for services paid		
44	under a county's section 331.424A mental health,		
45	mental retardation, and developmental disabilities		
46	services fund and as calculated under subsection 2 to		
47	produce preliminary distribution amounts for counties		
48	shall be subject to withholding as provided in this		
49	section.		
50	4. After applying the applicable statutory		

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1 distribution formulas to the amounts indicated in
2 subsection 2 for purposes to produce preliminary
3 distribution totals, the department of human services
4 shall apply a withholding factor to adjust an eligible
5 individual county's preliminary distribution total.
6 An ending balance percentage for each county shall be
7 determined by expressing the county's ending balance
8 on a modified accrual basis under generally accepted
9 accounting principles for the fiscal year beginning
10 July 1, 2002, in the county's mental health, mental
11 retardation, and developmental disabilities services
12 fund created under section 331.424A, as a percentage
13 of the county's gross expenditures from that fund for
14 that fiscal year. The withholding factor for a county
15 shall be the following applicable percent:
16 a. For an ending balance percentage of less than
17 10 percent, a withholding factor of 0 percent.
18 b. For an ending balance percentage of 10 through
19 24 percent, a withholding factor of 25 percent.
20 c. For an ending balance percentage of 25 through
21 34 percent, a withholding factor of 60 percent.
22 d. For an ending balance percentage of 35 through
23 44 percent, a withholding factor of 85 percent.
24 e. For an ending balance percentage of 45 percent
25 or more, a withholding factor of 100 percent.
26 5. The total withholding amounts applied pursuant
27 to subsection 4 shall be equal to a withholding target
28 amount of \$7,419,074 and the appropriation enacted by
29 the Eightieth General Assembly, 2003 Session, for the
30 MH/DD community services fund shall be reduced by the
31 amount necessary to attain the withholding target
32 amount. If the department of human services
33 determines that the amount to be withheld in
34 accordance with subsection 4 is not equal to the
35 target withholding amount, the department shall adjust
36 the withholding factors listed in subsection 4 as
37 necessary to achieve the withholding target amount.
38 However, in making such adjustments to the withholding
39 factors, the department shall strive to minimize
40 changes to the withholding factors for those ending
41 balance percentage ranges that are lower than others
42 and shall not adjust the zero withholding factor
43 specified in subsection 4, paragraph "a".
44 6. A county must comply with both the requirements
45 listed in this subsection to be eligible to receive a
46 funding distribution under this section. The amount
47 that would otherwise be available for distribution to
48 a county that fails to so comply shall be
49 proportionately distributed among the eligible
50 counties. Both of the following requirements are

1 applicable:

2 a. A county must comply with the December 1, 2003,
3 filing deadline for the county annual financial report
4 in accordance with section 331.403.

5 b. A county must levy the not less than 70 percent
6 of the maximum amount allowed for the county's mental
7 health, mental retardation, and developmental
8 disabilities services fund under section 331.424A for
9 taxes due and payable in the fiscal year beginning
10 July 1, 2003.

11 7. The department of human services shall
12 authorize the issuance of warrants payable to the
13 county treasurer for the distribution amounts due the
14 counties eligible under this section and
15 notwithstanding prior practice for the MH/DD community
16 services fund, the warrants shall be issued in January
17 2004.

18 DIVISION V

19 APPROPRIATION ADJUSTMENTS

20 Sec. 105. SECRETARY OF STATE. 2002 Iowa Acts,
21 Senate File 2326, section 23, subsection 2, if
22 enacted, is amended to read as follows:

23 2. BUSINESS SERVICES

24 For salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-
26 time equivalent positions

27	\$	<u>1,433,235</u>
28		<u>1,533,235</u>
29	FTEs	32.00

30 Sec. 106. 2002 Iowa Acts, Senate File 2326,
31 section 79, subsections 17 and 18, if enacted, are
32 amended to read as follows:

33 17. STUDENT ACHIEVEMENT AND TEACHER QUALITY
34 PROGRAM

35 For purposes, as provided in law, of the student
36 achievement and teacher quality program established
37 pursuant to chapter 284:

38	\$	<u>7,750,000</u>
39		<u>16,100,000</u>

40 Notwithstanding section 8.33, any moneys remaining
41 unencumbered or unobligated from the moneys allocated
42 as provided in this subsection shall not revert but
43 shall remain available in the succeeding fiscal year
44 for expenditure for the purposes designated. The
45 provisions of section 8.39 shall not apply to the
46 funds appropriated pursuant to this subsection.

47 18. COMMUNITY COLLEGES

48 For general state financial aid, including general
49 financial aid to merged areas in lieu of personal
50 property tax replacement payments, to merged areas as

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1	defined in section 260C.2, for vocational education	
2	programs in accordance with chapters 258 and 260C:	
3	.....	\$ 137,585,680
4		<u>138,585,680</u>
5	The funds appropriated in this subsection shall be	
6	allocated as follows:	
7	a. Merged Area I	\$ 6,602,820
8		<u>6,650,811</u>
9	b. Merged Area II	\$ 7,755,900
10		<u>7,812,271</u>
11	c. Merged Area III.....	\$ 7,205,055
12		<u>7,257,423</u>
13	d. Merged Area IV.....	\$ 3,521,678
14		<u>3,547,274</u>
15	e. Merged Area V	\$ 7,367,785
16		<u>7,421,336</u>
17	f. Merged Area VI.....	\$ 6,826,113
18		<u>6,875,727</u>
19	g. Merged Area VII.....	\$ 9,849,174
20		<u>9,920,760</u>
21	h. Merged Area IX.....	\$ 12,113,770
22		<u>12,201,815</u>
23	i. Merged Area X	\$ 19,011,042
24		<u>19,149,218</u>
25	j. Merged Area XI.....	\$ 20,177,551
26		<u>20,324,204</u>
27	k. Merged Area XII.....	\$ 7,949,367
28		<u>8,007,145</u>
29	l. Merged Area XIII	\$ 8,174,348
30		<u>8,233,761</u>
31	m. Merged Area XIV	\$ 3,563,670
32		<u>3,589,571</u>
33	n. Merged Area XV.....	\$ 11,213,616
34		<u>11,295,119</u>
35	o. Merged Area XVI	\$ 6,253,791
36		<u>6,299,245</u>
37	Sec. 107. REGENTS INSTITUTIONS. The amounts	
38	appropriated from the general fund of the state to the	
39	state board of regents for the state university of	
40	Iowa, the Iowa state university of science and	
41	technology, and the university of northern Iowa, in	
42	2002 Iowa Acts, Senate File 2326, section 81,	
43	subsections 2, 3, and 4, if enacted, for the fiscal	
44	year beginning July 1, 2002, and ending June 30, 2003,	
45	are reduced by the following amount:	
46	.....	\$ 5,000,000
47	The state board of regents shall apply the	
48	reduction made in this section to the appropriations	
49	made to the indicated institutions in a manner so that	
50	an institution's appropriation is reduced in	

1 proportion to the amount the institution's
2 appropriation in 2002 Iowa Acts, Senate File 2326,
3 section 81, bears to the total amount appropriated in
4 that section to the three institutions.

5 Sec. 108. MEDICAL ASSISTANCE. 2002 Iowa Acts,
6 Senate File 2326, section 104, unnumbered paragraph 2,
7 if enacted, is amended to read as follows:

8 For medical assistance reimbursement and associated
9 costs as specifically provided in the reimbursement
10 methodologies in effect on June 30, 2002, except as
11 otherwise expressly authorized by law, including
12 reimbursement for abortion services, which shall be
13 available under the medical assistance program only
14 for those abortions which are medically necessary:

15 \$ 416,607,073
16 412,907,073

17 Sec. 109. CHILDREN'S HEALTH INSURANCE PROGRAM.
18 2002 Iowa Acts, Senate File 2326, section 106,
19 unnumbered paragraph 2, if enacted, is amended to read
20 as follows:

21 For maintenance of the healthy and well kids in
22 Iowa (hawk-i) program pursuant to chapter 514I for
23 receipt of federal financial participation under Title
24 XXI of the federal Social Security Act, which creates
25 the state children's health insurance program:

26 \$ 9,958,412
27 11,458,412

28 Sec. 110. 2002 Iowa Acts, Senate File 2326,
29 section 172, if enacted, is amended to read as
30 follows:

31 SEC. 172. EDUCATIONAL EXCELLENCE. Notwithstanding
32 section 294A.25, subsection 1, the amount appropriated
33 from the general fund of the state under section
34 294A.25, subsection 1, to the department of education
35 for phase III moneys for the fiscal year beginning
36 July 1, 2002, and ending June 30, 2003, is reduced by
37 the following amount:

38 \$ 11,750,000
39 14,000,000

40 Sec. 111. UNDERGROUND STORAGE TANK FUND.
41 Notwithstanding section 455G.3, subsection 1, there is
42 transferred from the Iowa comprehensive petroleum
43 underground storage tank fund created in section
44 455G.3, subsection 1, to the department of education
45 during the fiscal year beginning July 1, 2002, and
46 ending June 30, 2003, the following amount, to be used
47 for the purposes designated:

48 For purposes, as provided in law, of the student
49 achievement and teacher quality program established
50 pursuant to chapter 284:

1\$ 8,900,000

2 Moneys transferred in this section are appropriated

3 to the department to be used for the purposes

4 designated. Notwithstanding section 8.33, moneys

5 appropriated in this section that remain unencumbered

6 or unobligated at the close of the fiscal year shall

7 not revert but shall remain available for expenditure

8 for the purposes designated until the close of the

9 succeeding fiscal year. The provisions of section

10 8.39 do not apply to the moneys appropriated in this

11 section.

12 Sec. 112. PREMIUM TAX REVENUES. Notwithstanding

13 any provision of law to the contrary, if 2002 Iowa

14 Acts, Senate File 2318, is enacted, before any premium

15 tax revenues are credited to the general fund of the

16 state for the fiscal year beginning July 1, 2002, and

17 ending June 30, 2003, the following amount of the

18 revenues first received is appropriated to the

19 department of education for the fiscal year beginning

20 July 1, 2002, and ending June 30, 2003, to be used for

21 the purposes designated:

22 For purposes, as provided in law, of the student

23 achievement and teacher quality program established

24 pursuant to chapter 284:

25\$ 10,000,000

26 Notwithstanding section 8.33, moneys appropriated

27 in this section that remain unencumbered or

28 unobligated at the close of the fiscal year shall not

29 revert but shall remain available for expenditure for

30 the purposes designated until the close of the

31 succeeding fiscal year. The provisions of section

32 8.39 do not apply to the moneys appropriated in this

33 section.

34 Sec. 113. REBUILD IOWA INFRASTRUCTURE FUND —

35 GAMBLING REVENUES. Notwithstanding section 8.57,

36 subsection 5, there is transferred from pari-mutuel

37 wagering and gambling revenues credited to the rebuild

38 Iowa infrastructure fund created in section 8.57,

39 subsection 5, for public vertical infrastructure

40 projects, to the department of education for the

41 fiscal year beginning July 1, 2002, and ending June

42 30, 2003, the following amount, to be used for the

43 purposes designated:

44 For purposes, as provided in law, of the student

45 achievement and teacher quality program established

46 pursuant to chapter 284:

47\$ 5,000,000

48 Moneys transferred in this section are appropriated

49 to the department to be used for the purposes

50 designated. Notwithstanding section 8.33, moneys

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1 appropriated in this section that remain unencumbered
2 or unobligated at the close of the fiscal year shall
3 not revert but shall remain available for expenditure
4 for the purposes designated until the close of the
5 succeeding fiscal year. The provisions of section
6 8.39 do not apply to the moneys appropriated in this
7 section."

JEFF LAMBERTI

S-5507

1 Amend House File 2486, 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 49.13, Code 2001, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 5. The commissioner may appoint
8 high school students who are not yet qualified to be
9 registered voters to serve as precinct election board
10 members.
11 a. To qualify to serve as a precinct election
12 board member, a high school student shall:
13 (1) Be a United States citizen.
14 (2) Be a junior or senior in good standing
15 enrolled in a public or private secondary school in
16 Iowa.
17 (3) Have a cumulative grade point average
18 equivalent to at least 2.0 on a 4.0 scale.
19 (4) At the time of appointment, have the written
20 approval of the principal of the secondary school the
21 student attends.
22 (5) Have the written approval of the student's
23 parent or legal guardian.
24 (6) Have satisfactorily completed the training
25 course for election officials.
26 (7) Meet all other qualifications for appointment
27 and service as an election board member except the
28 requirement of being a registered voter.
29 b. No more than one student precinct election
30 board member may serve on each precinct election
31 board.
32 c. Student precinct election board members shall
33 not serve as the chairperson of a precinct election
34 board.
35 d. Before serving at a partisan election, the
36 student election precinct board member must certify in
37 writing to the commissioner the political party with
38 which the student is affiliated.

39 e. Student precinct election board members shall
 40 not be counted as absent from school on the day they
 41 serve as election officials.
 42 f. Student precinct election board members shall
 43 not be allowed to work more hours than allowed under
 44 the applicable labor laws.
 45 Sec. ____ Section 49.15, Code 2001, is amended by
 46 adding the following new unnumbered paragraph:
 47 NEW UNNUMBERED PARAGRAPH. In drawing up precinct
 48 election board panels, the commissioner may use
 49 student precinct election board members appointed
 50 pursuant to section 49.13, subsection 5.

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1 Sec. ____ Section 49.84, Code 2001, is amended by
 2 adding the following new unnumbered paragraph:
 3 NEW UNNUMBERED PARAGRAPH. This section does not
 4 prohibit a voter from taking minor children into the
 5 voting booth with the voter.
 6 Sec. ____ Section 49.88, Code 2001, is amended by
 7 adding the following new unnumbered paragraph:
 8 NEW UNNUMBERED PARAGRAPH. This section does not
 9 prohibit a voter from taking minor children into the
 10 voting booth with the voter."
 11 2. Title page, by striking line 1, and inserting
 12 the following: "An Act relating to the election
 13 process, including youth participation in elections,
 14 the procedure for congressional".
 15 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5508

1 Amend House File 2486, 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 39.3, Code 2001, is amended by
 6 adding the following new subsections:
 7 NEW SUBSECTION. 8A. "Overvote" means when a voter
 8 marks more than the permitted number of choices for an
 9 office or question.
 10 NEW SUBSECTION. 17. "Undervote" means when a
 11 voter marks fewer than the permitted number of choices
 12 for an office or question."
 13 2. Page 7, by inserting before line 28, the
 14 following:
 15 "Sec. ____ Section 43.49, Code 2001, is amended by
 16 adding the following new subsection:
 17 NEW SUBSECTION. 4. The number of overvotes and

18 undervotes for each office on the ballot.
19 Sec. _____. Section 43.56, unnumbered paragraph 2,
20 Code 2001, is amended by striking the unnumbered
21 paragraph."
22 3. Page 8, by inserting after line 14, the
23 following:
24 "Sec. _____. Section 49.98, Code 2001, is amended by
25 striking the section and inserting in lieu thereof the
26 following:
27 49.98 COUNTING BALLOTS.
28 1. Ballots shall be counted according to the
29 voters' marks on them as provided in sections 49.92
30 through 49.97, this section, and sections 49.98A and
31 49.98B. A ballot, or the votes on any part of the
32 ballot, shall be counted if the ballot contains a
33 clear indication that the voter has made a definite
34 choice. A vote for any office or question on a ballot
35 shall not be rejected solely because a voter failed to
36 follow instructions for marking the ballot. If for
37 any reason it is impossible to determine from a
38 ballot, as marked, the choice of the voter for any
39 office or question, the vote for that office or
40 question shall not be counted. Failure to vote for
41 any candidate for a particular office or for either
42 choice for a question shall not invalidate valid marks
43 made on the rest of the ballot.
44 2. When ballots are counted by automatic
45 tabulating equipment, the vote tabulating devices
46 shall be configured to sort out any ballots read as
47 blank, or that contain overvotes for one or more
48 offices or questions. If the ballots are tabulated at
49 the precinct, the voter shall be offered the
50 opportunity to review the ballot and correct any

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1 errors. Absentee ballots counted by automatic
2 tabulating equipment and ballots tabulated at a
3 counting center established under section 52.34 shall
4 be sorted for blank ballots and for overvotes. Blank
5 and overvoted ballots shall be given to the resolution
6 board and tabulated as required by this section and
7 section 52.37.
8 3. If a voter uniformly uses a mark other than the
9 mark prescribed in the ballot instructions, and does
10 not use the prescribed mark anywhere else, and the
11 mark the voter uses clearly indicates that the voter
12 has made a choice for a candidate or a question on the
13 ballot, the voter's marks shall be counted. However,
14 no votes shall be counted if the voter's marks
15 identify the ballot in violation of section 49.107,
16 subsection 7.

17 4. A vote for an office or question shall be
 18 counted if the voter has marked the ballot in a manner
 19 that will be counted as an overvote by automatic
 20 tabulating equipment but the voter has indicated in a
 21 clear fashion that the voter has made a mistake and
 22 has attempted to correct it, either by an erasure or
 23 by otherwise indicating which mark is the voter's
 24 choice, if such indication does not violate section
 25 49.107, subsection 7.

26 Sec. ____ NEW SECTION. 49.98A COUNTING STRAIGHT
 27 PARTY OR ORGANIZATION VOTES.

28 When a voter has marked a straight party or
 29 organization target for one political party or
 30 nonparty political organization, blank voting targets
 31 under an office shall be counted as votes for that
 32 party or organization. If the voter has marked any
 33 voting targets next to any of the following in
 34 addition to the straight party or organization target,
 35 those votes shall be counted as marked:

36 1. A candidate for a political party or nonparty
 37 political organization that differs from the straight
 38 party or organization marked by the voter.

39 2. A candidate who is not affiliated with any
 40 political party.

41 3. A write-in line.

42 However, if a voter has marked the voting target
 43 next to the name of more than one political party or
 44 organization, only votes cast for individual
 45 candidates shall be counted.

46 Sec. ____ NEW SECTION. 49.98B RULES FOR COUNTING
 47 BALLOTS.

48 The state commissioner of elections shall adopt
 49 rules to provide guidance for counting votes for each
 50 type of voting equipment and voting target on ballots

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1 in use in the state. The rules shall provide specific
 2 examples of the kinds of errors made by voters and the
 3 appropriate interpretation based upon the vote
 4 counting procedures of this chapter.

5 Sec. ____ Section 49.99, Code 2001, is amended to
 6 read as follows:

7 49.99 WRITING NAME ON BALLOT.

8 The voter may also write on the line provided for
 9 write-in votes the name of any person for whom the
 10 voter desires to vote and mark the voting target
 11 opposite the name. ~~If the voter is using a voting~~
 12 ~~system other than an electronic voting system, as~~
 13 ~~defined in section 52.1, the writing of the Writing a~~
 14 ~~name on the write-in line shall constitute a valid~~
 15 ~~vote for the person whose name has been written on the~~

16 ballot without regard to whether the voter has made a
17 mark opposite the name. ~~However, when~~ When a write-in
18 vote is cast using an electronic voting system, the
19 ballot must also be marked in the corresponding space
20 in order to be counted. However, precinct election
21 officials, resolution boards, and recount boards shall
22 count otherwise valid write-in votes cast without the
23 mark in the corresponding space. Marking the voting
24 target opposite a write-in line without writing a name
25 on the line shall ~~not affect the validity of the~~
26 ~~remainder of the ballot~~ be interpreted as no vote for
27 that office.

28 If a voter writes the name of a person more than
29 once in the proper places on a ballot or on a voting
30 machine for an office to which more than one person is
31 to be elected, all but one of those votes for that
32 person for that office are void and shall not be
33 counted. If a write-in vote is duplicative of an
34 otherwise correctly cast vote for a candidate whose
35 name appears on the ballot, the write-in vote shall be
36 interpreted as a confirmation of the voter's choice
37 and shall be counted as one vote for the candidate.

38 The officials tabulating write-in votes shall
39 disregard misspellings or variations in names or
40 abbreviations for write-in candidates and shall count
41 the variations in the form of the name for a single
42 person if the officials can determine for whom the
43 write-in votes were cast.

44 Sec. ____ Section 50.24, unnumbered paragraph 1,
45 Code 2001, is amended to read as follows:

46 The county board of supervisors shall meet to
47 canvass the vote on the first Monday or Tuesday after
48 the day of each election to which this chapter is
49 applicable, unless the law authorizing the election
50 specifies another date for the canvass. If that

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1 Monday or Tuesday is a public holiday, section 4.1,
2 subsection 34, controls. Upon convening, the board
3 shall open and canvass the tally lists and shall
4 prepare abstracts stating, in words written at length,
5 the number of votes cast in the county, or in that
6 portion of the county in which the election was held,
7 for each office and on each question on the ballot for
8 the election. The board shall contact the chairperson
9 of the special precinct board before adjourning and
10 include in the canvass any absentee ballots which were
11 received after the polls closed in accordance with
12 section 53.17 and which were canvassed by the special
13 precinct board after election day. The abstract shall
14 further indicate the name of each person who received

15 votes for each office on the ballot, and the number of
16 votes each person named received for that office, and
17 the number of votes for and against each question
18 submitted to the voters at the election. The votes of
19 all write-in candidates who each received less than
20 two percent of the votes cast for an office shall be
21 reported collectively under the heading "scattering".
22 The abstract shall also show the number of overvotes
23 and undervotes for each office or question on the
24 ballot.

25 Sec. ____ Section 50.48, subsections 1, 2, and 3,
26 Code 2001, are amended by striking the subsections and
27 inserting in lieu thereof the following:

28 1. a. The county board of canvassers shall order
29 a recount of the votes cast in all precincts in that
30 county for a particular office or nomination if a
31 written request for a recount is filed not later than
32 five p.m. on the third day following the county
33 board's canvass of the election in question. For
34 elections for a state or federal office or nomination,
35 the request shall be filed with the state commissioner
36 of elections. Immediately upon receipt of a request
37 for a recount in an election for a state or federal
38 office or nomination, the state commissioner shall
39 notify the commissioners of all counties in which
40 votes were cast for the office or nomination for which
41 a recount is requested. For county officers, city
42 elections, school elections, and all other elections,
43 except those for state or federal office, the request
44 shall be filed with each commissioner of each county
45 in which votes for that office or nomination were
46 cast, or with the commissioner responsible for
47 conducting the election if section 47.2, subsection 2,
48 is applicable.

49 b. A recount may be requested only if the returns
50 prepared pursuant to section 50.24 indicate that a

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1 candidate for an office or nomination was defeated or
2 eliminated by one percent or less of the votes cast
3 for that office or nomination, or that a political
4 party or nonparty political organization did not
5 retain or attain political party status by one percent
6 or less of the votes required to be eligible for
7 political party status.

8 c. A recount may be requested by one of the
9 following:

10 (1) A candidate elected or defeated by one percent
11 or less of the votes cast for that office or
12 nomination.

13 (2) A political party or nonparty political

14 organization that did not retain or attain political
15 party status by one percent or less of the votes
16 required to be eligible for political party status. A
17 request by a political party or a political
18 organization must be signed by an officer of that
19 party or organization or by the political party or
20 nonparty political organization candidate for the
21 office of president of the United States or governor,
22 whichever is applicable.

23 2. Immediately upon receipt of a request for a
24 recount, the state commissioner or the commissioner
25 receiving the written request, as applicable, shall
26 send a copy of the request by certified mail to all
27 candidates who received votes for the particular
28 office or nomination for which a recount is requested.
29 In addition, the commissioner shall notify the
30 following persons by first-class mail or by telephone:

31 a. The chairperson of each state political party,
32 if the office or nomination for which a recount is
33 requested is a state or federal office.

34 b. The county chairperson of each county political
35 party, if the office or nomination for which a recount
36 is requested is a county office.

37 c. An officer of any nonparty political
38 organization whose candidate received votes for the
39 office or nomination for which a recount is requested.

40 3. a. In each county that a recount has been
41 requested, the recount shall be conducted by a board
42 which shall consist of the following:

43 (1) A designee of the candidate who received the
44 highest number of votes cast for that office or
45 nomination.

46 (2) A designee of the candidate who received the
47 second highest number of votes cast for that office or
48 nomination.

49 (3) A designee of the candidate who requested the
50 recount, if such candidate is not otherwise allowed to

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1 designate a board member under subparagraph (1) or
2 (2).

3 (4) A person chosen jointly by the designees under
4 subparagraphs (1) and (2) if subparagraph (3) does not
5 apply.

6 b. If paragraph "a", subparagraph (3) does not
7 apply, the commissioner shall convene the persons
8 designated under paragraph "a", subparagraphs (1) and
9 (2), not later than nine a.m. on the seventh day
10 following the county board's canvass of the election
11 in question. If those board members cannot agree on
12 another member by eight a.m. on the ninth day

13 following the canvass, they shall immediately so
 14 notify the chief judge of the judicial district in
 15 which the canvass is occurring, who shall appoint the
 16 other member not later than five p.m. on the eleventh
 17 day following the canvass.

18 Sec. ____ Section 50.48, subsection 4, unnumbered
 19 paragraph 1, Code 2001, is amended to read as follows:

20 When all members of the recount board have been
 21 selected, the board shall undertake and complete the
 22 required recount as expeditiously as reasonably
 23 possible. The commissioner or the commissioner's
 24 designee shall supervise the handling of ballots or
 25 voting machine documents to ensure that the ballots
 26 and other documents are protected from alteration or
 27 damage. ~~The board shall open only the sealed ballot~~
 28 ~~containers from the precincts specified to be~~
 29 ~~recounted in the request or by the recount board.~~ The
 30 board shall recount only the ballots which were voted
 31 and counted for the office in question, including any
 32 disputed ballots returned as required in section 50.5.
 33 If an electronic tabulating system was used to count
 34 the ballots, the recount board may request the
 35 commissioner to retabulate the ballots using the
 36 electronic tabulating system. The same program used
 37 for tabulating the votes on election day shall be used
 38 at the recount unless the program is believed or known
 39 to be flawed. The board shall recount the ballots in
 40 accordance with the method for counting ballots set
 41 forth by statute and by administrative rule. The
 42 ballots shall be counted according to the voters'
 43 marks on the ballots as provided in sections 49.92
 44 through 49.98C and not otherwise. A voter's definite
 45 choices shall be counted even if the recount board
 46 determines that the voter's choices differ from the
 47 manner in which the ballot was counted by the
 48 automatic tabulating equipment.

49 Sec. ____ Section 50.48, subsection 4, unnumbered
 50 paragraph 2, Code 2001, is amended by striking the

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1 unnumbered paragraph.

2 Sec. ____ Section 50.48, subsection 5, Code 2001,
 3 is amended to read as follows:

4 5. If the recount ~~board's report is~~ board reports
 5 that the abstracts prepared pursuant to the county
 6 board's canvass were incorrect as to the number of
 7 votes cast for the candidates for the office or
 8 nomination in question, in that county or district,
 9 the commissioner shall at once so notify the county
 10 board. The county board shall reconvene within three
 11 days after being so notified, and shall correct its

12 previous proceedings.

13 Sec. ____ Section 50.49, unnumbered paragraph 4,
14 Code 2001, is amended to read as follows:

15 The petitioners requesting the recount shall post a
16 bond ~~as required by section 50.48, subsection 2~~. The
17 amount of the bond shall be one thousand dollars for a
18 public measure appearing on the ballot statewide or
19 one hundred dollars for any other public measure. If
20 the difference between the affirmative and negative
21 votes cast on the public measure is less than the
22 greater of fifty votes or one percent of the total
23 number of votes cast for and against the question, a
24 bond is not required. If votes cast on the question
25 were canvassed in more than one county, the abstracts
26 prepared by the county boards in all of those counties
27 shall be totaled for purposes of this paragraph. If a
28 bond is required, it shall be filed with the
29 commissioner responsible for conducting the election.

30 Sec. ____ Section 50.49, Code 2001, is amended by
31 adding the following new unnumbered paragraphs after
32 unnumbered paragraph 5:

33 NEW UNNUMBERED PARAGRAPH. After all recount
34 proceedings on a public measure are completed and the
35 official canvass of votes cast on the measure is
36 corrected or completed, if necessary, any bond posted
37 under this section shall be returned to the
38 petitioners if the outcome of the election on the
39 question is different as shown by the corrected or
40 completed canvass. In all other cases, the bond shall
41 be deposited in the election fund of the county with
42 whose commissioner it was filed.

43 NEW UNNUMBERED PARAGRAPH. For purposes of this
44 section, "public measure" includes judicial retention
45 elections held pursuant to section 46.17."

46 4. Title page, by striking line 1, and inserting
47 the following: "An Act relating to the election
48 process, including information contained on abstracts
49 of votes, the definition of a valid vote for purposes
50 of canvassing ballots after an election and during a

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- 1 recount, the procedures for requesting and conducting
- 2 recounts of votes cast, the procedure for
- 3 congressional".
- 4 5. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5509

1 Amend House File 2486, as passed by the House, as
2 follows:

3 1. Page 7, by inserting before line 28 the
4 following:

5 "Sec. ____ Section 43.52, unnumbered paragraph 2,
6 Code 2001, is amended by striking the unnumbered
7 paragraph.

8 Sec. ____ Section 43.52, unnumbered paragraph 3,
9 Code 2001, is amended to read as follows:

10 When two or more nominees are required, as in the
11 case of at-large elections, the nominees shall
12 likewise be the required number of persons who receive
13 the greatest number of votes cast in the primary
14 election by the voters of the nominating party, ~~but no~~
15 ~~candidate is nominated who fails to receive thirty-~~
16 ~~five percent of the number of votes found by dividing~~
17 ~~the number of votes cast by voters of the candidate's~~
18 ~~party for the office in question by the number of~~
19 ~~persons to be elected to that office. If the primary~~
20 ~~is inconclusive under this paragraph, the necessary~~
21 ~~number of nominations shall be made as provided by~~
22 ~~section 43.78, subsection 1, paragraphs "d" and "e".~~

23 Sec. ____ Section 43.56, unnumbered paragraph 1,
24 Code 2001, is amended to read as follows:

25 Recounts of votes for primary elections shall be
26 conducted following the procedure outlined in section
27 50.48. ~~However, if a recount is requested for an~~
28 ~~office for which no candidate has received the~~
29 ~~required thirty-five percent to be nominated, the~~
30 ~~recount board shall consist of the following persons:~~

31 Sec. ____ Section 43.56, subsections 1 through 3,
32 Code 2001, are amended by striking the subsections.

33 Sec. ____ Section 43.65, Code 2001, is amended to
34 read as follows:

35 43.65 WHO NOMINATED.

36 The candidate of each political party for
37 nomination for each office to be filled by the voters
38 of the entire state, and for each seat in the United
39 States house of representatives, the Iowa house of
40 representatives and each seat in the Iowa senate which
41 is to be filled, who receives the highest number of
42 votes cast by the voters of that party for that
43 nomination shall be the candidate of that party for
44 that office in the general election. ~~However, if~~
45 ~~there are more than two candidates for any nomination~~
46 ~~and none of the candidates receives thirty-five~~
47 ~~percent or more of the votes cast by voters of that~~
48 ~~party for that nomination, the primary is inconclusive~~
49 ~~and the nomination shall be made as provided by~~
50 ~~section 43.78, subsection 1, paragraph "a", "b" or~~

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1 "e", whichever is appropriate.
 2 Sec. ____ Section 43.66, Code 2001, is amended to
 3 read as follows:
 4 43.66 WRITE-IN CANDIDATES.
 5 The fact that the candidate who receives the
 6 highest number of votes cast for any party's
 7 nomination for an office to which section 43.52 or
 8 43.65 is applicable is a person whose name was not
 9 printed on the official primary election ballot shall
 10 not affect the validity of the person's nomination as
 11 a candidate for that office in the general election.
 12 ~~However, if there is no candidate on the official~~
 13 ~~primary ballot of a political party for nomination to~~
 14 ~~a particular office, a write-in candidate may obtain~~
 15 ~~the party's nomination to that office in the primary~~
 16 ~~if the candidate receives a number of votes equal to~~
 17 ~~at least thirty-five percent of the total vote cast~~
 18 ~~for all of that party's candidates for that office in~~
 19 ~~the last preceding primary election for which the~~
 20 ~~party had candidates on the ballot for that office.~~
 21 ~~If there have been no candidates from a political~~
 22 ~~party for a seat in the general assembly since the~~
 23 ~~most recent redistricting of the general assembly, a~~
 24 ~~write-in candidate shall be considered nominated who~~
 25 ~~receives a number of votes equal to at least thirty-~~
 26 ~~five percent of the total votes cast, at the last~~
 27 ~~preceding primary election in the precincts which~~
 28 ~~currently constitute the general assembly district,~~
 29 ~~for all of that party's candidates for representative~~
 30 ~~in the Congress of the United States or who receives~~
 31 ~~at least one hundred votes, whichever number is~~
 32 ~~greater. When two or more nominees are required, the~~
 33 ~~division procedure prescribed in section 43.52 shall~~
 34 ~~be applied to establish the minimum number of write-in~~
 35 ~~votes necessary for nomination. If the primary is~~
 36 ~~inconclusive, the necessary nominations shall be made~~
 37 ~~in accordance with section 43.78, subsection 1."~~
 38 2. Title page, by striking line 1 and inserting
 39 the following: "An Act relating to the election
 40 process, including nomination of candidates to office
 41 at the primary election, the procedure for
 42 congressional".
 43 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5510

1 Amend House File 2623, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 27, by inserting after line 35 the

4 following:
5 "Sec. ____ Section 432.1, subsections 1A and 2A,
6 if enacted by 2002 Iowa Acts, Senate File 2318, are
7 amended by striking the subsections and inserting in
8 lieu thereof the following:
9 1A. The "applicable percent" for purposes of
10 subsection 1 of this section and section 432.2 is the
11 following:
12 a. For calendar years beginning before the 2003
13 calendar year, two percent.
14 b. For the 2003 calendar year:
15 (1) One and three-fourths percent if the company
16 or association is described as any of the following:
17 (a) It is taxed under section 432.2.
18 (b) Its policies and contracts provide for third-
19 party payments or prepayments of health or medical
20 expenses which include coverage benefits for treatment
21 for neurobiological disorders and underlying co-
22 morbidity as provided in section 514C.21 and it meets
23 the requirements of subparagraph subdivision (d), (e),
24 or (f).
25 (c) Its commercial domicile is not in Iowa.
26 (d) Its commercial domicile is in Iowa and its
27 total premiums received in the previous calendar year
28 are less than ten million dollars and in the case of a
29 health insurance company or association it meets the
30 requirements of subparagraph subdivision (b).
31 (e) Its commercial domicile is in Iowa, its total
32 premiums received in the previous calendar year are at
33 least ten million dollars but not more than one
34 hundred million dollars, and it has purchased equity
35 interests in the Iowa fund of funds created pursuant
36 to section 15E.225 through the end of the previous
37 calendar year of at least five hundred thousand
38 dollars and in the case of a health insurance company
39 or association it meets the requirements of
40 subparagraph subdivision (b).
41 (f) Its commercial domicile is in Iowa, its total
42 premiums received in the previous calendar year are
43 more than one hundred million dollars, and it has
44 purchased equity interests in the Iowa fund of funds
45 through the end of the previous calendar year of at
46 least one million dollars and in the case of a health
47 insurance company or association it meets the
48 requirements of subparagraph subdivision (b).
49 (2) Two percent if the company or association does
50 not meet any of the descriptions in subparagraph (1).

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1 c. For the 2004 calendar year:
2 (1) One and one-half percent if the company or

- 3 association is described as any of the following:
- 4 (a) It is taxed under section 432.2.
- 5 (b) Its policies and contracts provide for third-
- 6 party payments or prepayments of health or medical
- 7 expenses which include coverage benefits for treatment
- 8 for neurobiological disorders and underlying co-
- 9 morbidity as provided in section 514C.21 and it meets
- 10 the requirements of subparagraph subdivision (d), (e),
- 11 or (f).
- 12 (c) Its commercial domicile is not in Iowa.
- 13 (d) Its commercial domicile is in Iowa and its
- 14 total premiums received in the previous calendar year
- 15 are less than ten million dollars and in the case of a
- 16 health insurance company or association it meets the
- 17 requirements of subparagraph subdivision (b).
- 18 (e) Its commercial domicile is in Iowa, its total
- 19 premiums received in the previous calendar year are at
- 20 least ten million dollars but not more than one
- 21 hundred million dollars, and it has purchased equity
- 22 interests in the Iowa fund of funds through the end of
- 23 the previous calendar year of at least one million
- 24 dollars and in the case of a health insurance company
- 25 or association it meets the requirements of
- 26 subparagraph subdivision (b).
- 27 (f) Its commercial domicile is in Iowa, its total
- 28 premiums received in the previous calendar year are
- 29 more than one hundred million dollars, and it has
- 30 purchased equity interests in the Iowa fund of funds
- 31 through the end of the previous calendar year of at
- 32 least two million dollars and in the case of a health
- 33 insurance company or association it meets the
- 34 requirements of subparagraph subdivision (b).
- 35 (2) Two percent if the company or association does
- 36 not meet any of the descriptions in subparagraph (1).
- 37 d. For the 2005 calendar year:
- 38 (1) One and one-fourth percent if the company or
- 39 association is described as any of the following:
- 40 (a) It is taxed under section 432.2.
- 41 (b) Its policies and contracts provide for third-
- 42 party payments or prepayments of health or medical
- 43 expenses which include coverage benefits for treatment
- 44 for neurobiological disorders and underlying co-
- 45 morbidity as provided in section 514C.21 and it meets
- 46 the requirements of subparagraph subdivision (d), (e),
- 47 or (f).
- 48 (c) Its commercial domicile is not in Iowa.
- 49 (d) Its commercial domicile is in Iowa and its
- 50 total premiums received in the previous calendar year

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1 are less than ten million dollars and in the case of a
2 health insurance company or association it meets the
3 requirements of subparagraph subdivision (b).
4 (e) Its commercial domicile is in Iowa, its total
5 premiums received in the previous calendar year are at
6 least ten million dollars but not more than one
7 hundred million dollars, and it has purchased equity
8 interests in the Iowa fund of funds through the end of
9 the previous calendar year of at least one million
10 five hundred thousand dollars and in the case of a
11 health insurance company or association it meets the
12 requirements of subparagraph subdivision (b).
13 (f) Its commercial domicile is in Iowa, its total
14 premiums received in the previous calendar year are
15 more than one hundred million dollars, and it has
16 purchased equity interests in the Iowa fund of funds
17 through the end of the previous calendar year of at
18 least three million dollars and in the case of a
19 health insurance company or association it meets the
20 requirements of subparagraph subdivision (b).
21 (2) Two percent if the company or association does
22 not meet any of the descriptions in subparagraph (1).
23 e. For the 2006 and subsequent calendar years:
24 (1) One percent if the company or association is
25 described as any of the following:
26 (a) It is taxed under section 432.2.
27 (b) Its policies and contracts provide for third-
28 party payments or prepayments of health or medical
29 expenses which include coverage benefits for treatment
30 for neurobiological disorders and underlying co-
31 morbidity as provided in section 514C.21 and it meets
32 the requirements of subparagraph subdivision (d), (e),
33 or (f).
34 (c) Its commercial domicile is not in Iowa.
35 (d) Its commercial domicile is in Iowa and its
36 total premiums received in the previous calendar year
37 are less than ten million dollars and in the case of a
38 health insurance company or association it meets the
39 requirements of subparagraph subdivision (b).
40 (e) Its commercial domicile is in Iowa, its total
41 premiums received in the previous calendar year are at
42 least ten million dollars but not more than one
43 hundred million dollars, and it has purchased equity
44 interests in the Iowa fund of funds through the end of
45 the previous calendar year of at least two million
46 dollars and in the case of a health insurance company
47 or association it meets the requirements of
48 subparagraph subdivision (b).
49 (f) Its commercial domicile is in Iowa, its total
50 premiums received in the previous calendar year are

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1 more than one hundred million dollars, and it has
2 purchased equity interests in the Iowa fund of funds
3 through the end of the previous calendar year of at
4 least four million dollars and in the case of a health
5 insurance company or association it meets the
6 requirements of subparagraph subdivision (b).

7 (2) Two percent if the company or association does
8 not meet any of the descriptions in subparagraph (1).

9 2A. The "applicable percent" for purposes of
10 subsection 2 is the following:

11 a. For calendar years beginning before the 2004
12 calendar year, two percent.

13 b. For the 2004 calendar year:

14 (1) One and three-fourths percent if the company
15 or association is described as any of the following:

16 (a) Its commercial domicile is not in Iowa.

17 (b) Its commercial domicile is in Iowa and its
18 total premiums received in the previous calendar year
19 are less than ten million dollars.

20 (c) Its commercial domicile is in Iowa, its total
21 premiums received in the previous calendar year are at
22 least ten million dollars but not more than one
23 hundred million dollars, and it has purchased equity
24 interests in the Iowa fund of funds through the end of
25 the previous calendar year of at least five hundred
26 thousand dollars.

27 (d) Its commercial domicile is in Iowa, its total
28 premiums received in the previous calendar year are
29 more than one hundred million dollars, and it has
30 purchased equity interests in the Iowa fund of funds
31 through the end of the previous calendar year of at
32 least one million dollars.

33 (2) Two percent if the company or association does
34 not meet any of the descriptions in subparagraph (1).

35 c. For the 2005 calendar year:

36 (1) One and one-half percent if the company or
37 association is described as any of the following:

38 (a) Its commercial domicile is not in Iowa.

39 (b) Its commercial domicile is in Iowa and its
40 total premiums received in the previous calendar year
41 are less than ten million dollars.

42 (c) Its commercial domicile is in Iowa, its total
43 premiums received in the previous calendar year are at
44 least ten million dollars but not more than one
45 hundred million dollars, and it has purchased equity
46 interests in the Iowa fund of funds through the end of
47 the previous calendar year of at least one million
48 dollars.

49 (d) Its commercial domicile is in Iowa, its total
50 premiums received in the previous calendar year are

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1 more than one hundred million dollars, and it has
2 purchased equity interests in the Iowa fund of funds
3 through the end of the previous calendar year of at
4 least two million dollars.

5 (2) Two percent if the company or association does
6 not meet any of the descriptions in subparagraph (1).

7 d. For the 2006 calendar year:

8 (1) One and one-fourth percent if the company or
9 association is described as any of the following:

10 (a) Its commercial domicile is not in Iowa.

11 (b) Its commercial domicile is in Iowa and its
12 total premiums received in the previous calendar year
13 are less than ten million dollars.

14 (c) Its commercial domicile is in Iowa, its total
15 premiums received in the previous calendar year are at
16 least ten million dollars but not more than one
17 hundred million dollars, and it has purchased equity
18 interests in the Iowa fund of funds through the end of
19 the previous calendar year of at least one million
20 five hundred thousand dollars.

21 (d) Its commercial domicile is in Iowa, its total
22 premiums received in the previous calendar year are
23 more than one hundred million dollars, and it has
24 purchased equity interests in the Iowa fund of funds
25 through the end of the previous calendar year of at
26 least three million dollars.

27 (2) Two percent if the company or association does
28 not meet any of the descriptions in subparagraph (1).

29 e. For the 2007 and subsequent calendar years:

30 (1) One percent if the company or association is
31 described as any of the following:

32 (a) Its commercial domicile is not in Iowa.

33 (b) Its commercial domicile is in Iowa and its
34 total premiums received in the previous calendar year
35 are less than ten million dollars.

36 (c) Its commercial domicile is in Iowa, its total
37 premiums received in the previous calendar year are at
38 least ten million dollars but not more than one
39 hundred million dollars, and it has purchased equity
40 interests in the Iowa fund of funds the end of the
41 previous calendar year of at least two million
42 dollars.

43 (d) Its commercial domicile is in Iowa, its total
44 premiums received in the previous calendar year are
45 more than one hundred million dollars, and it has
46 purchased equity interests in the Iowa fund of funds
47 through the end of the previous calendar year of at
48 least four million dollars.

49 (2) Two percent if the company or association does
50 not meet any of the descriptions in subparagraph (1).

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1 Sec. ____ NEW SECTION. 514C.21 MANDATED COVERAGE
2 FOR NEUROBIOLOGICAL DISORDERS AND UNDERLYING CO-
3 MORBIDITY.

4 1. For purposes of this section, unless the
5 context otherwise requires:

6 a. "Co-morbidity" means the coexistence of
7 conditions or diagnosable disorders such as
8 neurobiological disorders and substance abuse. For
9 purposes of this section, "substance abuse" means a
10 pattern of pathological use of alcohol or a drug that
11 causes impairment in social or occupational
12 functioning, or that produces physiological dependency
13 evidenced by physical tolerance or by physical
14 symptoms when the alcohol or drug is withdrawn.

15 b. "Neurobiological disorder" means the following:

- 16 (1) Schizophrenia and other psychotic disorders.
- 17 (2) Affective disorders.
- 18 (3) Anxiety disorders.
- 19 (4) Pervasive developmental disorders.
- 20 (5) Attention deficit hyperactivity disorder and
21 related disorders.
- 22 (6) Disorders identified in childhood and
23 adolescence.

24 The commissioner, by rule, shall identify the
25 neurobiological disorders covered by this definition,
26 consistent with the guidelines provided in the most
27 recent edition of the American psychiatric
28 association's diagnostic and statistical manual of
29 mental disorders, as such definitions may be amended
30 from time to time. The commissioner may adopt the
31 definitions provided in the manual by reference.

32 c. "Rates, terms, and conditions" means any
33 lifetime or annual payment limits, deductibles,
34 copayments, coinsurance, and any other cost-sharing
35 requirements, out-of-pocket limits, visit limitations,
36 and any other financial component of benefits coverage
37 that affects the covered individual.

38 2. a. Notwithstanding the uniformity of treatment
39 requirements of section 514C.6, a policy, contract, or
40 plan providing for third-party payment or prepayment
41 of health or medical expenses shall provide coverage
42 benefits for treatment for neurobiological disorders
43 and underlying co-morbidity based on rates, terms, and
44 conditions that are no more restrictive than the
45 rates, terms, and conditions for coverage benefits
46 provided for other health or medical conditions under
47 the policy, contract, or plan.

48 b. Any restrictions or limitations with respect to
49 rates, terms, and conditions involving deductibles,
50 copayments, coinsurance, and any other cost-sharing

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1 requirements shall be cumulative for coverage of
2 treatment for neurobiological disorders and underlying
3 co-morbidity and other health or medical conditions
4 under a policy, contract, or plan. A policy,
5 contract, or plan subject to this section shall not
6 impose an aggregate lifetime or annual limit on
7 treatment for neurobiological disorders and underlying
8 co-morbidity coverage benefits unless the policy,
9 contract, or plan imposes an aggregate lifetime or
10 annual limit on substantially all health or medical
11 coverage benefits. A policy, contract, or plan
12 subject to this section that imposes an aggregate
13 lifetime or annual limit on substantially all medical
14 and surgical coverage benefits shall not impose an
15 aggregate lifetime or annual limit on treatment for
16 neurobiological disorders and underlying co-morbidity
17 coverage benefits that is less than the aggregate
18 lifetime or annual limit imposed on substantially all
19 health or medical coverage benefits.

20 c. Coverage required under this section shall be
21 for the treatment of neurobiological disorders and
22 underlying co-morbidity, for services provided by a
23 health professional licensed under chapter 147A, 148,
24 150A, 152, 154B, 154C, or 154D, for services provided
25 in a hospital, clinic, office, community mental health
26 center, health care facility, outpatient treatment
27 facility, residential treatment facility, halfway
28 house, or similar facility for the provision of health
29 care services, and for services provided pursuant to
30 the comprehensive program for treatment for substance
31 abuse maintained by the department of public health
32 pursuant to section 125.12 in a hospital licensed
33 under chapter 135B or a facility licensed under
34 chapter 125.

35 3. This section applies to the following classes
36 of third-party payment provider policies, contracts,
37 or plans delivered, issued for delivery, continued, or
38 renewed in this state on or after January 1, 2003:

39 a. Individual or group accident and sickness
40 insurance providing coverage on an expense-incurred
41 basis.

42 b. An individual or group hospital or medical
43 service contract issued pursuant to chapter 509, 514,
44 or 514A.

45 c. A plan established pursuant to chapter 509A for
46 public employees.

47 d. An individual or group health maintenance
48 organization contract regulated under chapter 514B.

49 e. An individual or group Medicare supplemental
50 policy, unless coverage pursuant to such policy is

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- 1 preempted by federal law.
 2 f. Any other entity engaged in the business of
 3 insurance, risk transfer, or risk retention, which is
 4 subject to the jurisdiction of the commissioner.
 5 g. An organized delivery system licensed by the
 6 director of public health.
 7 4. The commissioner shall adopt rules pursuant to
 8 chapter 17A to administer this section."

THOMAS FIEGEN

S-5511

- 1 Amend Senate File 2250 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 462A.2, Code 2001, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 27A. "Personal watercraft" means
 7 a vessel, less than sixteen feet in length, which is
 8 propelled by a water jet pump or similar machinery as
 9 its primary source of motor propulsion and is designed
 10 to be operated by a person sitting, standing, or
 11 kneeling on the vessel rather than being operated by a
 12 person sitting, standing, or kneeling inside the
 13 vessel.
 14 Sec. 2. Section 462A.12, subsection 6, Code
 15 Supplement 2001, is amended by striking the subsection
 16 and inserting in lieu thereof the following:
 17 6. An owner or operator shall not permit any
 18 person under twelve years of age to operate the
 19 personal watercraft unless accompanied in or on the
 20 same personal watercraft by a responsible person of at
 21 least eighteen years of age. However, commencing
 22 January 1, 2003, a person who is twelve years of age
 23 or older but less than eighteen years of age shall not
 24 operate any personal watercraft unless the person has
 25 successfully completed a department-approved
 26 watercraft safety course. A person required to have a
 27 watercraft safety certificate shall carry and shall
 28 exhibit or make available the certificate upon request
 29 of an officer of the department. A violation of this
 30 subsection is a simple misdemeanor as provided in
 31 section 462A.13. However, a person charged with
 32 violating this subsection shall not be convicted if
 33 the person produces in court, within a reasonable
 34 time, a department-approved certificate. The cost of
 35 a department certificate, or any duplicate, shall not
 36 exceed five dollars.
 37 Sec. 3. Section 462A.12, Code Supplement 2001, is

38 amended by adding the following new subsections:
 39 NEW SUBSECTION. 12. A person shall not operate a
 40 personal watercraft at any time between sundown and
 41 sunup.
 42 NEW SUBSECTION. 13. A person shall not chase or
 43 harass animals while operating a personal watercraft
 44 or motorboat."
 45 2. Title page, line 2, by striking the words "or
 46 motorboats".

BILL FINK

S-5512

1 Amend House File 2549, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, line 31, by inserting after the word
 4 "concerns" the following: "for a period not to exceed
 5 twelve months".
 6 2. Page 5, line 1, by inserting after the word
 7 "standards" the following: ", and to determine
 8 whether the teacher's practice meets school district
 9 expectations for career advancement in accordance with
 10 section 284.7".
 11 3. Page 5, line 20, by inserting after the word
 12 "chapter." the following: "If, in accordance with
 13 section 279.19, a beginning teacher appeals the
 14 determination of a school board to an adjudicator
 15 under section 279.17, the adjudicator selected shall
 16 have successfully completed training related to the
 17 Iowa teacher standards, the model criteria adopted by
 18 the state board of education in accordance with
 19 section 284.3, subsection 3, as enacted by this Act,
 20 and any additional training required under rules
 21 adopted by the public employment relations board in
 22 cooperation with the state board of education."
 23 4. Page 6, by inserting after line 29 the
 24 following:
 25 "Sec. ____ Section 284.4, subsection 2, Code
 26 Supplement 2001, is amended to read as follows:
 27 2. By July 1, ~~2003~~ 2002, each school district
 28 shall participate in the student achievement and
 29 teacher quality program if the general assembly
 30 appropriates moneys for purposes of the student
 31 achievement and teacher quality program established
 32 pursuant to this chapter."
 33 5. Page 8, line 17, by striking the words "a
 34 standard" and inserting the following: "an
 35 educational".
 36 6. Page 9, line 25, by inserting after the word
 37 "plan." the following: "The evaluator shall consult
 38 with the teacher's supervisor on the development of

39 the individual teacher career development plan."
 40 7. Page 10, line 8, by inserting after the word
 41 "plan." the following: "The teacher's supervisor
 42 shall review, modify, or accept modifications made to
 43 the teacher's individual plan."
 44 8. Page 10, by inserting after line 14 the
 45 following:
 46 "Sec. ____ Section 284.7, subsection 6, paragraph
 47 a, Code Supplement 2001, is amended to read as
 48 follows:
 49 a. For the school year beginning July 1, ~~2001~~
 50 2002, and ending June 30, ~~2002~~ 2003, if the licensed

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1 employees of a school district or area education
 2 agency receiving funds pursuant to section 284.13,
 3 subsection 1, paragraph "g" or "h", for purposes of
 4 this section, are organized under chapter 20 for
 5 collective bargaining purposes, the board of directors
 6 and the certified bargaining representative for the
 7 licensed employees shall mutually agree upon a formula
 8 for distributing the funds among the teachers employed
 9 by the school district or area education agency.
 10 However, the school district must comply with the
 11 salary minimums provided for in this section. The
 12 parties shall follow the negotiation and bargaining
 13 procedures specified in chapter 20 except that if the
 14 parties reach an impasse, neither impasse procedures
 15 agreed to by the parties nor sections 20.20 through
 16 20.22 shall apply and the funds shall be paid as
 17 provided in paragraph "b". Negotiations under this
 18 section are subject to the scope of negotiations
 19 specified in section 20.9. If a board of directors
 20 and the certified bargaining representative for
 21 licensed employees have not reached mutual agreement
 22 by July 15, ~~2001~~ 2002, for the distribution of funds
 23 received pursuant to section 284.13, subsection 1,
 24 paragraph "g" or "h", paragraph "b" of this subsection
 25 shall apply."
 26 9. Page 10, line 23, by striking the word "and".
 27 10. Page 10, line 24, by inserting after the word
 28 "improvement" the following: ", or to determine
 29 whether the teacher's practice meets school district
 30 expectations for career advancement in accordance with
 31 section 284.7".
 32 11. Page 10, line 27, by striking the word "may"
 33 and inserting the following: "shall".
 34 12. Page 10, line 28, by striking the word
 35 "also".
 36 13. Page 10, line 30, by inserting before the
 37 word "an" the following: "a supervisor or".

38 14. Page 11, line 3, by striking the word "may"
39 and inserting the following: "shall, at the direction
40 of the teacher's supervisor,".

41 15. Page 11, by inserting after line 8 the
42 following:

43 "3. If a teacher is denied advancement to the
44 career II or advanced teacher level based upon a
45 performance review, the teacher may appeal the
46 decision to an adjudicator under the process
47 established under section 279.17. However, the
48 decision of the adjudicator is final."

49 16. By striking page 11, line 22, through page
50 12, line 5.

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1 17. Page 12, by inserting after line 5 the
2 following:

3 "Sec. ____. Section 284.13, subsection 1,
4 paragraphs b, c, d, and e, Code Supplement 2001, are
5 amended to read as follows:

6 b. For the fiscal year beginning July 1, ~~2001~~
7 ~~2002~~, and ending June 30, ~~2002~~ ~~2003~~, to the department
8 of education, the amount of one million ~~nine~~ four
9 hundred thousand dollars for the issuance of national
10 board certification awards in accordance with section
11 256.44.

12 c. For the fiscal year beginning ~~July 1, 2001, and~~
13 ~~ending June 30, 2002, an amount up to two million four~~
14 ~~hundred thousand dollars for first-year beginning~~
15 ~~teachers, and for the fiscal year beginning July 1,~~
16 2002, and succeeding fiscal years, an amount up to
17 four million ~~seven~~ one hundred thousand dollars for
18 first-year and second-year beginning teachers, to the
19 department of education for distribution to school
20 districts for purposes of the beginning teacher
21 mentoring and induction programs. A school district
22 shall receive one thousand three hundred dollars per
23 beginning teacher participating in the program. If
24 the funds appropriated for the program are
25 insufficient to pay mentors and school districts as
26 provided in this paragraph, the department shall
27 prorate the amount distributed to school districts
28 based upon the amount appropriated. Moneys received
29 by a school district pursuant to this paragraph shall
30 be expended to provide each mentor with an award of
31 five hundred dollars per semester, at a minimum, for
32 participation in the school district's beginning
33 teacher mentoring and induction program; to implement
34 the plan; and to pay any applicable costs of the
35 employer's share of contributions to federal social
36 security and the Iowa public employees' retirement

37 system or a pension and annuity retirement system
 38 established under chapter 294, for such amounts paid
 39 by the district.
 40 d. For the fiscal year beginning July 1, ~~2001~~
 41 ~~2002~~, and ending June 30, ~~2002~~ 2003, up to one million
 42 ~~five~~ seven hundred thousand dollars to the department
 43 of education for purposes of establishing the
 44 evaluator training program, including but not limited
 45 to the development of criteria models; an evaluation
 46 process; the training of providers; development of a
 47 provider approval process; training materials and
 48 costs; for payment to practitioners under section
 49 284.10, subsection 3, and to pay any applicable costs
 50 of the employer's share of contributions to federal

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1 social security and the Iowa public employees'
 2 retirement system or a pension and annuity retirement
 3 system established under chapter 294, for such amounts
 4 paid by the district; and for subsidies to school
 5 districts for training costs. A portion of the funds
 6 allocated to the department for purposes of this
 7 paragraph may be used by the department for
 8 administrative purposes.
 9 e. For the fiscal year beginning July 1, ~~2001~~
 10 ~~2002~~, and ending June 30, ~~2002~~ 2003, up to ~~one million~~
 11 ~~five hundred fifty~~ thousand dollars to the department
 12 of education for purposes of implementing the career
 13 development program requirements of section 284.6, and
 14 the review panel requirements of section 284.9. A
 15 portion of the funds allocated to the department for
 16 purposes of this paragraph may be used by the
 17 department for administrative purposes."

18 18. Page 12, by inserting after line 9 the
 19 following:

20 "Sec. _____. MINIMUM TEACHER SALARY REQUIREMENTS —
 21 FY 2002-2003.

22 1. Notwithstanding section 284.7, subsection 1,
 23 paragraph "a", subparagraph (2), the minimum teacher
 24 salary paid by a school district or area education
 25 agency for purposes of teacher compensation in
 26 accordance with chapter 284, for the fiscal year
 27 beginning July 1, 2002, and ending June 30, 2003,
 28 shall be the minimum salary amount the school district
 29 or area education agency paid to a first-year
 30 beginning teacher or, the minimum salary amount the
 31 school district or area education agency would have
 32 paid a first-year beginning teacher if the school
 33 district or area education agency had participated in
 34 the program in the 2001-2002 school year, in
 35 accordance with section 284.7, subsection 1, Code

36 Supplement 2001. If the school district or area
37 education agency did not employ a first-year beginning
38 teacher in the 2001-2002 fiscal year, the minimum
39 salary is the amount that the district would have paid
40 a first-year beginning teacher under chapter 284 in
41 the 2001-2002 fiscal year.

42 2. Notwithstanding section 284.7, subsection 1,
43 paragraph "b", subparagraph (2), the minimum career
44 teacher salary paid to a career teacher who was a
45 beginning teacher in the 2001-2002 fiscal year, by a
46 school district or area education agency participating
47 in the student achievement and teacher quality
48 program, for the fiscal year beginning July 1, 2002,
49 and ending June 30, 2003, shall be, unless the school
50 district has a minimum career teacher salary that

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1 exceeds thirty thousand dollars, one thousand dollars
2 greater than the minimum salary amount the school
3 district or area education agency paid to a first-year
4 beginning teacher if the school district or area
5 education agency participated in the program during
6 the 2001-2002 school year, or the minimum salary
7 amount the school district or area education agency
8 would have paid a first-year beginning teacher if the
9 school district or area education agency had
10 participated in the program in the 2001-2002 school
11 year, in accordance with section 284.7, subsection 1,
12 Code Supplement 2001.

13 3. Notwithstanding section 284.7, subsection 1,
14 paragraph "b", subparagraph (2), and except as
15 provided in subsection 2, the minimum career teacher
16 salary paid by a school district or area education
17 agency participating in the student achievement and
18 teacher quality program, for purposes of teacher
19 compensation in accordance with chapter 284, for the
20 fiscal year beginning July 1, 2002, and ending June
21 30, 2003, shall be the minimum salary amount the
22 school district or area education agency paid to a
23 career teacher if the school district or area
24 education agency participated in the program during
25 the 2001-2002 school year, or, the minimum salary
26 amount the school district or area education agency
27 would have paid a career teacher if the school
28 district or area education agency had participated in
29 the program in the 2001-2002 school year, in
30 accordance with section 284.7, subsection 1, Code
31 Supplement 2001."

32 19. Page 12, by inserting after line 28 the
33 following:

34 "Sec. ____ . TEACHER CAREER PATH PILOT PROGRAM. It

35 is the intent of the general assembly to create a
 36 statewide career path pilot program to be implemented
 37 in approved school districts during the school year
 38 beginning July 1, 2003, and ending June 30, 2004. By
 39 December 15, 2002, the department of education shall
 40 develop recommendations for the pilot program in
 41 consultation with persons representing teachers,
 42 administrators, school boards, and other education
 43 stakeholders as appropriate, and shall submit its
 44 recommendations to the chairpersons and ranking
 45 members of the senate and house standing committees on
 46 education and the joint appropriations subcommittee on
 47 education. The recommendations shall, at a minimum,
 48 include proposals for grant criteria; measures by
 49 which a school district may identify the
 50 characteristics that define a career II and advanced

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1 level teacher; conditions under which a teacher may
 2 advance to the career II and advanced levels including
 3 the performance evaluation required to advance to the
 4 next career level; maximum use of the career and
 5 advanced teacher's skills and knowledge to benefit the
 6 school district and its students; training necessary
 7 for adjudicators for purposes of section 284.8,
 8 subsection 3; and a review process."
 9 20. By renumbering as necessary.

MARY E. KRAMER

S-5513

1 Amend House File 2623, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 29, by inserting after line 22, the
 4 following:
 5 "Sec. ____ 2002 Iowa Acts, Senate File 2326,
 6 section 93, subsection 2, unnumbered paragraph 1, if
 7 enacted, is amended to read as follows:
 8 For salaries, support, maintenance, miscellaneous
 9 purposes, and for not more than the following full-
 10 time equivalent positions:

11	\$	14,445,694
12		<u>14,937,583</u>
13	FTEs	843.00"

JOE BOLKCOM
 JOHN P. KIBBIE

S-5514

1 Amend House File 2623, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 12, by inserting after line 21 the
4 following:

5 "Sec. ____ Section 15A.1, Code Supplement 2001, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 6. 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 that relates to a living wage paid by
21 a business applying for or receiving state financial
22 assistance is inconsistent or conflicts with other
23 provisions of chapter 15 or this chapter, the
24 provision that specifies the higher wage rate
25 prevails."

26 2. Page 13, by inserting after line 17 the
27 following:

28 "Sec. ____ Section 91D.1, subsection 1, paragraphs
29 a and d, Code 2001, are amended to read as follows:

30 a. The hourly wage stated in the federal minimum
31 wage law, pursuant to 29 U.S.C. § 206, shall be
32 increased to ~~\$3.85~~ \$5.65 on January 1, ~~of 1990, 2003,~~
33 ~~\$4.25 on January 1 of 1991,~~ and ~~\$4.65 to \$6.15 on~~
34 ~~January 1, of 1992~~ 2004.

35 d. An employer is not required to pay an employee
36 the applicable minimum wage provided in paragraph "a"
37 until the employee has completed ninety calendar days
38 of employment with the employer. An employee who has
39 completed ninety calendar days of employment with the
40 employer prior to January 1, ~~of 1990~~ 2003, 1991, or
41 ~~1992~~ January 1, 2004, shall earn the applicable hourly
42 minimum wage. An employer shall pay an employee who
43 has not completed ninety calendar days of employment
44 with the employer an hourly wage of at least ~~\$3.35~~
45 \$5.15 as of January 1, ~~of 1990~~ 2003, ~~\$3.85 as of~~
46 ~~January 1 of 1991,~~ and ~~\$4.25~~ \$5.65 as of January 1, ~~of~~
47 ~~1992~~ 2004."

BILL FINK
MATT McCOY

S-5515

1 Amend House File 2549, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, line 31, by inserting after the word
4 "concerns" the following: "for a period not to exceed
5 twelve months".

6 2. Page 5, line 1, by inserting after the word
7 "standards" the following: ", and to determine
8 whether the teacher's practice meets school district
9 expectations for career advancement in accordance with
10 section 284.7".

11 3. Page 5, line 20, by inserting after the word
12 "chapter." the following: "If, in accordance with
13 section 279.19, a beginning teacher appeals the
14 determination of a school board to an adjudicator
15 under section 279.17, the adjudicator selected shall
16 have successfully completed training related to the
17 Iowa teacher standards, the model criteria adopted by
18 the state board of education in accordance with
19 section 284.3, subsection 3, as enacted by this Act,
20 and any additional training required under rules
21 adopted by the public employment relations board in
22 cooperation with the state board of education."

23 4. Page 6, by inserting after line 29 the
24 following:
25 "Sec. ____ Section 284.4, subsection 2, Code
26 Supplement 2001, is amended to read as follows:
27 2. By July 1, ~~2003~~ 2002, each school district
28 shall participate in the student achievement and
29 teacher quality program if the general assembly
30 appropriates moneys for purposes of the student
31 achievement and teacher quality program established
32 pursuant to this chapter."

33 5. Page 8, line 17, by striking the words "a
34 standard" and inserting the following: "an
35 educational".

36 6. Page 9, line 25, by inserting after the word
37 "plan." the following: "The evaluator shall consult
38 with the teacher's supervisor on the development of
39 the individual teacher career development plan."

40 7. Page 10, line 8, by inserting after the word
41 "plan." the following: "The teacher's supervisor
42 shall review, modify, or accept modifications made to
43 the teacher's individual plan."

44 8. Page 10, by inserting after line 14 the
45 following:
46 "Sec. ____ Section 284.7, subsection 6, paragraph
47 a, Code Supplement 2001, is amended to read as
48 follows:
49 a. For the school year beginning July 1, ~~2001~~
50 2002, and ending June 30, ~~2002~~ 2003, if the licensed

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1 employees of a school district or area education
2 agency receiving funds pursuant to section 284.13,
3 subsection 1, paragraph "g" or "h", for purposes of
4 this section, are organized under chapter 20 for
5 collective bargaining purposes, the board of directors
6 and the certified bargaining representative for the
7 licensed employees shall mutually agree upon a formula
8 for distributing the funds among the teachers employed
9 by the school district or area education agency.
10 However, the school district must comply with the
11 salary minimums provided for in this section. The
12 parties shall follow the negotiation and bargaining
13 procedures specified in chapter 20 except that if the
14 parties reach an impasse, neither impasse procedures
15 agreed to by the parties nor sections 20.20 through
16 20.22 shall apply and the funds shall be paid as
17 provided in paragraph "b". Negotiations under this
18 section are subject to the scope of negotiations
19 specified in section 20.9. If a board of directors
20 and the certified bargaining representative for
21 licensed employees have not reached mutual agreement
22 by July 15, ~~2001~~ 2002, for the distribution of funds
23 received pursuant to section 284.13, subsection 1,
24 paragraph "g" or "h", paragraph "b" of this subsection
25 shall apply."

26 9. Page 10, line 23, by striking the word "and".

27 10. Page 10, line 24, by inserting after the word
28 "improvement" the following: ", or to determine
29 whether the teacher's practice meets school district
30 expectations for career advancement in accordance with
31 section 284.7".

32 11. Page 10, line 27, by striking the word "may"
33 and inserting the following: "shall".

34 12. Page 10, line 28, by striking the word
35 "also".

36 13. Page 10, line 30, by inserting before the
37 word "an" the following: "a supervisor or".

38 14. Page 11, line 3, by striking the word "may"
39 and inserting the following: "shall, at the direction
40 of the teacher's supervisor,".

41 15. Page 11, by inserting after line 8 the
42 following:

43 "3. If a teacher is denied advancement to the
44 career II or advanced teacher level based upon a
45 performance review, the teacher may appeal the
46 decision to an adjudicator under the process
47 established under section 279.17. However, the
48 decision of the adjudicator is final."

49 16. By striking page 11, line 22, through page
50 12, line 5.

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1 17. Page 12, by inserting after line 5 the
2 following:
3 "Sec. ____ Section 284.13, subsection 1,
4 paragraphs b, c, d, and e, Code Supplement 2001, are
5 amended to read as follows:
6 b. For the fiscal year beginning July 1, ~~2001~~
7 2002, and ending June 30, ~~2002~~ 2003, to the department
8 of education, the amount of one million ~~nine four~~
9 hundred thousand dollars for the issuance of national
10 board certification awards in accordance with section
11 256.44.
12 c. For the fiscal year beginning ~~July 1, 2001, and~~
13 ~~ending June 30, 2002, an amount up to two million four~~
14 ~~hundred thousand dollars for first-year beginning~~
15 ~~teachers, and for the fiscal year beginning July 1,~~
16 ~~2002, and succeeding fiscal years, an amount up to~~
17 ~~four million seven one~~ hundred thousand dollars for
18 first-year and second-year beginning teachers, to the
19 department of education for distribution to school
20 districts for purposes of the beginning teacher
21 mentoring and induction programs. A school district
22 shall receive one thousand three hundred dollars per
23 beginning teacher participating in the program. If
24 the funds appropriated for the program are
25 insufficient to pay mentors and school districts as
26 provided in this paragraph, the department shall
27 prorate the amount distributed to school districts
28 based upon the amount appropriated. Moneys received
29 by a school district pursuant to this paragraph shall
30 be expended to provide each mentor with an award of
31 five hundred dollars per semester, at a minimum, for
32 participation in the school district's beginning
33 teacher mentoring and induction program; to implement
34 the plan; and to pay any applicable costs of the
35 employer's share of contributions to federal social
36 security and the Iowa public employees' retirement
37 system or a pension and annuity retirement system
38 established under chapter 294, for such amounts paid
39 by the district.
40 d. For the fiscal year beginning July 1, ~~2001~~
41 2002, and ending June 30, ~~2002~~ 2003, up to one million
42 ~~five seven~~ hundred thousand dollars to the department
43 of education for purposes of establishing the
44 evaluator training program, including but not limited
45 to the development of criteria models; an evaluation
46 process; the training of providers; development of a
47 provider approval process; training materials and
48 costs; for payment to practitioners under section
49 284.10, subsection 3, and to pay any applicable costs
50 of the employer's share of contributions to federal

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1 social security and the Iowa public employees'
 2 retirement system or a pension and annuity retirement
 3 system established under chapter 294, for such amounts
 4 paid by the district; and for subsidies to school
 5 districts for training costs. A portion of the funds
 6 allocated to the department for purposes of this
 7 paragraph may be used by the department for
 8 administrative purposes.

9 e. For the fiscal year beginning July 1, 2001
 10 2002, and ending June 30, ~~2002~~ 2003, up to ~~one million~~
 11 ~~five hundred fifty~~ thousand dollars to the department
 12 of education for purposes of implementing the career
 13 development program requirements of section 284.6, and
 14 the review panel requirements of section 284.9. A
 15 portion of the funds allocated to the department for
 16 purposes of this paragraph may be used by the
 17 department for administrative purposes.

18 Sec. __. Section 284.13, subsection 1, paragraph
 19 g, unnumbered paragraph 1, Code Supplement 2001, is
 20 amended to read as follows:

21 For the ~~each~~ fiscal year beginning July 1, 2001,
 22 ~~and ending June 30, 2002, the amount of in which funds~~
 23 ~~are appropriated for purposes of this chapter, the~~
 24 ~~moneys remaining from funds appropriated for purposes~~
 25 ~~of this chapter~~ after distribution as provided in
 26 paragraphs "a" through "f" and "h" shall be allocated
 27 to school districts in accordance with the following
 28 formula:"

29 18. Page 12, by inserting after line 9 the
 30 following:

31 "Sec. __. MINIMUM TEACHER SALARY REQUIREMENTS —
 32 FY 2002-2003.

33 1. Notwithstanding section 284.7, subsection 1,
 34 paragraph "a", subparagraph (2), the minimum teacher
 35 salary paid by a school district or area education
 36 agency for purposes of teacher compensation in
 37 accordance with chapter 284, for the fiscal year
 38 beginning July 1, 2002, and ending June 30, 2003,
 39 shall be the minimum salary amount the school district
 40 or area education agency paid to a first-year
 41 beginning teacher or, the minimum salary amount the
 42 school district or area education agency would have
 43 paid a first-year beginning teacher if the school
 44 district or area education agency had participated in
 45 the program in the 2001-2002 school year, in
 46 accordance with section 284.7, subsection 1, Code
 47 Supplement 2001. If the school district or area
 48 education agency did not employ a first-year beginning
 49 teacher in the 2001-2002 fiscal year, the minimum
 50 salary is the amount that the district would have paid

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1 a first-year beginning teacher under chapter 284 in
2 the 2001-2002 fiscal year.

3 2. Notwithstanding section 284.7, subsection 1,
4 paragraph "b", subparagraph (2), the minimum career
5 teacher salary paid to a career teacher who was a
6 beginning teacher in the 2001-2002 fiscal year, by a
7 school district or area education agency participating
8 in the student achievement and teacher quality
9 program, for the fiscal year beginning July 1, 2002,
10 and ending June 30, 2003, shall be, unless the school
11 district has a minimum career teacher salary that
12 exceeds thirty thousand dollars, one thousand dollars
13 greater than the minimum salary amount the school
14 district or area education agency paid to a first-year
15 beginning teacher if the school district or area
16 education agency participated in the program during
17 the 2001-2002 school year, or the minimum salary
18 amount the school district or area education agency
19 would have paid a first-year beginning teacher if the
20 school district or area education agency had
21 participated in the program in the 2001-2002 school
22 year, in accordance with section 284.7, subsection 1,
23 Code Supplement 2001.

24 3. Notwithstanding section 284.7, subsection 1,
25 paragraph "b", subparagraph (2), and except as
26 provided in subsection 2, the minimum career teacher
27 salary paid by a school district or area education
28 agency participating in the student achievement and
29 teacher quality program, for purposes of teacher
30 compensation in accordance with chapter 284, for the
31 fiscal year beginning July 1, 2002, and ending June
32 30, 2003, shall be the minimum salary amount the
33 school district or area education agency paid to a
34 career teacher if the school district or area
35 education agency participated in the program during
36 the 2001-2002 school year, or, the minimum salary
37 amount the school district or area education agency
38 would have paid a career teacher if the school
39 district or area education agency had participated in
40 the program in the 2001-2002 school year, in
41 accordance with section 284.7, subsection 1, Code
42 Supplement 2001."

43 19. Page 12, by inserting after line 28 the
44 following:
45 "Sec. ____ TEACHER CAREER PATH PILOT PROGRAM. It
46 is the intent of the general assembly to create a
47 statewide career path pilot program to be implemented
48 in approved school districts during the school year
49 beginning July 1, 2003, and ending June 30, 2004. By
50 December 15, 2002, the department of education shall

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1 develop recommendations for the pilot program in
 2 consultation with persons representing teachers,
 3 administrators, school boards, and other education
 4 stakeholders as appropriate, and shall submit its
 5 recommendations to the chairpersons and ranking
 6 members of the senate and house standing committees on
 7 education and the joint appropriations subcommittee on
 8 education. The recommendations shall, at a minimum,
 9 include proposals for grant criteria; measures by
 10 which a school district may identify the
 11 characteristics that define a career II and advanced
 12 level teacher; conditions under which a teacher may
 13 advance to the career II and advanced levels including
 14 the performance evaluation required to advance to the
 15 next career level; maximum use of the career and
 16 advanced teacher's skills and knowledge to benefit the
 17 school district and its students; training necessary
 18 for adjudicators for purposes of section 284.8,
 19 subsection 3; and a review process.
 20 Sec. ____ REPORT TO DEPARTMENT — NUMBER OF
 21 PRESCHOOL TEACHERS EMPLOYED. By July 30, 2002, each
 22 school district and area education agency shall report
 23 to the department of education the number of preschool
 24 teachers employed by the school district or area
 25 education agency on the third Friday of September
 26 2001."
 27 20. By renumbering as necessary.

NANCY BOETTGER

S-5516

HOUSE AMENDMENT TO
 SENATE FILE 2316

1 Amend Senate File 2316, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 31, by inserting after the word
 4 "university." the following: "Appraisals conducted by
 5 the university of the value of any portion of the
 6 tract shall be made available to the public
 7 immediately following the sale of that portion of the
 8 tract."
 9 2. Page 1, line 35, by inserting after the word
 10 "facility" the following: "or for the university's
 11 plant sciences institute".
 12 3. Page 2, by striking lines 1 through 4.
 13 4. By renumbering, relettering, or redesignating
 14 and correcting internal references as necessary.

S-5517

1 Amend House File 2623, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 57, by inserting after line 26 the
4 following:

5 "Sec. ____ . COMMUNITY COLLEGES. 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, 2002, and ending June 30, 2003, the following
9 amount, or so much thereof as is necessary, for the
10 purposes designated:

11 For general state financial aid, including general
12 financial aid to merged areas in lieu of personal
13 property tax replacement payments, to merged areas as
14 defined in section 260C.2, for vocational education
15 programs in accordance with chapters 258 and 260C:

16 \$ 4,000,000

17 The amount appropriated in this section is a
18 supplemental appropriation to that appropriated in
19 2002 Iowa Acts, Senate File 2326, section 79,
20 subsection 18, if enacted, as amended by section 106
21 of this division of this Act, if enacted. The
22 appropriation shall be distributed to each community
23 college on a pro rata basis based upon the amount
24 appropriated to each community college in section 106
25 of this division of this Act, if enacted."

JOHN P. KIBBIE

AMENDMENTS FILED

During the

Seventy-Ninth General Assembly

2002 Second Extraordinary Session

S-5518

1 Amend Senate File 2333 as follows:

2 1. Page 2, by inserting after line 14 the
3 following:

4 "There is appropriated from the rebuild Iowa
5 infrastructure fund to the state board of regents for
6 the fiscal year beginning July 1, 2003, and ending
7 June 30, 2004, the following amount, or so much
8 thereof as is necessary, to be used for the purpose
9 designated:

10 For repayment of the bonding for the phase II
11 construction of the engineering teaching and research
12 complex at Iowa state university of science and
13 technology, as authorized in this section:

14\$ 7,000,000

15 Moneys appropriated in this section are not subject
16 to transfer."

17 2. Page 3, by inserting after line 17 the
18 following:

19 "Sec. ____ . LEGISLATIVE PER DIEM PAYMENT.
20 Notwithstanding section 2.10, subsection 6, for the
21 special session that convenes May 28, 2002, the
22 members of the general assembly are not entitled to
23 and shall not receive the sum of eighty-six dollars
24 per day for each day the general assembly is actually
25 in special session, but shall receive the same travel
26 allowances and expenses as authorized by section 2.10.
27 This section is retroactively applicable to May 28,
28 2002."

29 3. Page 12, by inserting after line 16 the
30 following:

31 "Sec. ____ . Section 12E.12, subsection 8, if
32 enacted by 2002 Iowa Acts, Second Extraordinary
33 Session, Senate File 2334, section 229, is amended to
34 read as follows:

35 8. With respect to the payment of certain debt
36 service, the debt service to be paid shall be those
37 installments of debt service on bonds selected by the
38 treasurer of state and identified in the authority's
39 tax certificate delivered at the time of the issuance
40 of the bonds issued pursuant to this chapter, or as
41 otherwise selected by the treasurer of state. Once
42 the bonds and the installments of debt service thereon
43 are so selected, that debt service and bonds shall not
44 be paid, or provided to be paid, from any other source
45 including the state or any of its departments or
46 agencies. Provided, however, that if funds are not
47 appropriated to pay debt service on such bonds when
48 due, the issuing agency shall pay such debt service
49 from any available source as provided in the bond
50 covenants for such bonds."

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1 4. Page 14, by inserting after line 12 the
2 following:
3 "Sec. ____ Duplicative Positions — Vacant
4 Positions — Educational Assistance.

5 1. It is the intent of the general assembly that
6 in implementing the provisions of 2002 Iowa Acts,
7 Second Extraordinary Session, Senate File 2334,
8 section 13, subsection 2, if enacted, the department
9 of personnel shall focus on duplicative job functions
10 in the agencies of the executive branch of state
11 government other than those institutions under the
12 control of the state board of regents. For the
13 institutions under the state board of regents, the
14 state board of regents shall perform the duties
15 required of the department of personnel and shall
16 report to the oversight committee of the legislative
17 council in accordance with 2002 Iowa Acts, Second
18 Extraordinary Session, Senate File 2334, section 13,
19 subsection 2.

20 2. In implementing the requirements of 2002 Iowa
21 Acts, Second Extraordinary Session, Senate File 2334,
22 section 214, if enacted, relating to vacant positions,
23 the department of management shall address table of
24 organization changes other than those relating to the
25 institutions under the control of the state board of
26 regents. Table of organization changes relating to
27 the institutions under the control of the state board
28 of regents shall be implemented by the state board of
29 regents.

30 3. In implementing the requirements of 2002 Iowa
31 Acts, Second Extraordinary Session, Senate File 2334,
32 section 215, if enacted, relating to educational
33 assistance, the department of management shall ensure
34 compliance for executive branch agencies other than
35 those involving the institutions under the control of
36 the state board of regents. Implementation of a
37 restriction on subsidy or reimbursement for a class or
38 other course of study leading to an advanced degree
39 for an employee of an institution under the control of
40 the state board of regents shall be as determined by
41 the state board of regents."

42 5. Page 15, by inserting after line 23 the
43 following:

44 "Sec. ____ 2002 Iowa Acts, Second Extraordinary
45 Session, Senate File 2334, section 221, if enacted, is
46 amended to read as follows:
47 SEC. 221. IMPLEMENTATION OF FURLONGHS. Furloughs
48 It is the intent of the general assembly that
49 furloughs implemented pursuant to this division shall
50 not be implemented in a manner which results in more

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1 than 25 percent of the workforce within an agency
2 division being on furlough at the same time. However,
3 if implementation of this section would conflict with
4 existing law or a collective bargaining agreement, the
5 agency shall take every step possible to minimize the
6 impact on the agency's customers and the public. The
7 agency shall work with representatives of affected
8 businesses to develop a plan for meeting the
9 businesses' needs during a furlough period and when
10 other funding reductions are implemented.

11 Sec. ____ 2002 Iowa Acts, House File 2614, section
12 2, unnumbered paragraph 2, as amended by 2002 Iowa
13 Acts, Second Extraordinary Session, Senate File 2334,
14 section 226, if enacted, is amended to read as
15 follows:

16 For allocation by the state board of regents to the
17 state university of Iowa, the Iowa state university of
18 science and technology, and the university of northern
19 Iowa to reimburse the institutions for deficiencies in
20 their operating funds resulting from the pledging of
21 tuitions, student fees and charges, and institutional
22 income to finance the cost of providing academic and
23 administrative buildings and facilities and utility
24 services at the institutions, notwithstanding section
25 12E.12, subsection 1, paragraph "b", subparagraph (1):

26\$ 9,127,635
27 10,503,733

28 Sec. ____ MEDICAL ASSISTANCE REDUCTION. The
29 appropriation made in 2002 Iowa Acts, Second
30 Extraordinary Session, Senate File 2334, from the
31 general fund of the state for medical assistance
32 reimbursement and associated costs for the fiscal year
33 beginning July 1, 2002, and ending June 30, 2003, is
34 reduced by the following amount:

35\$ 3,700,000"

36 6. Page 15, by striking lines 24 through 27 and
37 inserting the following:

38 "Sec. ____ EFFECTIVE DATE. This division of this
39 Act takes effect July 1, 2002, except for the
40 provision of this division amending 2001 Iowa Acts,
41 chapter 188, section 13, relating to tourism
42 operations, which, being deemed of immediate
43 importance, takes effect upon enactment."

44 7. Page 19, by inserting after line 6 the
45 following:

46 "DIVISION ____
47 SICK LEAVE AND VACATION INCENTIVE PROGRAM EXTENSION
48 Sec. ____ SICK LEAVE AND VACATION INCENTIVE
49 PROGRAM — FISCAL YEAR 2002-2003.

50 1. As used in this section, unless the context

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- 1 provides otherwise:
- 2 a. "Credited service" means service under the Iowa
3 public employees' retirement system, as service is
4 defined in section 97B.1A, and membership service
5 under the public safety peace officers' retirement,
6 accident, and disability system, as defined in section
7 97A.1.
- 8 b. "Eligible employee" means an employee for
9 which, but for participation in the program, the sum
10 of the number of years of credited service and the
11 employee's age in years as of December 31, 2003,
12 equals or exceeds seventy-five.
- 13 c. "Employee" means an employee of the executive
14 branch of the state who is not covered by a collective
15 bargaining agreement, including an employee of a
16 judicial district department of correctional services
17 if the district elects to participate in the program,
18 an employee of the state board of regents if the board
19 elects to participate in the program, an employee of
20 the judicial branch if the judicial branch elects to
21 participate in the program, and an employee of the
22 department of justice. However, "employee" does not
23 mean an elected official.
- 24 d. "Participant" means a person who timely submits
25 an election to participate, and does participate, in
26 the sick leave and vacation incentive program
27 established under this section.
- 28 e. "Program" means the sick leave and vacation
29 incentive program established under this section.
- 30 f. "Regular annual salary" means an amount equal
31 to the eligible employee's regular biweekly rate of
32 pay as of the date of separation from employment
33 multiplied by twenty-six.
- 34 g. "Sick leave and vacation incentive benefit"
35 means an amount equal to the entire value of an
36 eligible employee's accumulated but unused vacation
37 plus the lesser of the entire value of the eligible
38 employee's accumulated and unused sick leave or the
39 employee's regular annual salary.
- 40 2. To become a participant in the program, an
41 eligible employee shall do all of the following:
- 42 a. Submit by August 14, 2002, a written
43 application, on forms prescribed by the department of
44 personnel, seeking participation in the program.
- 45 b. Agree to waive any and all rights to receive
46 payments of sick leave balances under section 70A.23
47 and accrued vacation balances in a form other than as
48 provided in this section.
- 49 c. Agree to waive all rights to file suit against
50 the state of Iowa, including all of its departments,

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1 agencies, and other subdivisions, based on state or
2 federal claims arising out of the employment
3 relationship.

4 d. Acknowledge, in writing, that participation in
5 the program waives any right to accept permanent part-
6 time or permanent full-time employment with the state
7 other than as an elected official on or after August
8 15, 2002.

9 e. Agree to separate from employment with the
10 state by August 15, 2002.

11 3. Upon acceptance to participate in the program
12 and separation from employment with the state by
13 August 15, 2002, a participant shall receive a sick
14 leave and vacation incentive benefit. The state shall
15 pay to the participant a portion of the sick leave and
16 vacation incentive benefit each fiscal year for a
17 period of five years commencing with the fiscal year
18 ending June 30, 2003.

19 4. The department of personnel shall administer
20 the program, including the determination of
21 eligibility for participation in the program, and
22 shall adopt administrative rules to administer the
23 program. The department may adopt rules on an
24 emergency basis under section 17A.4, subsection 2, and
25 section 17A.5, subsection 2, paragraph "b", to
26 implement this section and the rules shall be
27 effective immediately upon filing unless a later date
28 is specified in the rules.

29 5. The legislative council shall provide an
30 incentive program for employees of the legislative
31 branch consistent with the program provided in this
32 section for executive branch employees. The
33 legislative council shall collaborate with the
34 department of personnel to establish the program as
35 required under this subsection. The program provided
36 pursuant to this subsection shall establish the same
37 time guidelines and benefit calculations as provided
38 under the program for executive branch employees.

39 Sec. ____ EARLY TERMINATION PROGRAMS —
40 MISCELLANEOUS PROVISIONS.

41 1. DEFINITIONS. For purposes of this section,
42 unless the context otherwise requires:

43 a. "Early termination participant" means an
44 eligible state employee who participates in an early
45 termination program.

46 b. "Early termination program" means a sick leave
47 and vacation incentive program as established or
48 required in this Act and the similar early termination
49 program established for state employees as established
50 pursuant to a collective bargaining agreement entered

Page 6

1 into pursuant to chapter 20.
2 2. GROUP INSURANCE ELIGIBILITY. An early
3 termination participant shall be eligible to continue
4 participation in the group plan or under the group
5 contract at the early termination participant's own
6 expense in the same manner as a retired employee
7 pursuant to section 509A.13. In addition, an early
8 termination participant shall be deemed an eligible
9 retired state employee for purposes of eligibility for
10 continuation of group insurance covering spouses as
11 provided in section 509A.13A.

12 3. RELEASE OF RECORDS. Notwithstanding any
13 provision of chapter 22 or section 97B.17 to the
14 contrary, records of the department of personnel
15 maintained for the operation of the Iowa public
16 employees' retirement system may be released to the
17 directors, agents, and employees of the legislative
18 fiscal bureau, the department of revenue and finance,
19 the department of management, and the department of
20 personnel, for the purposes of administering and
21 monitoring an early termination program. A person
22 receiving a record pursuant to this subsection shall
23 maintain the confidentiality of any information
24 otherwise required to be kept confidential and shall
25 be subject to the same penalties as the custodian of
26 the records for the public dissemination of such
27 information. The authority to request a record as
28 provided pursuant to this subsection shall cease June
29 30, 2003.

30 4. REPORTING REQUIREMENTS. The department of
31 personnel, in collaboration with the department of
32 management, shall present a report by October 1, 2002,
33 concerning the operation of early termination programs
34 as provided in this Act. The reports shall be
35 submitted in conjunction with the reports required to
36 be submitted by the department of personnel pursuant
37 to 2001 Iowa Acts, Second Extraordinary Session,
38 chapter 5, section 4. The department shall also
39 submit an annual update concerning early termination
40 programs as provided in this Act by October 1 of each
41 year for four years, commencing October 1, 2003. The
42 reports shall include information concerning the
43 number of early termination program participants, the
44 cost of the early termination program including any
45 payments made to participants, the number of state
46 employment positions eliminated pursuant to an early
47 termination program, the number of positions vacated
48 by an early termination program participant that have
49 been refilled, and the savings to the state based upon
50 the early termination program.

Page 7

1 5. SAVINGS. a. For an executive branch position
2 vacated by an early termination participant pursuant
3 to an early termination program, the savings from that
4 termination, as determined by the department of
5 management, shall offset amounts that would otherwise
6 be reduced from the appropriation to the executive
7 branch department or establishment that employed the
8 participant due to the implementation of a furlough
9 program. The moneys saved by the department or
10 establishment due to the termination would then be
11 used by the department or establishment to reduce or
12 end the furlough program as it would otherwise apply
13 to the employees of that department or establishment,
14 to the extent of the savings. If savings in excess of
15 the amounts reduced by the department of management
16 for the applicable executive branch department or
17 establishment are received, and the furlough program
18 for that department or establishment ceases, those
19 moneys shall not revert to the general fund but shall
20 be transferred to the applicable executive branch
21 department or establishment for personnel costs which
22 shall not be expended for personnel costs without
23 prior approval of the department of management.

24 b. For a judicial or legislative branch position
25 vacated by an early termination participant pursuant
26 to an early termination program, the savings from that
27 termination, as determined by the judicial or
28 legislative branch as applicable, shall offset amounts
29 that would otherwise be reduced from the appropriation
30 to the legislative or judicial branch that employed
31 the participant due to the implementation of a
32 furlough program. The moneys saved by the legislative
33 or executive branch due to the termination would then
34 be used by the department or establishment to reduce
35 or end the furlough program as it would otherwise
36 apply to the employees of that branch, to the extent
37 of the savings.

38 6. ACROSS-THE-BOARD WAGE INCREASE DELAY. If an
39 employee organization representing state employees
40 agrees to an across-the-board wage increase delay as
41 provided in this subsection and to participate in an
42 early termination program as provided in this Act,
43 then any across-the-board wage increases for employees
44 of the same state employer, who are not covered by a
45 collective bargaining agreement, which would otherwise
46 take effect at the beginning of the pay period in
47 which July 1, 2002, falls, shall be delayed until the

48 pay period in which November 1, 2002, falls."
49 8. By renumbering as necessary.

JEFF LAMBERTI

S-5519

1 Amend House File 2627 as follows:

2 1. Page 37, line 6, by striking the figure
3 "2,384,063" and inserting the following: "4,734,063".

4 2. Page 38, line 20, by striking the figure
5 "245,463" and inserting the following: "485,463".

6 3. Page 39, line 16, by striking the figure
7 "352,889" and inserting the following: "702,889".

8 4. Page 45, by inserting after line 11 the
9 following:

10 "Sec. ___. DEPARTMENT OF EDUCATION. There is
11 appropriated from the general fund of the state to the
12 department of education for the fiscal year beginning
13 July 1, 2002, and ending June 30, 2003, the following
14 amount, or so much thereof as is necessary, to be used
15 for the purpose designated:

16 To assist the future farmers of America
17 organization:

18\$ 43,366"

19 5. Page 45, by striking lines 12 through 16.

20 6. Page 45, line 27, by striking the figures "2,
21 3," and inserting the following: "3".

22 7. Page 45, by striking lines 28 through 34.

23 8. By striking page 49, line 30 through page 50,
24 line 2.

25 9. Page 50, by striking lines 3 and 4.

26 10. Page 61, by inserting after line 2, the
27 following:

28 "7A. COMMUNITY GRANT FUND.

29 For the community grant fund established in section
30 232.190, to be used for the purposes of the community
31 grant fund and for not more than the following full-
32 time equivalent position:

33\$ 593,109

34 FTEs 0.75"

35 11. Page 61, line 17, by striking the figure
36 "192,792" and inserting the following: "196,727".

37 12. Page 65, by striking line 28.

38 13. Page 78, line 14, by striking the figure
39 "380,907,073" and inserting the following:

40 "384,907,073".

41 14. Page 87, line 25, by striking the figure
42 "98,144,163" and inserting the following:

43 "100,351,905".

44 15. Page 108, by striking lines 2 through 14.

45 16. Page 120, by inserting after line 22, the

46 following:

47 "Sec. ____ Section 249A.9, if enacted by 2002 Iowa
48 Acts, Second Extraordinary Session, House File 2625,
49 is repealed."

50 17. Page 121, by inserting after line 12 the

Page 2

1 following:

2 "g. The provision repealing section 249A.9, if
3 enacted in 2002 Iowa Acts, Second Extraordinary
4 Session, House File 2625."

5 18. Page 141, line 2, by striking the figure
6 "12,050,565" and inserting the following:
7 "12,618,393".

8 19. Page 142, line 3, by striking the figure
9 "3,392,889" and inserting the following: "3,552,763".

10 20. Page 142, line 31, by striking the figure
11 "37,019,624" and inserting the following:
12 "37,769,240".

13 21. By striking page 150, line 24, through page
14 152, line 3.

15 22. Page 152, by striking lines 23 through 32.

16 23. By striking page 156, line 20, through page
17 157, line 5.

18 24. By striking page 158, line 27 through page
19 159, line 4.

20 25. Page 159, by striking lines 16 and 17 and
21 inserting the following:

22 "....."	\$	750,000
23		<u>500,000"</u>

24 26. Page 159, by striking lines 26 through 33.

25 27. Page 161, by striking lines 6 and 7 and
26 inserting the following:

27 "....."	\$	10,000,000
28		<u>5,000,000"</u>

29 28. Page 161, by inserting after line 24 the
30 following:

31 "DIVISION ____
32 TRANSPORTATION

33 Sec. ____ There is appropriated from the general
34 fund of the state to the state department of
35 transportation for the fiscal year beginning July 1,
36 2002, and ending June 30, 2003, the following amounts,
37 or so much thereof as is necessary, to be used for the
38 purposes designated:

39 1. For the operation and maintenance of the 40 network of automated weather observation and data 41 transfer systems associated with the Iowa aviation 42 weather system: 43	\$	110,000
---	----	---------

44 2. For the runway marking program for public

45	airports:		
46	.....	\$	100,000
47	3. For the windsock program for public airports:		
48	.....	\$	12,000
49	4. For the aviation improvement program:		
50	.....	\$	278,000

Page 3

1 Sec. ____ EFFECTIVE DATE. This division of this
2 Act takes effect July 1, 2002."

3 29. Page 181, by inserting after line 5 the
4 following:

5 "DIVISION ____
6 FUND RESTORATION

7 Sec. ____ Section 455G.3, Code Supplement 2001, is
8 amended by adding the following new subsections:

9 NEW SUBSECTION. 7. There is appropriated from the
10 funds administered by the board to the following funds
11 for the fiscal year beginning July 1, 2002, and ending
12 June 30, 2003, the following amounts as specified:

13	a. To the rebuild Iowa infrastructure fund:		
14	.....	\$	9,370,600
15	b. To the environment first fund:		
16	.....	\$	10,000,000
17	c. To the general fund of the state:		
18	.....	\$	19,225,071

19 This subsection is repealed effective July 1, 2004.

20 NEW SUBSECTION. 8. Notwithstanding other
21 limitations of this chapter, the board may transfer
22 moneys without limitation between the different
23 accounts and funds authorized by this chapter as
24 determined by the board and to fulfill the purposes of
25 this chapter. This subsection is repealed effective
26 July 1, 2004.

27 Sec. ____ Section 455G.6, Code 2001, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 17. Not later than October 31,
30 2002, the board shall enter into a loss portfolio
31 transfer agreement, to be implemented not later than
32 December 31, 2002, with the restructured insurance
33 board authorized in section 455G.11, subsection 1,
34 paragraph "c", for the payment of claims for
35 corrective action associated with releases at sites
36 which are insured at the time of the transfer by the
37 restructured insurance board subject to the following
38 conditions:

39 a. The value of the transfer shall be determined
40 by mutual agreement of persons representing the board,
41 the restructured insurance board authorized in section
42 455G.11, subsection 1, paragraph "c", and a third
43 party designated and agreed to by the board and the

44 restructured insurance board. The amount transferred
45 shall be adequate to address all claim costs for
46 corrective action, fees, taxes, risk costs incurred by
47 the transferee, administration expenses associated
48 with the transferred claims, and other costs as
49 mutually agreed to by the parties.
50 b. The transfer shall address payments to eligible

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1 claimants as determined by the board prior to the
2 transfer.
3 c. The transfer shall coincide with the transfer
4 of liabilities subject to the following, unless the
5 parties mutually agree otherwise:
6 (1) The lesser of twenty-five percent of the
7 agreed upon value or twenty million dollars, to be
8 transferred at the time of implementation of the
9 agreement, but not later than December 31, 2002,
10 unless another date is mutually agreed to by the
11 parties.
12 (2) Fifty percent of the remaining amount to be
13 transferred by July 1, 2003.
14 (3) Any remaining amount to be transferred by July
15 1, 2004.
16 d. The transferee shall be responsible for all
17 claim costs for corrective action, fees, and taxes
18 associated with each claim transferred.
19 e. Claims for releases at sites that are not
20 insured by the transferee may be included in the
21 agreement entered into pursuant to this subsection or
22 subsequent agreements if agreed to by the board and
23 the restructured insurance board.
24 Sec. ____ EFFECTIVE DATE. This division of this
25 Act takes effect July 1, 2002."

MATT McCOY
JOHN P. KIBBIE
DENNIS H. BLACK
STEVEN D. HANSEN
WALLY E. HORN
DICK L. DEARDEN
EUGENE S. FRAISE
PATRICK J. DELUHERY
JACK HOLVECK
JOE BOLKCOM
THOMAS FIEGEN
MARK SHEARER
AMANDA RAGAN
ROBERT E. DVORSKY
JOHNIE HAMMOND
BETTY A. SOUKUP

BILL FINK
MIKE CONNOLLY
MICHAEL E. GRONSTAL

S-5520

1 Amend House File 2625, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 9, line 24, by striking the words and
4 figure "Senate File 2334" and inserting the following:
5 "House File 2627".
6 2. Page 13, line 3, by striking the words and
7 figure "Senate File 2334" and inserting the following:
8 "House File 2627".
9 3. Page 15, line 19, by striking the words and
10 figure "Senate File 2334" and inserting the following:
11 "House File 2627".
12 4. Page 15, line 28, by striking the words and
13 figure "Senate File 2334" and inserting the following:
14 "House File 2627".
15 5. Page 15, line 31, by striking the words and
16 figure "Senate File 2334" and inserting the following:
17 "House File 2627".
18 6. Page 16, line 5, by striking the words and
19 figure "Senate File 2334" and inserting the following:
20 "House File 2627".
21 7. Page 16, line 15, by striking the words and
22 figure "Senate File 2334" and inserting the following:
23 "House File 2627".
24 8. Page 16, line 24, by striking the words and
25 figure "Senate File 2334" and inserting the following:
26 "House File 2627".
27 9. Page 17, line 26, by striking the words and
28 figure "Senate File 2334" and inserting the following:
29 "House File 2627".
30 10. Page 18, line 7, by striking the words and
31 figure "Senate File 2334" and inserting the following:
32 "House File 2627".
33 11. Page 18, lines 21 and 22, by striking the
34 words and figure "Senate File 2334" and inserting the
35 following: "House File 2627".
36 12. Page 26, line 35, by striking the word
37 "executive" and inserting the following: "judicial".
38 13. Page 27, line 1, by striking the words
39 "department or establishment" and inserting the
40 following: "branch".

JEFF LAMBERTI

S-5521

- 1 Amend Senate Resolution 169 as follows:
2 1. Page 1, line 4, by inserting after the word
3 "taxes" the following: "if further action is needed
4 on the budget for fiscal year 2003 or".
5 2. Page 1, line 26, by striking the words and
6 figure "the fiscal year 2004" and inserting the
7 following: "fiscal years 2003 and 2004".

MARK SHEARER

**REPORT OF CONFERENCE COMMITTEE
(Senate File)**

**Filed During the
Seventy-Ninth General Assembly
2002 Regular Session**

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 466

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 466, a bill for an Act relating to child care and protection public policy provisions involving children, respectfully make the following report:

1. That the House recedes from its amendment, S-3443.
2. That Senate File 466, as passed by the Senate, is amended as follows:

1. Page 1, line 11, by striking the word "made," and inserting the following: "made".

2. Page 1, by striking lines 15 through 31 and inserting the following:

"b. A child care provider that has been found in an administrative or judicial proceeding to have obtained, or has agreed to entry of a civil judgment or judgment by confession that includes a conclusion of law that the child care provider has obtained, by fraudulent means, public funding for provision of child care in an amount equal to or in excess of the minimum amount for a fraudulent practice in the second degree under section 714.10, subsection 1, shall be subject to sanction in accordance with this subsection. Such child care provider shall be subject to a period during which receipt of public funding for provision of child care is conditioned upon no further violations and to one or more of the following sanctions as determined by the department and imposed in an administrative proceeding:

(1) Ineligibility to receive public funding for provision of child care.

(2) Suspension from receipt of public funding for provision of child care.

(3) Special review of the child care provider's claims for providing publicly funded child care.

c. The following factors shall be considered in determining the sanction or sanctions to be imposed under paragraph "b", subparagraphs (1) through (3):

(1) Seriousness of the violation.

(2) Extent of the violation.

(3) History of prior violations.

(4) Prior imposition of sanctions.

(5) Prior provision of provider education.

(6) Provider willingness to obey program rules.

(7) Whether a lesser sanction will be sufficient to remedy the problem.

d. In determining the value of the public funding obtained by fraudulent means, if the public funding is obtained by two or more acts of fraudulent means by the same person or location, or is obtained by different persons by two or more acts which occur in approximately the same location or time period so that the acts of fraudulent means used to obtain the public funding are attributable to a single scheme, plan, or conspiracy, these acts may be considered as a single instance of the use of fraudulent means and the value may be the total value of all moneys involved.

3. a. If a child care provider is subject to sanctions under subsection 2, the provider shall submit to the department the names and addresses of children receiving child care from the provider. The department shall send information to the parents of the children regarding the provider's actions leading to the imposition of the sanctions and the nature of the sanctions imposed. If the provider fails to submit the names and addresses within five business days of the department notifying the provider, the department shall suspend the provider's registration or license under this chapter until the names and addresses are provided.

b. In addition to applying the suspension, the department may request that the attorney general file a petition with the district court of the county in which the provider is located for issuance of a temporary injunction enjoining the provider from providing child care until the names and addresses are submitted to the department. The attorney general may file the petition upon receiving the request from the department. Any temporary injunction may be granted without a bond being required from the department.

c. If the sanctions imposed under subsection 2 involve the provider's suspension or ineligibility for receiving public funding for provision of child care, the department shall not impose those sanctions before the parents of the affected children are informed, and upon request, shall provide assistance to the parents in locating replacement child care."

3. Title page, line 2, by inserting after the word "children" the following: "by authorizing sanctions for a child care provider who obtains public funding by fraudulent means".

On the part of the Senate:

DAVID MILLER, Chair
JOHNIE HAMMOND
STEVE KING
MARK SHEARER
MAGGIE TINSMAN

On the part of the House:

ROGER BROERS, Chair
DANIEL BODDICKER
MIKE CORMACK
PATRICK MURPHY
MARK SMITH

**SENATE RESOLUTIONS AND
CONCURRENT RESOLUTIONS**

**Adopted and Not Previously
Printed During the**

Seventy-Ninth General Assembly

2002 Regular Session

RESOLUTIONS ADOPTED

Senate resolutions and concurrent resolutions adopted and not previously printed during the Seventy-ninth General Assembly, 2002 Regular Session.

SENATE RESOLUTION 101: filed January 14, 2002; adopted by the Senate on January 17, 2002.

1 SENATE RESOLUTION 101

2 By: Committee on Rules and Administration

3 A Senate resolution to amend Rules 27 and 60 of the
4 rules of the Senate.

5 BE IT RESOLVED BY THE SENATE, That Rules 27 and 60,
6 adopted by the Senate during the Seventy-ninth General
7 Assembly, 2001 Session, providing deadlines for filing
8 and considering bills, are amended for the 2002
9 Session as follows:

10 Rule 27

11 Limit on Introduction of Bills

12 No bill or joint resolution, except bills and joint
13 resolutions cosponsored by the majority and minority
14 floor leaders, shall be introduced in the senate after
15 4:30 p.m. on Friday of the sixth week of the first
16 regular session of a general assembly unless a written
17 request for drafting the bill has been filed with the
18 legislative service bureau before that time. After
19 adjournment of the first regular session, bills may be
20 prefiled at any time before the convening of the
21 second regular session. No bill shall be introduced
22 after 4:30 p.m. on Friday of the ~~second~~ first week of
23 the second regular session of a general assembly
24 unless a written request for drafting the bill has
25 been filed with the legislative service bureau before
26 that time. However, standing committees may introduce
27 bills and joint resolutions at any time. A bill which
28 relates to departmental rules sponsored by the
29 administrative rules review committee and approved by
30 a majority of the members of the committee in each

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1 house may be introduced at any time and must be
2 referred to a standing committee which must take
3 action on the bill within three weeks. Senate and
4 concurrent resolutions may be introduced at any time.

5 No bill, joint resolution, concurrent resolution or
6 senate resolution shall be introduced at any
7 extraordinary session unless sponsored by a standing

8 committee, the majority and minority floor leaders, or
9 the committee of the whole.

10 Rule 60

11 Time of Committee Passage and Consideration of Bills

12 1. This rule does not apply to concurrent or
13 simple resolutions, joint resolutions nullifying
14 administrative rules, senate confirmations, bills
15 embodying redistricting plans prepared by the
16 legislative service bureau pursuant to chapter 42, or
17 bills passed by both houses in different forms.
18 Subsection 2 of this rule does not apply to
19 appropriations bills, ways and means bills, legalizing
20 acts, administrative rules review committee bills,
21 bills sponsored by standing committees in response to
22 a referral from the president of the senate or the
23 speaker of the house of representatives relating to an
24 administrative rule whose effective date has been
25 delayed until the adjournment of the next regular
26 session of the general assembly by the administrative
27 rules review committee, bills cosponsored by majority
28 and minority floor leaders of one house, bills in
29 conference committee, and companion bills sponsored by
30 the majority floor leaders of both houses after

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1 consultation with the respective minority floor
2 leaders. For the purposes of this rule, a joint
3 resolution is considered as a bill. To be considered
4 an appropriations or ways and means bill for the
5 purposes of this rule, the appropriations committee or
6 the ways and means committee must either be the
7 sponsor of the bill or the committee of first referral
8 in the originating house.

9 2. To be placed on the calendar in the house of
10 origin, a bill must be first reported out of a
11 standing committee by Friday of the 10th week of the
12 first session and the ~~8th~~ 6th week of the second
13 session. To be placed on the calendar in the other
14 house, a bill must be first reported out of a standing
15 committee by Friday of the 13th week of the first
16 session and the ~~11th~~ 9th week of the second session.

17 3. During the 11th week of the first session and
18 the ~~9th~~ 7th week of the second session, each house
19 shall consider only bills originating in that house
20 and unfinished business. During the 14th week of the
21 first session and the ~~12th~~ 10th week of the second
22 session, each house shall consider only bills
23 originating in the other house and unfinished
24 business. Beginning with the 15th week of the first
25 session and the ~~13th~~ 11th week of the second session,
26 each house shall consider only bills passed by both

27 houses, bills exempt from subsection 2, and unfinished
 28 business.
 29 4. A motion to reconsider filed and not disposed
 30 of on an action taken on a bill or resolution which is

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1 subject to a deadline under this rule may be called up
 2 at any time before or after the day of the deadline by
 3 the person filing the motion or after the deadline by
 4 the majority floor leader, notwithstanding any other
 5 rule to the contrary.

SENATE RESOLUTION 103: filed January 28, 2002; adopted by
 the Senate on February 4, 2002.

1 SENATE RESOLUTION 103
 2 By: Zieman
 3 A Senate resolution honoring Coach Lowell Lyngaas and his
 4 Race America runners from Valley School District
 5 in Northeast Iowa.
 6 WHEREAS, Cross-country Coach Lowell Lyngaas in 1999
 7 founded the Race America Organization for runners from
 8 the seventh through the twelfth grade to raise
 9 awareness of a healthy lifestyle, to promote Northeast
 10 Iowa, and to raise money for a community wellness
 11 center in the Valley School District located in and
 12 around the towns of Elgin, Clermont, and Wadena; and
 13 WHEREAS, the fourth annual Race America run will be
 14 held this summer, starting in Salona Beach,
 15 California, and ending in Wadena, Iowa; and
 16 WHEREAS, Coach Lyngaas's dedication to the race and
 17 his youthful runners has been an inspiration to all
 18 those involved with the annual race; and
 19 WHEREAS, the result of his steadfast leadership has
 20 been to promote Iowa and Iowa values throughout many
 21 states of this country; and
 22 WHEREAS, his impact on the youth of his community
 23 has been one of a father figure with a very large
 24 family; and
 25 WHEREAS, he was honored to carry the Olympic torch
 26 on January 5, 2002, in Kenosha, Wisconsin, because of
 27 his outstanding and unique contributions to the youth
 28 of his community; NOW THEREFORE,
 29 BE IT RESOLVED BY THE SENATE, That the Senate honor
 30 Coach Lowell Lyngaas for his extraordinary achievement

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1 in creating and sustaining Race America, for the
 2 challenge he has extended to young Iowans to better

3 themselves both physically and mentally, to broaden
 4 their horizons both spiritually and geographically,
 5 and to develop into tomorrow's leaders; and
 6 BE IT FURTHER RESOLVED, That, upon adoption, the
 7 Secretary of the Senate shall prepare a copy of this
 8 Resolution for presentation to Coach Lowell Lyngaas
 9 and his Race America runners.

SENATE RESOLUTION 105: filed January 29, 2002; adopted by
 the Senate on February 6, 2002.

1 SENATE RESOLUTION 105
 2 By: Redwine
 3 A Senate resolution honoring Goodwill Industries
 4 International in its centennial year.
 5 WHEREAS, Goodwill Industries International, Inc.
 6 turns 100 years old in 2002; and
 7 WHEREAS, Goodwill Industries International is the
 8 world's largest private sector employer of people with
 9 disabilities and has served more than 5 million people
 10 in its first 100 years; and
 11 WHEREAS, Goodwill member organizations help
 12 individuals succeed in the workplace and in life by
 13 providing job training, job placement, and support for
 14 people with physical, financial, and educational
 15 challenges; and
 16 WHEREAS, five autonomous Goodwills serve the State
 17 of Iowa, with services provided in all quadrants of
 18 the state, including Sioux City, Waterloo, Des Moines,
 19 Council Bluffs, and Iowa City; and
 20 WHEREAS, the five Goodwills serving Iowa make a
 21 significant contribution in the reduction, reuse, and
 22 recycling of goods by diverting millions of pounds of
 23 household goods from Iowa landfills each year; and
 24 WHEREAS, the founder of Goodwill Industries
 25 International, Dr. Edgar J. Helms, had Iowa roots,
 26 having arrived in Iowa by covered wagon in 1865,
 27 spending his youth on a farm near East Lake Okoboji,
 28 working on newspapers in Spirit Lake, Peterson, and
 29 Sioux Rapids, and receiving his college degree from
 30 Cornell College in Mount Vernon; and

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1 WHEREAS, the vision of Goodwill Industries is more
 2 than 100 years old, but the concept and practice
 3 remains relevant today, with 180 member organizations
 4 in the United States, Canada, and the Pacific Basin,
 5 and another 45 associate member organizations located
 6 in 34 countries; and
 7 WHEREAS, Goodwill Industries has changed and

8 adapted today to meet the needs of society; the three
9 concepts of Goodwill as envisioned by Dr. Helms --
10 Community, Independence, Dignity -- remain constant
11 and are embodied in the provision of work which
12 enables individuals to contribute and participate in
13 the economic and social vitality of the community,
14 which gives the satisfaction and freedom of self-
15 support, and which fosters self-esteem and the pride
16 of accomplishment; and

17 WHEREAS, the Council of Iowa Goodwill Industries
18 served more than 4,000 men, women, and children in
19 2001; NOW THEREFORE,

20 BE IT RESOLVED BY THE SENATE, That Dr. Edgar J.
21 Helms be regarded as an Iowa treasure, whose
22 leadership and vision gave birth to Goodwill
23 Industries International, Inc., and to the
24 establishment of five member Goodwills serving the
25 State of Iowa, thereby creating opportunities for and
26 helping thousands of Iowans toward brighter futures;
27 and

28 BE IT FURTHER RESOLVED, That the Senate extends its
29 thanks and congratulations to Goodwill Industries
30 International, Inc. and the five Goodwills that serve

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1 the State of Iowa as they celebrate their centennial
2 year in 2002; and

3 BE IT FURTHER RESOLVED, That the Secretary of the
4 Senate prepare an official copy of this Resolution to
5 be presented to Goodwill Industries International,
6 Inc. and the five Goodwills that serve the State of
7 Iowa.

SENATE RESOLUTION 107: filed February 12, 2002; adopted
by the Senate on February 13, 2002.

1 SENATE RESOLUTION 107

2 By: Jensen

3 A Senate resolution honoring Iowa State Fair Secretary
4 Marion Lucas upon his retirement.

5 WHEREAS, Marion Lucas has announced his imminent
6 retirement as Secretary of the Iowa State Fair; and

7 WHEREAS, Secretary Lucas has served as Secretary-
8 Manager of the Iowa State Fair since February of 1986;
9 and

10 WHEREAS, Secretary Lucas was immediately successful
11 in his efforts to return large equipment exhibits to
12 the Iowa State Fair; and

13 WHEREAS, the encouragement and support of Secretary
14 Lucas has resulted in one of the nation's most admired

15 annual youth livestock exhibitors' Sale of Champions;
 16 and
 17 WHEREAS, the economic impact of the Iowa State Fair
 18 and its interim events has exceeded \$70 million
 19 annually under Secretary Lucas' term of service; and
 20 WHEREAS, the annual attendance of the Iowa State
 21 Fair has grown 35 percent since he began his duties;
 22 and
 23 WHEREAS, Secretary Lucas has provided cooperation,
 24 support, and counseling to county fairs throughout
 25 Iowa; and
 26 WHEREAS, Secretary Lucas has overseen the
 27 renovation and preservation of the historic Iowa State
 28 Fairgrounds; and
 29 WHEREAS, Secretary Lucas was elected Chairman of
 30 the International Association of Fairs and Expositions

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1 for 2001; and
 2 WHEREAS, Secretary Lucas has been honored
 3 internationally for his service to the fair industry;
 4 NOW THEREFORE,
 5 BE IT RESOLVED BY THE SENATE, That the Senate honor
 6 Iowa State Fair Secretary Marion Lucas for his
 7 exemplary achievements in propelling the Iowa State
 8 Fair to even greater national prominence, preserving
 9 the Fair for future generations, and revitalizing the
 10 historical fairgrounds as a source of pride for all
 11 Iowans; and
 12 BE IT FURTHER RESOLVED, That the Senate pay tribute
 13 to Secretary Lucas for his devoted service to the Iowa
 14 State Fair, county fairs, the fair industry, and the
 15 State of Iowa; and
 16 BE IT FURTHER RESOLVED, That the Senate extend its
 17 appreciation to Secretary Lucas and his wife, Fran,
 18 for their dedication, and wish them the very best in
 19 their retirement years; and
 20 BE IT FURTHER RESOLVED, That an official copy of
 21 this Resolution be prepared and presented to Secretary
 22 Lucas.

SENATE RESOLUTION 108: filed February 12, 2002; adopted
 by the Senate on February 13, 2002.

1 SENATE RESOLUTION 108
 2 By: Committee on Rules and Administration
 3 A Senate resolution relating to gubernatorial appointments
 4 and other appointments requiring Senate confirmation.
 5 WHEREAS, section 2.32, subsection 7, requires the
 6 Governor to provide the Secretary of the Senate with a

7 list of all gubernatorial appointments requiring
 8 Senate confirmation during this session by February 1;
 9 and
 10 WHEREAS, this information has been submitted and is
 11 on file in the office of the Secretary of the Senate;
 12 and
 13 WHEREAS, section 2.32, subsection 7, also requires
 14 that the Senate by resolution approve the list of
 15 gubernatorial appointments or request corrections by
 16 February 15; NOW THEREFORE,
 17 BE IT RESOLVED BY THE SENATE, That the list of
 18 appointment positions submitted by the Governor and
 19 others pursuant to section 2.32, subsections 7 and 9,
 20 and on file with the Secretary of the Senate, is
 21 approved.

SENATE RESOLUTION 109: filed February 18, 2002; adopted
 by the Senate on February 21, 2002.

1 SENATE RESOLUTION 109

2 By: Jensen and Horn

3 A Senate resolution thanking the contractors, subcontractors,
 4 artisans, skilled workers, and state employees who
 5 have contributed to the effort to restore the Iowa
 6 State Capitol.

7 WHEREAS, the Iowa State Capitol is a magnificent
 8 landmark for all of Iowa and is listed in the National
 9 Register of Historic Places; and

10 WHEREAS, the efforts to restore the Capitol began
 11 in 1983 with an appropriation from the General
 12 Assembly to commence the exterior restoration of the
 13 building; and

14 WHEREAS, the restoration of the Iowa State Capitol
 15 has included extensive projects on the exterior of the
 16 building such as repair of the small copper-covered
 17 domes at each corner of the building and regilding of
 18 the shining dome with gold leaf; and

19 WHEREAS, the restoration includes continuing
 20 projects on the interior of the building such as
 21 enhancing the painting on the interior of the dome,
 22 legislative chamber renovation, and returning the
 23 detailed stenciling and painting to the walls and
 24 ceilings of various rooms throughout the Capitol; and

25 WHEREAS, hundreds of artisans and skilled workers
 26 have made significant contributions to the restoration
 27 with good workmanship and courtesy; and

28 WHEREAS, many state employees in the legislative
 29 and executive branches and many contractors and
 30 subcontractors have proudly devoted significant time

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1 and effort to the restoration of the building; and
2 WHEREAS, the restoration of the Iowa State Capitol
3 will continue until the building and grounds are
4 restored to their original beauty and grace; NOW
5 THEREFORE,
6 BE IT RESOLVED BY THE SENATE, That the Senate
7 extends its sincere thanks to all persons who
8 contributed their time and effort to the continuing
9 restoration of the Iowa State Capitol; and
10 BE IT FURTHER RESOLVED, That copies of this
11 Resolution be made available to the artisans and
12 skilled workers who have labored to restore the Iowa
13 State Capitol.

SENATE RESOLUTION 110: filed February 25, 2002; adopted
by the Senate on April 2, 2002.

1 SENATE RESOLUTION 110
2 By: Committee on Small Business, Economic
3 Development and Tourism
4 (SUCCESSOR TO SSB 3159)
5 A Senate resolution identifying issues to be addressed in
6 order to stimulate and strengthen Iowa's economy.
7 WHEREAS, the State of Iowa is experiencing an
8 economic decline that is not solely related to the
9 recession but rather to current economic trends; and
10 WHEREAS, meetings were held across the state in an
11 effort to allow Iowa's local businesses, employers,
12 and community leaders to be heard and to provide input
13 regarding growing Iowa's economy; and
14 WHEREAS, based on input received at the meetings
15 and an evaluation of past governmental studies, issues
16 have been identified which are necessary to address in
17 order to stimulate and strengthen Iowa's economy; NOW
18 THEREFORE,
19 BE IT RESOLVED BY THE SENATE, That regulatory
20 reform should take place which focuses on the
21 practicality of current regulations, business-friendly
22 assistance in correcting administrative citations,
23 timely approval of applications, and trained
24 inspectors that execute multiple duties.
25 BE IT FURTHER RESOLVED, That Iowa should adopt a
26 competitive tax policy, which policy is administered
27 fairly and equitably.
28 BE IT FURTHER RESOLVED, That policies should be
29 enacted which are designed to retain and attract
30 persons with skills through tax policies which

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1 encourage entrepreneurship, lifelong learning, and
2 community partnerships, and through advertising Iowa
3 with an emphasis on the affordability of homes, safe
4 communities, good schools, and recreational
5 opportunities.

6 BE IT FURTHER RESOLVED, That a world-class
7 educational system should be encouraged by introducing
8 rigor and accountability into the system and preparing
9 students academically to compete in the world economy.

10 BE IT FURTHER RESOLVED, That leadership at state
11 and local levels should be cultivated in an effort to
12 promote the private sector and strengthen Iowa's
13 economy, rather than encouraging any growth in
14 government.

15 BE IT FURTHER RESOLVED, That government should be
16 streamlined by moving government functions out of Des
17 Moines and into other areas of the state, encouraging
18 more private-sector ideas and initiatives, promoting a
19 one-stop shopping approach to providing services by
20 state agencies, and by simplifying and aligning
21 programs in each state agency to efficiently provide
22 the most necessary government services.

23 BE IT FURTHER RESOLVED, That a growth and
24 entrepreneurial climate should be developed in all
25 branches of government by promoting sensitivity
26 training for government workers who work with
27 applicants, promoting a case management approach when
28 working with businesses and individuals, and promoting
29 Iowa as a right-to-work state.

30 BE IT FURTHER RESOLVED, That accountability and

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1 sound financial practices should be practiced
2 throughout government, including a decrease in the
3 number of multiyear spending decisions.

4 BE IT FURTHER RESOLVED, That family and family-
5 friendly policies should be promoted by all government
6 programs.

7 BE IT FURTHER RESOLVED, That the agricultural
8 sector of the economy should be expanded by market-
9 realistic value-added agriculture through advertising
10 Iowa as the food capital of the world and promoting
11 fuel cells and alternative energy fuels.

12 BE IT FURTHER RESOLVED, That the issues identified
13 in this Resolution should be addressed fully and
14 immediately by the Seventy-ninth General Assembly and
15 during the Eightieth General Assembly.

SENATE RESOLUTION 111: filed February 25, 2002; adopted by the Senate on March 7, 2002.

1 SENATE RESOLUTION 111
 2 By: McKibben, Angelo, McKinley, Behn, Veenstra,
 3 Boettger, Kramer, Gaskill, Freeman, Jensen,
 4 Lamberti, Greiner, McKean, Sexton, Zieman,
 5 Schuerer, Tinsman, King, Iverson, Holveck,
 6 Harper, Soukup, Flynn, Shearer, Hansen, Connolly,
 7 Redfern, Maddox, Dvorsky, Black, Kibbie, Fraise,
 8 Redwine, Rehberg, Miller, Dearden, Gronstal,
 9 Rittmer, and Drake
 10 A Senate resolution honoring Commandant Jack Dack of
 11 the Iowa Veterans Home upon his retirement.
 12 WHEREAS, Commandant Jack Dack of the Iowa Veterans
 13 Home has retired; and
 14 WHEREAS, Commandant Dack has served longer in the
 15 capacity of commandant of the Veterans Home than any
 16 other commandant; and
 17 WHEREAS, Mr. Dack started his employment with the
 18 State of Iowa in 1959 as Director of Activities
 19 Therapy at the Mental Health Institute at Cherokee;
 20 and
 21 WHEREAS, his employment at the Veterans Home began
 22 in 1968 as Activities Therapy Director; and
 23 WHEREAS, he was named Commandant just one year
 24 later in 1969; and
 25 WHEREAS, considering his military service, his
 26 service in the United States Veterans Administration,
 27 and his service at the Iowa Veterans Home, Mr. Dack
 28 has contributed 54 years of his life to the military
 29 and to the veterans of the military; NOW THEREFORE,
 30 BE IT RESOLVED BY THE SENATE, That the Senate pay

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1 tribute to Commandant Jack Dack for his devoted
 2 service to the Iowa Veterans Home, to the military,
 3 and to the State of Iowa; and
 4 BE IT FURTHER RESOLVED, That the Senate extends its
 5 appreciation to Commandant Dack for his many years of
 6 devoted service and wishes him the very best in his
 7 retirement years; and
 8 BE IT FURTHER RESOLVED, That an official copy of
 9 this Resolution be prepared and presented to
 10 Commandant Dack.

SENATE RESOLUTION 112: filed March 5, 2002; adopted by the Senate on March 27, 2002.

1 SENATE RESOLUTION 112
 2 By: Angelo, Kramer, Iverson, Gaskill, Jensen,

3 Schuerer, Freeman, Greiner, Lamberti, Tinsman,
4 Maddox, Ziemann, McKibben, Redwine, McKinley, Behn,
5 Boettger, Veenstra, Fink, Black, Dvorsky, Fraise,
6 Gronstal, Flynn, Hansen, Deluhery, Holveck, Fiegen,
7 Kibbie, Bolkcom, Dearden, Connolly, Shearer, Harper,
8 Hammond, McCoy, and Soukup
9 A Senate resolution honoring NASCAR racer Shawna Robinson.
10 WHEREAS, Shawna Robinson is the only woman
11 currently racing in the National Association for Stock
12 Car Auto Racing (NASCAR) Winston Cup Series; and
13 WHEREAS, Shawna Robinson was raised in Iowa and
14 began her racing career two days after graduating from
15 high school in Des Moines, Iowa; and
16 WHEREAS, in 1988 Shawna Robinson was the first
17 woman to win a NASCAR Touring Series event in the 40-
18 year history of NASCAR; and
19 WHEREAS, Shawna Robinson was the NASCAR Dash Series
20 "Rookie of the Year" and "Most Popular Driver" in
21 1988; and
22 WHEREAS, Shawna Robinson was the first woman in
23 NASCAR history to win a pole position in the NASCAR
24 Goody's Dash Series in 1989; and
25 WHEREAS, Shawna Robinson was the first woman in
26 NASCAR history to win a pole position in the NASCAR
27 Busch Series, Grand National Division, with a track-
28 speed record of 174.33 miles per hour in 1994; and
29 WHEREAS, Shawna Robinson returned to the racing
30 circuit in 1999 at the age of 35 after a four-year

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1 hiatus during which she married and had two children;
2 and
3 WHEREAS, Shawna Robinson was the first woman to
4 complete a full season in any national oval-track
5 motor sports series in 2000; and
6 WHEREAS, Shawna Robinson was the first woman in 20
7 years to complete a NASCAR Winston Cup event in 2001;
8 and
9 WHEREAS, Shawna Robinson was the first woman to
10 qualify for the Daytona 500 since 1980 and finished
11 24th in only her second Winston Cup start in 2002; and
12 WHEREAS, Shawna Robinson is also a wife, mother,
13 and interior designer and makes time for Kids Race
14 Against Drugs and other media appearances; NOW
15 THEREFORE,
16 BE IT RESOLVED BY THE SENATE, That the Senate
17 recognizes Shawna Robinson for her achievements as a
18 race car driver, recognizing not only her talent and
19 career accomplishments but also her determination and
20 encouragement to young women to follow their dreams.

SENATE RESOLUTION 113: filed March 5, 2002; adopted by the Senate on March 26, 2002.

1 SENATE RESOLUTION 113

2 By: Gronstal and Kibbie

3 A Senate resolution congratulating Ms. Jennifer Quinn
4 and Mr. Justin Carlson for receiving a 2002
5 Prudential Spirit of Community Award.

6 WHEREAS, Ms. Jennifer Quinn, an esteemed resident
7 of Spencer, Iowa, and a senior at Spencer Community
8 School, has achieved national recognition for
9 exemplary volunteer service by receiving a 2002

10 Prudential Spirit of Community Award; and

11 WHEREAS, Mr. Justin Carlson, an esteemed resident
12 of Council Bluffs, Iowa, and a seventh grader at Lewis
13 Central Middle School, has achieved national

14 recognition for exemplary volunteer service by
15 receiving a 2002 Prudential Spirit of Community Award;
16 and

17 WHEREAS, this prestigious award, presented by
18 Prudential Financial in partnership with the National
19 Association of Secondary School Principals, honors
20 young volunteers across America who have demonstrated
21 an extraordinary commitment to serving their

22 communities; and
23 WHEREAS, Ms. Quinn earned this award by giving
24 generously of her time and energy by organizing a
25 nationwide book and toy drive that yielded 6,000 books
26 and \$8,000 worth of new toys for underprivileged
27 children; and

28 WHEREAS, Mr. Carlson earned this award by giving
29 generously of his time and energy by actively working
30 to promote awareness of cystic fibrosis and to raise

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1 money to help find a cure for the disease; and

2 WHEREAS, the future of the State of Iowa, the
3 strength of our communities, and the overall vitality
4 of American society depend, in great measure, upon the
5 dedication of young people like Ms. Quinn and Mr.

6 Carlson who use their considerable talents and
7 resources to serve others; NOW THEREFORE,

8 BE IT RESOLVED BY THE SENATE, That the Senate
9 hereby congratulates and honors Ms. Jennifer Quinn and
10 Mr. Justin Carlson as recipients of a 2002 Prudential
11 Spirit of Community Award, recognizes their
12 outstanding record of volunteer service, peer
13 leadership, and community spirit, and extends best
14 wishes for their continued success and happiness.

15 BE IT FURTHER RESOLVED, That an official copy of

16 this Resolution be prepared for presentation to Ms.
17 Jennifer Quinn and Mr. Justin Carlson.

SENATE RESOLUTION 114: filed March 7, 2002; adopted by the Senate on March 26, 2002.

1 SENATE RESOLUTION 114
2 By: Dvorsky and Bolkcom
3 A Senate resolution recognizing the success of the University
4 of Iowa Dance Marathon.
5 WHEREAS, the University of Iowa Dance Marathon
6 began in 1994, and has operated in conjunction with
7 the Children's Miracle Network to provide emotional
8 and financial support to families with children
9 treated by the Children's Hospital of Iowa at the
10 University of Iowa Hospitals and Clinics, primarily
11 those children being treated for cancer; and
12 WHEREAS, during its existence, the University of
13 Iowa Dance Marathon has generated over \$2 million, has
14 grown from sponsoring 26 families to sponsoring 200
15 families, and has become one of the largest student-
16 run philanthropies in the western United States; and
17 WHEREAS, the support provided to these children and
18 families by the dance marathon continues throughout
19 the year in the form of payment of patient bills,
20 camper sponsorship for the Heart Connection's summer
21 camps, Friday breakfasts at the University of Iowa
22 Hospitals and Clinics, research, children's materials,
23 and many other events and supports; and
24 WHEREAS, during the dance marathon held February 1
25 through February 2, 2002, 900 marathoners danced for
26 24 hours with the support of over 400 additional
27 volunteers to raise \$519,990.70; and,
28 WHEREAS, the University of Iowa Hospitals and
29 Clinics named its pediatric blood and marrow
30 transplant unit the "UI Dance Marathon Pediatric Blood

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1 and Marrow Transplant Unit" to honor the hard work,
2 dedication, and financial contributions of the dance
3 marathoners; and
4 WHEREAS, beginning in April 2002, the unit will
5 provide state-of-the-art cancer treatment and, as
6 importantly, will provide space for family members to
7 sleep in the same room with the child receiving
8 treatments and through a special filtration system
9 will enable children to leave their rooms while
10 recovering from a transplant; and
11 WHEREAS, a record 600 family members from the 200
12 sponsored families attended the 2002 marathon to

13 demonstrate their gratitude and support of the
 14 marathoners; and
 15 WHEREAS, in the words of pediatric blood and marrow
 16 transplant unit director Dr. Fred Goldman, "... it's
 17 difficult to express the depth of our gratitude for
 18 what these wonderful dedicated people have done"; NOW
 19 THEREFORE,
 20 BE IT RESOLVED BY THE SENATE, That the Senate adds
 21 its words of gratitude to the University of Iowa Dance
 22 Marathon participants for their determination,
 23 unflagging spirit, and support of children and their
 24 families who are fighting cancer and other diseases,
 25 and wishes the University of Iowa Dance Marathon
 26 success in its future efforts; and
 27 BE IT FURTHER RESOLVED, That the Senate recommends
 28 that all adult Iowans take on the challenge of Ms.
 29 Kristin Vasilenko, Morale Captain 2002 for the Iowa
 30 Dance Marathon, who stated: "If I could encourage you

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1 all to do one important thing with your life it would
 2 be to have a special relationship with a child; they
 3 can teach you more than you would ever imagine."

SENATE RESOLUTION 115: filed March 13, 2002; adopted by
 the Senate on April 12, 2002.

1 SENATE RESOLUTION 115
 2 By: King
 3 A Senate resolution congratulating Ms. Carissa Meadows
 4 for receiving a 2002 Prudential Spirit of Community
 5 Award.
 6 WHEREAS, Ms. Carissa Meadows, an esteemed resident
 7 of Onawa, Iowa, and a senior at West Monona High
 8 School, has achieved national recognition for
 9 exemplary volunteer service by receiving a 2002
 10 Prudential Spirit of Community Award; and
 11 WHEREAS, this prestigious award, presented by
 12 Prudential Financial in partnership with the National
 13 Association of Secondary School Principals, honors
 14 young volunteers across America who have demonstrated
 15 an extraordinary commitment to serving their
 16 communities; and
 17 WHEREAS, Ms. Meadows earned this award by giving
 18 generously of her time and energy by co-chairing a park
 19 renovation project through her 4-H club that raised
 20 more than \$93,000 to purchase new playground equipment
 21 and revitalize two city parks; and
 22 WHEREAS, the future of the State of Iowa, the
 23 strength of our communities, and the overall vitality

24 of American society depend, in great measure, upon the
 25 dedication of young people like Ms. Meadows who use
 26 their considerable talents and resources to serve
 27 others; NOW THEREFORE,
 28 BE IT RESOLVED BY THE SENATE, That the Senate
 29 hereby congratulates and honors Ms. Carissa Meadows as
 30 a recipient of a 2002 Prudential Spirit of Community

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1 Award, recognizes her outstanding record of volunteer
 2 service, peer leadership, and community spirit, and
 3 extends best wishes for her continued success and
 4 happiness.
 5 BE IT FURTHER RESOLVED, That an official copy of
 6 this Resolution be prepared for presentation to Ms.
 7 Carissa Meadows.

SENATE RESOLUTION 116: filed March 25, 2002; adopted by
 the Senate on April 10, 2002.

1 SENATE RESOLUTION 116
 2 By: Harper, Jensen, Connolly, Dvorsky, Deluhery,
 3 Hansen, Bolkcom, Ragan, Kibbie, Black, McCoy, Holveck,
 4 Dearden, Horn, Fraise, Fink, Shearer, King, Redwine,
 5 Redfern, Kramer, Iverson, McKean, Angelo, Veenstra,
 6 McKinley, Schuerer, Tinsman, Behn, Sexton, McKibben,
 7 Freeman, Greiner, Ziemann, Lord, Boettger, Rehberg,
 8 Drake, and Lamberti
 9 A Senate resolution congratulating the University of Northern
 10 Iowa Panthers Women's Volleyball Team.
 11 WHEREAS, the University of Northern Iowa Panthers
 12 Women's Volleyball Team was the 2001 Missouri Valley
 13 regular season champion, a fourth consecutive season
 14 title with an overall record of 31-2; and
 15 WHEREAS, the University of Northern Iowa Panthers
 16 Women's Volleyball Team was also 2001 Missouri Valley
 17 Conference Tournament Champion and advanced to the
 18 Sweet 16 in the NCAA Division I Tournament before
 19 losing to top-rated Long Beach State; and
 20 WHEREAS, the Panthers were the Lobo Invitational
 21 Tournament Champion (New Mexico) and Badger
 22 Invitational Tournament Champion (Wisconsin) and have
 23 been invited to the prestigious State Farm Women's
 24 Volleyball Classic in August 2002, to compete against
 25 Stanford, Pepperdine, and Minnesota; and
 26 WHEREAS, Panther Coach Bobbi Petersen was named
 27 2001 Central Region Coach of the Year in her first
 28 full season as head coach; and
 29 WHEREAS, various Panther players received athletic
 30 honors, with one player selected as the Missouri

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1 Valley Conference Player of the Year, two players
 2 selected as All-Central Region Players, three players
 3 selected as Missouri Valley Conference Scholar
 4 Athletes of the Week, four players selected as
 5 Missouri Valley Conference Scholar-Athletes of the
 6 Year, four players selected to the First Team All-
 7 Missouri Valley Conference, one player selected to the
 8 Missouri Valley Conference All-Newcomer Team, and
 9 three players selected to the Missouri Valley
 10 Conference All-Tournament Team; and

11 WHEREAS, the Panthers achieved the following All-
 12 Match Statistics (Rank among 10 Conference Teams):
 13 first in hitting percentage, assist average, kill
 14 average, and ace average, and second in block average,
 15 and fifth in dig average; NOW THEREFORE,

16 BE IT RESOLVED BY THE SENATE, That the Senate
 17 congratulates the University of Northern Iowa Panthers
 18 Women's Volleyball Team, Head Coach Bobbi Petersen,
 19 and the coaching staff on their successful season,
 20 thanks them for the honor and excitement they brought
 21 to the State of Iowa, and wishes them the very best in
 22 the future.

23 BE IT FURTHER RESOLVED, That, upon adoption, the
 24 Secretary of the Senate shall prepare a copy of this
 25 Resolution for presentation to Coach Bobbi Petersen
 26 and the University of Northern Iowa Panthers Women's
 27 Volleyball Team.

SENATE RESOLUTION 117: filed March 25, 2002; adopted by
 the Senate on April 8, 2002.

1 SENATE RESOLUTION 117

2 By: Jensen, King, Redwine, Kramer, Iverson, McKean,
 3 Angelo, Veenstra, McKinley, Schuerer, Tinsman, Behn,
 4 Sexton, McKibben, Freeman, Greiner, Lord, Boettger,
 5 Rehberg, Drake, Lamberti, Connolly, Deluhery,
 6 Bolkcom, Dvorsky, Kibbie, Black, McCoy, Holveck,
 7 Dearden, Horn, Fraise, Fink, and Shearer
 8 A Senate resolution honoring Mr. E. Wayne Cooley upon
 9 his retirement as the Executive Secretary of the
 10 Iowa Girls High School Athletic Union.

11 WHEREAS, Mr. E. Wayne Cooley has had a long and
 12 distinguished career of service to the citizens of the
 13 State of Iowa, serving as Executive Secretary of the
 14 Iowa Girls High School Athletic Union since 1954; and

15 WHEREAS, under Mr. Cooley's leadership, the Iowa
 16 Girls High School Athletic Union has expanded from one
 17 interscholastic activity, basketball, to include
 18 interscholastic track and field, softball, golf,

19 swimming, tennis, volleyball, and cross country; and
 20 WHEREAS, the Iowa Girls High School Athletic Union
 21 is widely regarded as a leader throughout the United
 22 States in girls' interscholastic athletic development;
 23 and
 24 WHEREAS, in addition to his responsibilities
 25 regarding the Union, Mr. Cooley also serves or has
 26 served as the Executive Vice President of the Iowa
 27 High School Speech Association, as a member of the
 28 Drake Relays Executive Committee, as Chairperson of
 29 the Iowa Heart Association, as Vice Chairperson of the
 30 Iowa Games, and as an appointed member of the United

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1 States Olympic Committee; and
 2 WHEREAS, Mr. Cooley has been named to the United
 3 States Track and Field Hall of Fame; and
 4 WHEREAS, while serving as National President of the
 5 United States Track and Field Federation, Mr. Cooley's
 6 leadership was instrumental in resolving a two-decade-
 7 long conflict over control of the nation's amateur
 8 track and field administration, successfully merging
 9 the conflicting parties into the Athletic Congress of
 10 the United States, a governing body for both national
 11 and international amateur track and field; and
 12 WHEREAS, Mr. Cooley coached state championship
 13 teams in track and field for two consecutive years --
 14 1949 and 1950; NOW THEREFORE,
 15 BE IT RESOLVED BY THE SENATE, That the Senate pay
 16 tribute to Mr. E. Wayne Cooley for his outstanding
 17 accomplishments on behalf of, and decades of dedicated
 18 service to, the high school students, athletic
 19 enthusiasts, and all citizens of the State of Iowa,
 20 and upon his retirement, wish him health and happiness
 21 in the years ahead; and
 22 BE IT FURTHER RESOLVED, That an official copy of
 23 this Resolution be prepared and presented to Mr. E.
 24 Wayne Cooley.

SENATE RESOLUTION 119: filed March 26, 2002; adopted by
 the Senate on April 10, 2002.

1 SENATE RESOLUTION 119
 2 By: Redfern, Jensen, Hansen, Connolly, Deluhery,
 3 Bolcom, Dvorsky, Ragan, Harper, Kibbie, Black, McCoy,
 4 Holveck, Dearden, Horn, Fraise, Fink, Shearer, Kramer,
 5 Iverson, McKean, Angelo, Veenstra, Lundby, Schuerer,
 6 Tinsman, Behn, Sexton, McKibben, Freeman, Greiner,
 7 Zieman, Lord, Boettger, Rehberg, King, Redwine,
 8 and Lamberti

9 A Senate resolution congratulating the 2001 University of
 10 Northern Iowa Baseball Team.
 11 WHEREAS, Iowans are pleased and proud of the 2001
 12 University of Northern Iowa Baseball Team for winning
 13 the Missouri Valley Conference Tournament; and
 14 WHEREAS, the University of Northern Iowa Baseball
 15 Team set a school record for team wins in a season
 16 with 35 victories; and
 17 WHEREAS, the University of Northern Iowa Baseball
 18 Team made its first NCAA regional appearance as a
 19 Division I institution; and
 20 WHEREAS, the University of Northern Iowa Baseball
 21 Team led the Missouri Valley Conference in hitting
 22 with a .333 average; and
 23 WHEREAS, the University of Northern Iowa Baseball
 24 Team ranked tenth in the nation in hitting; and
 25 WHEREAS, the University of Northern Iowa Baseball
 26 Team broke eight team and individual season records;
 27 and
 28 WHEREAS, six players from the University of
 29 Northern Iowa Baseball Team were named to the All-
 30 Missouri Valley Conference Team, including Ryan

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1 Brunner as Player of the Year and Nic Ungs as Pitcher
 2 of the Year; and
 3 WHEREAS, Ryan Brunner was a first-team All-American
 4 and Nic Ungs was a second-team All-American; and
 5 WHEREAS, three members of the team were named to
 6 all-region and academic all-district teams; and
 7 WHEREAS, three members of the team were drafted and
 8 signed professional baseball contracts, including Ryan
 9 Brunner with the Boston Red Sox, Nic Ungs with the
 10 Florida Marlins, and Aaron McEachran with the Toronto
 11 Blue Jays; and
 12 WHEREAS, the hard work and superlative efforts of
 13 the University of Northern Iowa Baseball Team and
 14 Coach Rick Heller are a source of pride for all
 15 Iowans; NOW THEREFORE,
 16 BE IT RESOLVED BY THE SENATE, That the Senate
 17 congratulates the University of Northern Iowa Baseball
 18 Team and their coach on the great success of their
 19 2001 baseball season and wishes them the best of luck
 20 during their 2002 baseball season.

SENATE RESOLUTION 120: filed March 26, 2002; adopted by
 the Senate on April 2, 2002.

1 SENATE RESOLUTION 120
 2 By: Rittmer, Jensen, Schuerer, Kramer, Drake, Zieman,

3 Maddox, Rehberg, Gaskill, Lamberti, Houser, Miller,
 4 Sexton, Redwine, McKibben, McKinley, Lord, Veenstra,
 5 Boettger, Iverson, Redfern, Freeman, Greiner,
 6 McKean, Lundby, Tinsman, Kibbie, Gronstal, Dvorsky,
 7 Soukup, Shearer, Ragan, Hammond, Harper, McCoy,
 8 Fink, Bolkcom, Connolly, Deluhery, Holveck, and Fiegen
 9 A Senate resolution recognizing the centennial of 4-H clubs.
 10 WHEREAS, 4-H is celebrating its 100th anniversary
 11 as one of the United States' finest youth development
 12 organizations; and
 13 WHEREAS, 4-H clubs exist in every one of Iowa's 99
 14 counties and in almost every one of the nation's 3,067
 15 counties; and
 16 WHEREAS, 4-H clubs have provided Iowa boys and
 17 girls with educational and leadership opportunities
 18 through the fundamental principle of "learning by
 19 doing" since the early 1900s; and
 20 WHEREAS, the idea for the 4-H club emblem, a four-
 21 leaf clover, was born in Clarion, Iowa, and came to
 22 symbolize a four-square education of educational,
 23 fellowship, physical, and moral development; and
 24 WHEREAS, the 4-H motto is "To make the best
 25 better"; and
 26 WHEREAS, 4-H clubs today offer youth opportunities
 27 in communications, leadership and career development,
 28 livestock, home improvement, and computer technology
 29 in rural and urban areas throughout the world; and
 30 WHEREAS, the State of Iowa takes great pride in the

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1 many accomplishments of 4-H clubs and their members
 2 and leaders in the state; NOW THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, That the Senate
 4 gratefully acknowledges the contributions of 4-H to
 5 the state in general and to the youth of the state in
 6 particular, and extends congratulations to 4-H on its
 7 centennial; and
 8 BE IT FURTHER RESOLVED, That an official copy of
 9 this Resolution be prepared and presented to the State
 10 4-H Council.

SENATE RESOLUTION 121: filed March 27, 2002; adopted by
 the Senate on April 12, 2002.

1 SENATE RESOLUTION 121
 2 By: Kramer, Schuerer, Drake, Zieman, Rehberg, Gaskill,
 3 Lamberti, Houser, Sexton, Redwine, McKibben, McKinley,
 4 Lord, Veenstra, Jensen, Boettger, Iverson, Redfern,
 5 Rittmer, Freeman, Greiner, McKean, Lundby, Tinsman,
 6 Dvorsky, Bolkcom, Shearer, Hammond, Hansen,

7 Holveck, Harper, McCoy, Fink, Deluhery, Connolly,
 8 Ragan, Flynn, and Fiegen
 9 A Senate resolution honoring the University of Iowa
 10 Women's Basketball Team and Coach Lisa Bluder.
 11 WHEREAS, the citizens of Iowa are justifiably proud
 12 that the University of Iowa Hawkeyes Women's
 13 Basketball Team finished its regular season with an
 14 overall record of 17 wins and 10 losses; and
 15 WHEREAS, the Iowa Women's Basketball Team was led
 16 by senior guard Lindsey Meder who was the Big Ten's
 17 top 3-point scorer and one of just four players to be
 18 unanimously selected to the All-Big Ten first team by
 19 the coaches; and
 20 WHEREAS, sophomore Jennie Lillis was named to the
 21 second team by the media and was an All-Big Ten
 22 honorable mention by the coaches; and
 23 WHEREAS, for the second straight year Lindsey Meder
 24 has been selected to the Verizon Academic All-District
 25 first team with a GPA of 3.95 in psychology and
 26 premedicine; and
 27 WHEREAS, the Iowa Women's Basketball Team led the
 28 Big Ten with 18.4 assists per game, ranked second in
 29 the Big Ten in scoring offense with 77.5 points, and
 30 fourth in field goal percentage of 44.9; and

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1 WHEREAS, sophomore Jennie Lillis and senior Jerica
 2 Watson were named Big Ten Players of the week; and
 3 WHEREAS, the Iowa Women's Basketball Team received
 4 the number nine seed in the Midwest Region of the
 5 National Collegiate Athletic Association (NCAA)
 6 tournament and won their first-round NCAA Tournament
 7 game against Virginia on March 16; and
 8 WHEREAS, the Iowa Women's Basketball Team's NCAA
 9 appearance marked the 14th and second consecutive NCAA
 10 Tournament appearance for the team, which is the most
 11 by any women's basketball team in the Big Ten; NOW
 12 THEREFORE,
 13 BE IT RESOLVED BY THE SENATE, That the Senate
 14 congratulates the University of Iowa Women's
 15 Basketball Team, Coach Lisa Bluder, and the coaching
 16 staff, on their successful season and thanks them for
 17 representing the University of Iowa and the State of
 18 Iowa with their fine performance.
 19 BE IT FURTHER RESOLVED, That, upon adoption, the
 20 Secretary of the Senate shall prepare a copy of this
 21 Resolution for presentation to Coach Lisa Bluder and
 22 the University of Iowa Women's Basketball Team.

SENATE RESOLUTION 122: filed March 27, 2002; adopted by the Senate on April 12, 2002.

1 SENATE RESOLUTION 122
2 By: Hammond, Fink, Bolkcom, Hansen, Holveck,
3 Harper, McCoy, Deluhery, Connolly, Ragan,
4 Flynn, Shearer, Fiegen, Jensen, Schuerer, Drake,
5 Kramer, Zieman, Maddox, Rehberg, Gaskill, Lamberti,
6 Houser, Sexton, Redwine, McKibben, McKinley, Lord,
7 Veenstra, Boettger, Iverson, Redfern, Rittmer,
8 Freeman, Greiner, McKean, Lundby, and Tinsman
9 A Senate resolution congratulating the Iowa State Cyclones
10 Women's Basketball Team and Coach Bill Fennelly.
11 WHEREAS, the Iowa State Cyclones Women's Basketball
12 Team posted its fifth consecutive 20-win season this
13 year; and
14 WHEREAS, Iowa State senior Angie Welle was named
15 second-team All-American by The Associated Press; and
16 WHEREAS, Iowa State senior Angie Welle led the Big
17 12 conference this year in scoring, rebounding, and
18 field-goal percentage, is a finalist for the Naismith
19 Player of the Year and ESPN Magazine Center of the
20 Year awards, and is the first three-time All-American
21 in Iowa State women's basketball history; and
22 WHEREAS, the Iowa State Women's Basketball Team has
23 five of the top 10 attendance records for the NCAA
24 Midwest Region first-round games and the top four
25 crowds for second-round contests; and
26 WHEREAS, the Iowa State Women's Basketball Team's
27 offense is powered by Tracy Gahan, Angie Welle, and
28 Lindsey Wilson, who have all scored over 1,000 points
29 during their careers at Iowa State and have earned Big
30 12 Player Conference Player of the Week and academic

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1 all-league recognition this year;
2 WHEREAS, the Iowa State Women's Basketball Team
3 ranks first in the Big 12 Conference with an average
4 of 8.1 three-pointers per game; and
5 WHEREAS, the Iowa State Women's Basketball Team has
6 been a ranked team in The Associated Press national
7 poll for more than three years, including 22 weeks in
8 the top ten and including a number 4 ranking in the
9 December 31, 2001, poll, the highest ranking ever
10 achieved by the team; and
11 WHEREAS, the Iowa State Women's Basketball Team's
12 senior class has advanced to three consecutive NCAA
13 Sweet Sixteen appearances, including an Elite Eight
14 berth in 1999 and has a four-year record of 102 wins
15 and 28 losses with 57 wins and 4 losses on their home

16 court in Hilton Coliseum; and
 17 WHEREAS, the Iowa State Women's Basketball Team, in
 18 its sixth consecutive appearance in the NCAA Midwest
 19 Region First Round, won their first-round NCAA
 20 Tournament game against Temple on March 16; NOW
 21 THEREFORE,
 22 BE IT RESOLVED BY THE SENATE, That the Senate
 23 congratulates the Iowa State Cyclones Women's
 24 Basketball Team and Coach Bill Fennelly on another
 25 successful season, thanks them for being such fine
 26 representatives of Iowa State University and the State
 27 of Iowa, and wishes them the very best in all their
 28 future endeavors.
 29 BE IT FURTHER RESOLVED, That, upon adoption, the
 30 Secretary of the Senate shall prepare a copy of this

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- 1 Resolution for presentation to Coach Bill Fennelly and
- 2 the Iowa State Cyclones Women's Basketball Team.

SENATE RESOLUTION 123: filed March 28, 2002; adopted by the Senate on April 12, 2002.

1 SENATE RESOLUTION 123
 2 By: Lamberti, Redwine, Drake, Schuerer, Kramer,
 3 Gaskill, Sexton, Greiner, Freeman, Houser, Rehberg,
 4 Angelo, Behn, McKinley, Lord, Veenstra, Boettger,
 5 Iverson, Tinsman, McKean, Maddox, McKibben, Holveck,
 6 Kibbie, Dvorsky, Gronstal, Hammond, Harper, Fink,
 7 Bolkcom, Connolly, Flynn, Ragan, Horn, Dearden,
 8 Hansen, Black, McCoy, and Deluhery
 9 A Senate resolution honoring the Drake Women's Basketball Team.
 10 WHEREAS, the fans of Drake University and the
 11 citizens of Iowa are greatly pleased that the Drake
 12 Women's Basketball Team had a spectacular season in
 13 compiling an overall record of 25-8 and its sixth
 14 consecutive 20-or-more-victories season; and
 15 WHEREAS, the Drake Women's Basketball Team made its
 16 fans and all Iowans proud by compiling a Missouri
 17 Valley Conference record of 15-3, leading to the team
 18 competing in its sixth Missouri Valley Conference
 19 Tournament Championship game in eight years; and
 20 WHEREAS, the Drake Women's Basketball Team's
 21 stellar season also led to a third consecutive bid to
 22 the Women's National Collegiate Athletic Association
 23 (NCAA) Tournament where the team advanced through
 24 three rounds to become one of the Sweet Sixteen; and
 25 WHEREAS, individual athletes on the team have been
 26 honored by being named to the Missouri Valley
 27 Conference All-Defensive Team, the All-Missouri Valley

28 Conference Team, and the Missouri Valley Conference
 29 All-Tournament Team; and
 30 WHEREAS, the citizens of Iowa recognize the

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1 academic accomplishments of the Drake Women's
 2 Basketball Team, including having three Bulldogs named
 3 to the 2002 Missouri Valley Conference Scholar-Athlete
 4 Team and one named to the Verizon Academic All-
 5 District Second Team; NOW THEREFORE,
 6 BE IT RESOLVED BY THE SENATE, That the Senate
 7 congratulates Coach Lisa Stone and the Drake Women's
 8 Basketball Team on their successful season and thanks
 9 them for the honor and excitement they brought to the
 10 State of Iowa; and
 11 BE IT FURTHER RESOLVED, That upon adoption, the
 12 Secretary of the Senate shall cause an enrolled copy
 13 of this Resolution to be prepared for presentation to
 14 Coach Lisa Stone and the Drake Women's Basketball
 15 Team.

SENATE RESOLUTION 124: filed March 28, 2002; adopted by
 the Senate on April 12, 2002.

1 SENATE RESOLUTION 124
 2 By: Kramer, Gaskill, Sexton, Greiner, Rehberg,
 3 Schuerer, Drake, Freeman, Houser, Angelo, Behn,
 4 McKinley, Lord, Veenstra, Boettger, Iverson,
 5 Tinsman, McKean, Maddox, McKibben, Redwine,
 6 Lamberti, Dvorsky, Hammond, Harper, Fink, Bolkcom,
 7 Connolly, Flynn, Ragan, Shearer, Fiegen, Horn,
 8 Dearden, Fraise, Hansen, Black, McCoy, and Deluhery
 9 A Senate resolution congratulating Gayle Blevins, Head Coach
 10 of the University of Iowa Women's Softball Team on
 11 her successful coaching career.
 12 WHEREAS, Coach Gayle Blevins is beginning her 15th
 13 season as Head Coach of the University of Iowa Women's
 14 Softball Team; and
 15 WHEREAS, Coach Blevins has surpassed her 900th
 16 Division I fastpitch softball win, a mark reached by
 17 only three other coaches in history; and
 18 WHEREAS, Coach Blevins has also surpassed her 600th
 19 win at the University of Iowa; and
 20 WHEREAS, as of March 26, 2002, Coach Blevins has
 21 accumulated 904 Division I wins and 604 wins at the
 22 University of Iowa and is still counting; and
 23 WHEREAS, last season, Coach Blevins led her Hawkeye
 24 squad to a fourth appearance in the Women's College
 25 World Series with a 49-14 overall record and a Big Ten
 26 Conference Tournament Championship; and

27 WHEREAS, just two years after becoming head coach,
 28 Coach Blevins' Hawkeye squad won its first ever Big
 29 Ten Women's Softball title in 1989; and
 30 WHEREAS, under Coach Blevins' direction, Iowa has

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1 won subsequent Big Ten titles in 1990, 1997, and 2000,
 2 and has never finished lower than fifth in the
 3 conference; and
 4 WHEREAS, following Iowa's fourth Big Ten
 5 Championship in 2000, Coach Blevins was named Big Ten
 6 Coach of the Year for the third time; and
 7 WHEREAS, Coach Blevins is currently the third
 8 winningest active women's softball coach and the
 9 fourth winningest all-time women's softball coach in
 10 the nation; and
 11 WHEREAS, on December 3, 1999, Coach Blevins was
 12 inducted into the Hall of Fame of the National
 13 Fastpitch Coaches Association, one of only 17 persons
 14 to earn this distinction; NOW THEREFORE,
 15 BE IT RESOLVED BY THE SENATE, That the Senate
 16 congratulates Gayle Blevins, Head Coach of the
 17 University of Iowa Hawkeyes Women's Softball Team on
 18 her successful coaching career, thanks Coach Blevins
 19 for the exceptional teaching abilities and coaching
 20 talents that she brings to the University of Iowa, and
 21 wishes Coach Blevins the very best in the future.
 22 BE IT FURTHER RESOLVED, That, upon adoption, the
 23 Secretary of the Senate shall prepare a copy of this
 24 Resolution for presentation to Coach Gayle Blevins of
 25 the University of Iowa Hawkeyes Women's Softball Team.

SENATE RESOLUTION 126: filed from the floor; adopted by the Senate on April 2, 2002.

1 SENATE RESOLUTION 126
 2 By: Horn, Dvorsky, Fiegen, Bolkcom, Lundby, McKean,
 3 Schuerer, Shearer, Drake, and Greiner
 4 A Senate resolution honoring the Kirkwood Community College
 5 Women's Basketball Team.
 6 WHEREAS, the fans of the Kirkwood Community College
 7 Eagles and the citizens of Iowa are greatly pleased
 8 that the Kirkwood Women's Basketball Team had a
 9 spectacular regular season leading to its capture of
 10 the National Junior College Athletic Association
 11 (NJCAA) Region XI Basketball Championship; and
 12 WHEREAS, the Kirkwood Women's Basketball Team made
 13 its fans and all Iowans proud by also advancing to and
 14 winning the NJCAA Division II National Championship on
 15 March 23, 2002; and

16 WHEREAS, the Kirkwood Community College Women's
17 Basketball Team proved its strength and resiliency by
18 consistently overcoming point deficits, solid offense,
19 and tough defensive play throughout its regular season
20 and the national tournament; and

21 WHEREAS, individual athletes on the team have been
22 honored by being named NJCAA National Tournament Most
23 Valuable Player as well as being named to the All-
24 Tournament Team, All-Region Team, and All-Region
25 Second Team, and have received Honorable Mention for
26 the All-Region Team; and

27 WHEREAS, the national tournament crown is the
28 second for Eagles Head Coach Kim Muhl, who was also
29 awarded his second NJCAA Division II National Coach of
30 the Year award; NOW THEREFORE,

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1 BE IT RESOLVED BY THE SENATE, That the Senate
2 congratulates Coach Kim Muhl and the Kirkwood
3 Community College Women's Basketball Team on their
4 successful season and thanks them for the honor and
5 excitement they brought to the State of Iowa.

6 BE IT FURTHER RESOLVED, That upon passage, the
7 Secretary of the Senate shall cause an enrolled copy
8 of this Resolution to be prepared for presentation to
9 Coach Kim Muhl and the Kirkwood Community College
10 Women's Basketball Team.

SENATE RESOLUTION 127: filed April 2, 2002; adopted by the Senate on April 10, 2002. Printed on Senate Journal page 1072.

SENATE RESOLUTION 129: filed April 2, 2002; adopted by the Senate on April 3, 2002. Printed on Senate Journal page 950.

SENATE RESOLUTION 130: filed April 2, 2002; adopted by the Senate on April 4, 2002. Printed on Senate Journal page 971.

SENATE RESOLUTION 131: filed April 2, 2002; adopted by the Senate on April 11, 2002. Printed on Senate Journal page 1113.

SENATE RESOLUTION 132: filed April 2, 2002; adopted by the Senate on April 8, 2002. Printed on Senate Journal page 987.

SENATE RESOLUTION 133: filed April 2, 2002; adopted by the Senate on April 11, 2002. Printed on Senate Journal page 1135.

SENATE RESOLUTION 134: filed from the floor; adopted by the Senate on April 3, 2002.

1 SENATE RESOLUTION 134
2 By: Committee on Rules and Administration
3 A Senate resolution congratulating George A. Wilson,
4 Jr. on his distinguished lobbying career before
5 the Iowa General Assembly.
6 WHEREAS, George A. Wilson, Jr. has announced his
7 intention to retire following conclusion of the Second
8 Regular Session of the Seventy-ninth General Assembly;
9 and
10 WHEREAS, George A. Wilson, Jr., being the son of a
11 State Senator, Governor, and United States Senator,
12 grew up with governmental activity as a daily part of
13 his life; and
14 WHEREAS, George A. Wilson, Jr. served in the United
15 States Army as a tank platoon commander in the
16 European Theatre during World War II and, following
17 graduation from Drake University Law School in 1951,
18 was recalled to active duty for service during the
19 Korean Conflict; and
20 WHEREAS, in 1953, George A. Wilson, Jr. was
21 employed and served as a bill drafter during the
22 Fifty-fifth Regular Session of the Iowa General
23 Assembly; and
24 WHEREAS, George A. Wilson, Jr. commenced his
25 professional lobbying career in 1954 when he was
26 retained to represent a trade association during the
27 Fifty-sixth General Assembly of Iowa; and
28 WHEREAS, George A. Wilson, Jr. has represented
29 clients before the Iowa General Assembly continuously
30 since 1955 and is currently the "Dean of the Third

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1 House" having served as a professional lobbyist longer
2 than any current peer; and
3 WHEREAS, during his long career, George A. Wilson,
4 Jr. has distinguished himself by demonstrating
5 throughout his career outstanding knowledge, judgment,
6 collegiality, and high professional standards of
7 conduct, ethics, and propriety; and
8 WHEREAS, George A. Wilson, Jr. has always been
9 available to assist and make welcome new lobbyists and
10 share his knowledge of the legislative process and
11 parliamentary procedures; and
12 WHEREAS, in 1987, George A. Wilson, Jr. was
13 recognized for his distinguished career as a
14 professional lobbyist by being selected as an honorary
15 member of the Pioneer Lawmakers Association by the

16 Iowa General Assembly, only one of two lobbyists to
 17 have been so honored as of that date; NOW THEREFORE,
 18 BE IT RESOLVED BY THE SENATE, That the General
 19 Assembly of Iowa congratulates George A. Wilson, Jr.
 20 on his long and distinguished legal career as a
 21 professional lobbyist and wishes him well with his
 22 future plans; and
 23 BE IT FURTHER RESOLVED, That, upon passage, the
 24 Secretary of the Senate shall prepare a copy of this
 25 Resolution for presentation to George A. Wilson, Jr.

SENATE RESOLUTION 136: filed April 3, 2002; adopted by the
 Senate on April 8, 2002.

1 SENATE RESOLUTION 136
 2 By: Shearer
 3 A Senate resolution honoring James Samuel Thomas, former
 4 bishop of the Iowa United Methodist Church.
 5 WHEREAS, James Samuel Thomas began his Christian
 6 service as an ordained minister and elder in the
 7 Methodist Church of South Carolina, served various
 8 churches as pastor, was a university chaplain, was a
 9 seminary professor at Southern Methodist University in
 10 Dallas, Texas, and later was a visiting professor of
 11 sociology at Drake University in Des Moines, Iowa; and
 12 WHEREAS, in the early 1960s, the United States was
 13 engaged in an intense struggle over civil rights for
 14 all citizens, and during this time of unrest the
 15 northern and southern conferences of the Methodist
 16 Church held ecumenical discussions which led to
 17 merging the predominantly white and black church
 18 congregations; and
 19 WHEREAS, in 1964, at the age of 45, the Reverend
 20 Dr. Thomas was ordained as the youngest bishop ever to
 21 serve Methodism, and the Iowa Conference of the
 22 Methodist Church extended its hand of welcome to Dr.
 23 James S. Thomas, who became the first black bishop of
 24 the North Central Region of the Methodist Church when
 25 he was elected to serve the Iowa Area by the North
 26 Central Jurisdictional Conference in Cleveland, Ohio,
 27 on July 11, 1964; and
 28 WHEREAS, at the same session, the North Central
 29 Jurisdictional Conference of the Methodist Church
 30 ended the church's practice of segregation among its

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1 17 jurisdictions by a vote of 370 to 0; and
 2 WHEREAS, the appointment of Bishop James S. Thomas
 3 to Iowa was characterized at the time as "an epoch in
 4 our nation's advance in human relations", and through

5 his example of leadership and Christian ministry,
6 Bishop Thomas presided over the Methodist
7 congregations of Iowa for 12 years; and
8 WHEREAS, during the tenure of Bishop James S.
9 Thomas in Iowa, and with credit to the leadership of
10 Bishop Thomas, the Methodists merged with the
11 Evangelical United Brethren congregations in 1968 to
12 become the United Methodist Church; NOW THEREFORE,
13 BE IT RESOLVED BY THE SENATE, That the Senate
14 extends its thanks and congratulations to Bishop James
15 S. Thomas and his family for their service to the
16 United Methodist Church and to the State of Iowa, and
17 acknowledges the work of Bishop James S. Thomas for
18 the advancement of civil rights in Iowa and in the
19 nation.
20 BE IT FURTHER RESOLVED, That an official copy of
21 this Resolution be prepared for presentation to Bishop
22 James S. Thomas and be delivered to the Bishop on the
23 event of his birthday on April 8, 2002.

SENATE RESOLUTION 137: filed April 4, 2002; adopted by the Senate on April 8, 2002. Printed on Senate Journal page 984.

SENATE RESOLUTION 138: filed April 4, 2002; adopted by the Senate on April 8, 2002. Printed on Senate Journal page 983.

SENATE RESOLUTION 139: filed April 4, 2002; adopted by the Senate on April 8, 2002. Printed on Senate Journal page 985.

SENATE RESOLUTION 140: filed April 4, 2002; adopted by the Senate on April 9, 2002. Printed on Senate Journal page 1042.

SENATE RESOLUTION 141: filed April 4, 2002; adopted by the Senate on April 9, 2002. Printed on Senate Journal page 1034.

SENATE RESOLUTION 142: filed April 4, 2002; adopted by the Senate on April 9, 2002. Printed on Senate Journal page 1052.

SENATE RESOLUTION 143: filed April 4, 2002; adopted by the Senate on April 10, 2002. Printed on Senate Journal page 1067.

SENATE RESOLUTION 144: filed April 4, 2002; adopted by the Senate on April 11, 2002. Printed on Senate Journal page 1107.

SENATE RESOLUTION 145: filed April 4, 2002; adopted by the Senate on April 10, 2002. Printed on Senate Journal page 1070.

SENATE RESOLUTION 146: filed from the floor; adopted by the Senate on April 8, 2002.

1 SENATE RESOLUTION 146

2 By: Kramer, Holveck, Maddox, Redfern, Lundby,
3 Dvorsky, Bolkcom, Hammond, and Connolly
4 A Senate resolution honoring Iowa high school seniors
5 Elizabeth Bastiaans, Tony Cyr, Brandon Day,
6 Alison Lentz, Claudia Lutz, Patrick Swieskowski,
7 Emily Trump, Elizabeth Zeitler, and Michael Zhu
8 for achieving the highest possible score on the
9 Scholastic Assessment Test.

10 WHEREAS, the citizens of Iowa are gratified and
11 proud that nine Iowa high school seniors, Elizabeth
12 Bastiaans, Tony Cyr, Brandon Day, Alison Lentz,
13 Claudia Lutz, Patrick Swieskowski, Emily Trump,
14 Elizabeth Zeitler, and Michael Zhu achieved the
15 highest possible score of 1,600 on the Scholastic
16 Assessment Test; and

17 WHEREAS, last year only 586 out of 1.3 million
18 students in the United States who took the Scholastic
19 Assessment Test received a score of 1,600; and

20 WHEREAS, Elizabeth Bastiaans, a senior at Ames High
21 School, and the daughter of Glenn and Mary Jane
22 Bastiaans of Ames, is interested in scientific
23 research, environmental issues, and fantasy writing
24 and has participated on her high school's Speech and
25 Quiz Bowl Teams and in the Ames High School Orchestra;
26 and

27 WHEREAS, Tony Cyr, a senior at Linn-Mar High School
28 and the son of Brian and Sue Cyr of Cedar Rapids,
29 plans to attend Iowa State University with a double
30 major in chemical engineering and French, and enjoys

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1 drawing, playing soccer, disc Frisbee, and Ultimate
2 Frisbee, playing the guitar, and sits on the Youth
3 Power Board of the Greater Cedar Rapids Community
4 Foundation; and

5 WHEREAS, Brandon Day, a senior at Urbandale High
6 School, and the son of Dan and Linda Young of
7 Urbandale, plans to study engineering at Iowa State
8 University and is active in Academic Decathlon and
9 other knowledge quiz activities; and

10 WHEREAS, Alison Lentz, a senior at Walnut Ridge
11 Baptist Academy in Waterloo, and the daughter of Bob
12 and Joan Lentz of Cedar Falls, is active in National

13 Honor Society activities, band, and her church; and
 14 WHEREAS, Claudia Lutz, a senior at West High School
 15 in Iowa City, and the daughter of Martha and Charles
 16 Lutz of Iowa City, plans to attend Cornell University
 17 in Ithaca, New York, majoring in biology and is a
 18 member of the book, math, and Scrabble clubs at West
 19 High; and
 20 WHEREAS, Patrick Swieskowski, a senior at Des
 21 Moines Roosevelt High School, and the son of David and
 22 Dianne Swieskowski of Des Moines, is interested in
 23 studying computer science and has been accepted at
 24 Harvard University, is currently taking a class at
 25 Drake University, and enjoys mountain biking, computer
 26 programming, and debate; and
 27 WHEREAS, Emily Trump, a senior at Des Moines Hoover
 28 High School, and the daughter of Richard and Patricia
 29 Trump of Des Moines, plans to study psychology and is
 30 active in choir, piano, and church youth group; and

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1 WHEREAS, Elizabeth Zeitler, a senior at City High
 2 School in Iowa City, and the daughter of Rod and Deb
 3 Zeitler of Iowa City, plans to study urban planning or
 4 environmental studies and is involved in the City High
 5 Orchestra, Pruecil School of Music, City High Math
 6 Club, and is a Camp Wapsi counselor; and
 7 WHEREAS, Michael Zhu, a senior at Dubuque Hempstead
 8 High School, and the son of Lisheng Zhu and Xin Wu of
 9 Dubuque, was born in China, plans to attend the
 10 Massachusetts Institute of Technology, and initiated a
 11 peer tutoring program for students in math; NOW
 12 THEREFORE,
 13 BE IT RESOLVED BY THE SENATE, That the Senate
 14 congratulates Elizabeth Bastiaans, Tony Cyr, Brandon
 15 Day, Alison Lentz, Claudia Lutz, Patrick Swieskowski,
 16 Emily Trump, Elizabeth Zeitler, and Michael Zhu on
 17 their achievement of the highest possible score of
 18 1,600 on the Scholastic Assessment Test and wishes
 19 them every success in all of their future endeavors.
 20 BE IT FURTHER RESOLVED, That, upon adoption, the
 21 Secretary of the Senate shall prepare a copy of this
 22 Resolution for presentation to Elizabeth Bastiaans,
 23 Tony Cyr, Brandon Day, Alison Lentz, Claudia Lutz,
 24 Patrick Swieskowski, Emily Trump, Elizabeth Zeitler,
 25 and Michael Zhu.

SENATE RESOLUTION 147: filed April 8, 2002; adopted by the Senate on April 12, 2002. Printed on Senate Journal page 1141.

SENATE RESOLUTION 148: filed April 8, 2002; adopted by the Senate on April 10, 2002. Printed on Senate Journal page 1060.

SENATE RESOLUTION 149: filed April 8, 2002; adopted by the Senate on April 10, 2002. Printed on Senate Journal page 1061.

SENATE RESOLUTION 150: filed April 8, 2002; adopted by the Senate on April 10, 2002. Printed on Senate Journal page 1063.

SENATE RESOLUTION 151: filed April 8, 2002; adopted by the Senate on April 11, 2002. Printed on Senate Journal page 1110.

SENATE RESOLUTION 152: filed April 8, 2002; adopted by the Senate on April 12, 2002.

1 SENATE RESOLUTION 152

2 By: McKibben

3 A Senate resolution requesting Iowa's congressional delegation

4 to work to permanently repeal the federal death tax.

5 WHEREAS, under federal tax relief legislation

6 passed in 2001, the death tax was temporarily phased

7 out, not permanently eliminated; and

8 WHEREAS, women and minorities are very often owners

9 of small and medium-sized businesses, and the death

10 tax prevents their children from reaping the rewards

11 of a lifetime trying to make a better life; and

12 WHEREAS, farmers will face losing their farms if

13 the federal government resumes the heavy taxation of

14 the estates of people who invested most of their

15 earnings back into their farms; and

16 WHEREAS, employees suffer when they lose their jobs

17 because many small and medium-sized businesses are

18 liquidated to pay death taxes and because high capital

19 costs depress the number of new businesses that could

20 offer them a job; and

21 WHEREAS, it has been estimated that if the federal

22 estate tax had been repealed in 1996, over the next

23 nine years the United States economy would have

24 averaged as much as \$11 billion per year in extra

25 output, and an average of one hundred forty-five

26 thousand additional new jobs would have been created;

27 and

28 WHEREAS, the persistent uncertainty created by the

29 federal sunset provision prevents families and small

30 businesses from taking advantage of the repeal; and

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1 WHEREAS, having passed both the United States House
2 of Representatives and the United States Senate,
3 elimination of the death tax has proven to hold wide
4 bipartisan support; NOW THEREFORE,
5 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
6 requests Iowa's elected representatives in the United
7 States Congress to support, work to pass, and vote for
8 the permanent repeal of the death tax.
9 BE IT FURTHER RESOLVED, That copies of this
10 Resolution be sent to the members of Iowa's
11 congressional delegation.

SENATE RESOLUTION 153: filed April 9, 2002; adopted by the Senate on April 10, 2002. Printed on Senate Journal page 1074.

SENATE RESOLUTION 154: filed April 9, 2002; adopted by the Senate on April 11, 2002.

1 SENATE RESOLUTION 154
2 By: Behn
3 A Senate resolution honoring the Des Moines Area Community College
4 Men's Basketball Team.
5 WHEREAS, the fans of the Des Moines Area Community
6 College (DMACC) Boone Bears and the citizens of Iowa
7 are greatly pleased that the DMACC Men's Basketball
8 Team had a spectacular regular season leading to their
9 capture of the Iowa Division II Junior College
10 Athletic Association Conference Championship and the
11 National Junior College Athletic Association (NJCAA)
12 Region XI Championship; and
13 WHEREAS, the DMACC Men's Basketball Team made its
14 fans and all Iowans proud by also advancing to the
15 NJCAA Division II National Tournament in Danville,
16 Illinois, during the week of March 20-23, 2002, where
17 the Boone Bears advanced through two rounds,
18 eventually placing fourth in the nation; and
19 WHEREAS, individual athletes on the team have been
20 honored by being named to the Iowa Community College
21 Athletic Conference All-Conference First Team, All-
22 Conference Second Team, and have received Honorable
23 Mention for the All-Conference Team; and
24 WHEREAS, Head Coach Orv Salmon, in only his second
25 year at DMACC, led his team to a 31-6 record, making
26 his career record at DMACC 60-10; and
27 WHEREAS, the DMACC Men's Basketball Team has proven
28 to be an outstanding blend of talented men who
29 individually, and as a team, are an asset to their
30 school, their community, and to all of Iowa; NOW

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1 THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Senate
3 congratulates Coach Orv Salmon and the Des Moines Area
4 Community College Men's Basketball Team on their
5 successful season and thanks them for the honor and
6 excitement they brought to the State of Iowa.
7 BE IT FURTHER RESOLVED, That upon passage, the
8 Secretary of the Senate shall cause an official copy
9 of this Resolution to be prepared for presentation to
10 Coach Orv Salmon and the Des Moines Area Community
11 College Men's Basketball Team.

SENATE RESOLUTION 155: filed April 9, 2002; adopted by the Senate on April 11, 2002.

1 SENATE RESOLUTION 155
2 By: Iverson, Angelo, Behn, Black, Boettger,
3 Bolkcom, Connolly, Dearden, Deluhery, Drake, Dvorsky,
4 Fiegen, Fink, Flynn, Fraise, Freeman, Gaskill,
5 Greiner, Gronstal, Hammond, Hansen, Harper, Holveck,
6 Horn, Houser, Jensen, Kibbie, King, Kramer, Lamberti,
7 Lord, Lundby, Maddox, McCoy, McKibben, McKinley,
8 Miller, Ragan, Redfern, Redwine, Rehberg, Rittmer,
9 Schuerer, Sexton, Shearer, Soukup, Tinsman, Veenstra,
10 and Zieman
11 A Senate resolution honoring and paying tribute to
12 Auditor of State Richard D. Johnson upon his
13 retirement from public office.
14 WHEREAS, Richard D. "Dick" Johnson will retire this
15 year after serving for 23 years as the Auditor of
16 State; and
17 WHEREAS, Richard D. Johnson is a native of Spencer,
18 Iowa, and received his bachelor's degree in accounting
19 from Drake University, and his CPA in this state; and
20 WHEREAS, Richard D. Johnson began his career of
21 public service as the Sheldahl City Clerk in 1959 and
22 was the Mayor of Sheldahl for 11 years from 1964-1975;
23 and
24 WHEREAS, Richard D. Johnson was appointed as the
25 Director of Finance for the Iowa Highway Commission in
26 1968 and was appointed as the first Director of the
27 Department of Transportation's Administration Division
28 in 1975; and
29 WHEREAS, Richard D. Johnson was appointed as the
30 Director of the Department of Transportation's Motor

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1 Vehicle Division in 1978; and
2 WHEREAS, Richard D. Johnson was appointed to the

3 position of Auditor of State by Governor Robert Ray in
 4 1979 after the incumbent died; and
 5 WHEREAS, Richard D. Johnson is a six-time winner of
 6 statewide office and has never lost an election; and
 7 WHEREAS, Richard D. Johnson was instrumental in
 8 helping the state weather the budget crisis of the
 9 mid-1990s and earned the respect of persons of both
 10 parties for his political courage and his lack of
 11 partisanship; and
 12 WHEREAS, Richard D. Johnson has been nationally
 13 recognized for his expertise by being elected
 14 President of the National Association of State
 15 Auditors, Comptrollers and Treasurers; and
 16 WHEREAS, Richard D. Johnson is a former member of
 17 the Auditing Standards Board of the American Institute
 18 of CPAs, becoming the first Iowan to serve on that
 19 board; and
 20 WHEREAS, Richard D. Johnson was internationally
 21 recognized for his expertise when he was commissioned
 22 by the United States Department of State to help
 23 develop accounting and financial systems in new
 24 democracies in the former Soviet Union; and
 25 WHEREAS, Richard D. Johnson has been the faithful
 26 and respected "Watchdog of the Treasury" since 1979;
 27 NOW THEREFORE,
 28 BE IT RESOLVED BY THE SENATE, That the Senate
 29 honors and pays tribute to Richard D. "Dick" Johnson,
 30 upon his retirement from public office, for his

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1 unwavering integrity and for his many years of public
 2 service benefiting the citizens of Iowa; and
 3 BE IT FURTHER RESOLVED, That upon passage of this
 4 Resolution, an official copy shall be prepared for
 5 presentation to Auditor of State Richard D. Johnson.

SENATE RESOLUTION 156: filed April 9, 2002; adopted by the
 Senate on April 12, 2002.

1 SENATE RESOLUTION 156
 2 By: Dvorsky
 3 A Senate resolution honoring Irene Bowers on her more than
 4 50-year teaching career in the Iowa City Community
 5 School District.
 6 WHEREAS, Irene Bowers received her bachelor of arts
 7 degree from the University of Iowa in 1939, and her
 8 master's degree from the University of Iowa in 1966;
 9 and
 10 WHEREAS, Irene Bowers taught physical education in
 11 the Iowa City Community School District from September

12 1944 through June 1947, worked five summers for the
 13 Iowa City and Coralville Recreation Department from
 14 1951 through 1955, then resumed her full-time teaching
 15 career in August 1955 at the school district, where
 16 she continues to teach today; and

17 WHEREAS, on May 13-15, 2002, the Iowa City
 18 Community School District will hold its 48th Annual
 19 Track and Field Days, an event cofounded by Irene
 20 Bowers; and

21 WHEREAS, thousands of children have happily skipped
 22 their way to health by participating in the "Jump Rope
 23 for Health" program she has supported and promoted in
 24 recent years; and

25 WHEREAS, Irene Bowers is known throughout her
 26 school, Twain Elementary School, for paying particular
 27 attention to the needs of children receiving special
 28 education services; and

29 WHEREAS, Irene Bowers is a professional educator
 30 who delights in working with children and who, in her

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1 more than 50-year career, has proven her dedication to
 2 their health and well-being; NOW THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, That the General
 4 Assembly of Iowa congratulates Irene Bowers for her
 5 long and distinguished teaching career and pays
 6 tribute to her for her more than 50 years of devoted
 7 service to the Iowa City Community School District and
 8 to the thousands of elementary school children whose
 9 physical exercise she encouraged and whose lives she
 10 influenced; and

11 BE IT FURTHER RESOLVED, That, upon passage, the
 12 Secretary of the Senate shall prepare an official copy
 13 of this Resolution for presentation to Irene Bowers.

SENATE RESOLUTION 157: filed April 9, 2002; adopted by the
 Senate on April 11, 2002.

1 SENATE RESOLUTION 157
 2 By: McKean
 3 A Senate resolution congratulating the University of Iowa Mock
 4 Trial Team on winning the 2002 Undergraduate Inter-
 5 collegiate Mock Trial Competition National
 6 Championship.
 7 WHEREAS, the Undergraduate Mock Trial Program
 8 originated in 1985 with the objective of providing
 9 undergraduate students with an opportunity to learn
 10 first-hand about the work of trial attorneys, to
 11 understand the judicial system, and to develop
 12 critical thinking and enhanced communication skills;

13 and

14 WHEREAS, the program is designed to facilitate the
15 growth of the individual student as a person able to
16 work with and support others, as a knowledgeable
17 citizen acquainted with the legal system, and as a
18 community leader working for the betterment of
19 humanity; and

20 WHEREAS, the program has grown from an initial mock
21 trial competition involving 12 teams competing from
22 eight colleges and universities to the most recent
23 season of competitions involving over 400 registered
24 teams representing 37 states and the District of
25 Columbia; and

26 WHEREAS, 64 mock trial teams recently competed in
27 Des Moines, Iowa, from April 4 through April 8, 2002,
28 in a tournament leading to the title of national
29 champion; and

30 WHEREAS, the University of Iowa Mock Trial Team won

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1 both the divisional and national championship during
2 that competition; NOW THEREFORE,

3 BE IT RESOLVED BY THE SENATE, That the Senate
4 congratulates the University of Iowa Mock Trial Team
5 on its outstanding achievement in winning the 2002
6 Undergraduate Intercollegiate Mock Trial Competition
7 National Championship; and

8 BE IT FURTHER RESOLVED, That an official copy of
9 this Resolution be prepared and forwarded by the
10 Secretary of the Senate to the members of the
11 University of Iowa Mock Trial Team, the President of
12 the University of Iowa, and the President of the
13 American Mock Trial Association.

SENATE RESOLUTION 158: filed April 9, 2002; adopted by the Senate on April 12, 2002. Printed on Senate Journal page 1158.

SENATE RESOLUTION 159: filed April 9, 2002; adopted by the Senate on April 12, 2002. Printed on Senate Journal page 1156.

SENATE RESOLUTION 160: filed April 10, 2002; adopted by the Senate on April 12, 2002.

1 SENATE RESOLUTION 160

2 By: Dvorsky

3 A Senate resolution congratulating the City of

4 Coralville for receiving a first-place award in

5 the 2001 international Nations in Bloom competition.

6 WHEREAS, the City of Coralville won the 2001

7 Nations in Bloom environmental award for a city with a
8 population of more than 20,000 and up to 75,000; and
9 WHEREAS, the City of Coralville competed with 10
10 other comparably sized cities, including cities from
11 England, Uganda, Russia, and the Netherlands, and was
12 the only city in the United States to receive a first-
13 place award; and

14 WHEREAS, Nations in Bloom was begun in 1997 and is
15 the world's only competition for local communities
16 that focuses on good environmental management and the
17 creation of liveable communities; and

18 WHEREAS, Nations in Bloom covers five population
19 categories, and communities are judged as to how they
20 are performing within the cultural, political,
21 economic, geographic, and climatic environment in
22 which they are situated; and

23 WHEREAS, Nations in Bloom enjoys the endorsement of
24 the United Nations Environment Programme and the
25 support of numerous governments and government
26 agencies; and

27 WHEREAS, the Nations in Bloom competition credits
28 the City of Coralville for its attention to landscape
29 enhancement, heritage management, adoption of
30 environmentally sensitive practices, community

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1 involvement, and creative planning for the future; NOW
2 THEREFORE,

3 BE IT RESOLVED BY THE SENATE, That the Senate
4 congratulates the City of Coralville for its many
5 accomplishments and especially for attaining
6 international recognition for these accomplishments by
7 receiving a first-place Nations in Bloom award; and

8 BE IT FURTHER RESOLVED, That upon passage of this
9 Resolution, an official copy shall be sent by the
10 Secretary of the Senate to the Mayor of the City of
11 Coralville.

SENATE RESOLUTION 161: filed April 10, 2002; adopted by
the Senate on April 12, 2002.

1 SENATE RESOLUTION 161

2 By: Black

3 A Senate resolution supporting a proposal to invite the
4 Republic of China (Taiwan) to participate in the
5 upcoming meeting of the World Health Assembly as an
6 observer.

7 WHEREAS, the next World Health Assembly meeting is
8 scheduled to take place on May 13 through 18, 2002, in
9 Geneva, Switzerland; and

10 WHEREAS, the Republic of China, commonly known as
11 Taiwan, was a founding member of the World Health
12 Organization and participated for 24 years as a full
13 member contributing to the achievement of the
14 organization's objectives; and

15 WHEREAS, in 1972, in the wake of the admission of
16 the People's Republic of China to the United Nations,
17 Taiwan's membership in the World Health Organization
18 was discontinued; and

19 WHEREAS, Taiwanese health officials and medical
20 professionals have been unable to participate in World
21 Health Organization forums and workshops regarding
22 technological advances in the diagnosis, monitoring,
23 and control of diseases since 1972, and have been
24 denied the right to maintain contact and coordination
25 with the World Health Organization in emergency
26 situations involving the containment and cure of
27 existing and newly emerging infectious diseases; and

28 WHEREAS, Taiwan's location at the juncture of
29 important maritime routes between northeast and
30 southeast Asia has resulted in extensive world trade

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1 with Taiwan, a thriving Taiwanese tourism industry,
2 and a large foreign migrant worker population in
3 Taiwan; and

4 WHEREAS, Taiwan's absence from the World Health
5 Organization system has become a missing link in the
6 global framework of providing health care; and

7 WHEREAS, the granting of observer status to Taiwan
8 would not constitute a challenge to participation by
9 the People's Republic of China in the World Health
10 Organization and would demonstrate that the
11 organization is inclusive with regard to Taiwan's 23
12 million inhabitants; and

13 WHEREAS, as a democratically elected government,
14 the government of Taiwan has a duty and responsibility
15 to ensure that the people of Taiwan are represented by
16 an organization which establishes and oversees an
17 international framework for the control of disease and
18 the promotion of universal health; and

19 WHEREAS, Taiwan has made substantial progress in
20 the health field, has one of the highest life
21 expectancy rates in Asia, has maternal and infant
22 mortality rates comparable to those in western
23 countries, has eradicated infectious diseases such as
24 cholera, smallpox, and the plague, and has been the
25 first country in the region to eradicate polio and
26 provide children with hepatitis B vaccinations; and

27 WHEREAS, Taiwan has expressed a willingness in
28 recent years to provide financial and technological

29 assistance in international aid and health activities
30 supported by the World Health Organization; NOW

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1 THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Senate
3 supports the granting of observer status to Taiwan
4 during the World Health Assembly to be held in May
5 2002; and
6 BE IT FURTHER RESOLVED, That an official copy of
7 this Resolution be prepared and forwarded by the
8 Secretary of the Senate to the President of the United
9 States, the government of Taiwan, and the governing
10 authority of the World Health Organization.

SENATE RESOLUTION 162: filed April 10, 2002; adopted by
the Senate on April 12, 2002.

1 SENATE RESOLUTION 162
2 By: Harper and Redfern
3 A Senate resolution recognizing Ms. Effie Burt for her
4 composition, "I'll Make Me a World".
5 WHEREAS, Ms. Effie Burt, an esteemed resident of
6 Waterloo, Iowa, has composed "I'll Make Me a World", a
7 song reflecting on the best qualities of Iowa, to
8 remind her daughter and others that Iowa is a state in
9 which dreams may be made and achieved; and
10 WHEREAS, Ms. Burt's initiative in composing "I'll
11 Make Me a World" is both commendable and inspirational
12 and reflects a continuing dedication to the values and
13 traditions at the core of the Iowa spirit; and
14 WHEREAS, Ms. Burt's composition is a worthy
15 companion to the official state song, "The Song of
16 Iowa", by S. H. M. Byers; NOW THEREFORE,
17 BE IT RESOLVED BY THE SENATE, That the Senate
18 recognizes Ms. Effie Burt for her composition, "I'll
19 Make Me a World", and thanks her for her initiative
20 and ongoing dedication to Iowa and for using her
21 musical talent in such a beneficial manner; and
22 BE IT FURTHER RESOLVED, That the Senate encourages
23 the use of "I'll Make Me a World" as a companion to
24 the official state song; and
25 BE IT FURTHER RESOLVED, That, upon passage, the
26 Secretary of the Senate shall cause an official copy
27 of this Resolution to be prepared for presentation to
28 Ms. Effie Burt.

SENATE RESOLUTION 165: filed April 11, 2002; adopted by the Senate on April 12, 2002.

1 SENATE RESOLUTION 165
2 By: Gronstal
3 A Senate resolution thanking state employees who have been laid off
4 or furloughed for their service to the state.
5 WHEREAS, the service of state employees to the
6 citizens of Iowa is critical to making this state a
7 better place for all Iowans; and
8 WHEREAS, numerous state employees, many with long
9 years of service to the state, have been laid off and
10 their employment with the state terminated during this
11 past fiscal year; and
12 WHEREAS, several other state employees have been
13 furloughed or may be furloughed in the future and will
14 still be called upon to continue to provide the same
15 service to the citizens of Iowa; and
16 WHEREAS, the sacrifices made by state employees,
17 especially those furloughed or whose employment has
18 been terminated, goes largely unnoticed and
19 unrecognized by the people they have served; NOW
20 THEREFORE,
21 BE IT RESOLVED BY THE SENATE, That the Senate
22 recognize all state employees who have been laid off
23 or furloughed and thank them for their hard work and
24 service to the citizens of Iowa.

SENATE RESOLUTION 166: filed from the floor; adopted by the Senate on April 12, 2002.

1 SENATE RESOLUTION 166
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, 2002 and ending June 30, 2003, are budgeted to be
 23 as follows:

- 24 1. Session expenses including members' and
 25 temporary staff compensation and other current
 26 expenses in an amount not to exceed \$2,968,949.
- 27 2. Interim expenses including members' and staff
 28 compensation and other current expenses in an amount
 29 not to exceed \$114,000.
- 30 3. Fixed expenses, including permanent employees'

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1 compensation and equipment in an amount not to exceed
 2 \$2,167,277.

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 \$0.

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 \$50,000.

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.

SENATE RESOLUTION 167: filed from the floor; adopted by the Senate on April 12, 2002.

1 SENATE RESOLUTION 167
 2 By: Committee on Rules and Administration
 3 A Senate resolution requesting the Secretary of Agriculture to
 4 establish a task force to study value-added agricultural
 5 issues.
 6 WHEREAS, the General Assembly recognizes the
 7 importance of the multibillion dollar Iowa agriculture
 8 economy and critical role that public policy plays on
 9 this vital segment of the economy; and
 10 WHEREAS, future economic growth in Iowa depends on
 11 the availability of value-added markets for
 12 agricultural products; NOW THEREFORE,
 13 BE IT RESOLVED BY THE SENATE, That the Secretary of
 14 Agriculture establish a task force to complete a
 15 thorough review of Iowa's public policy related to
 16 value-added agriculture, opportunities for producers
 17 to access financing, opportunities for producers to
 18 access processing and value-added markets for their
 19 products, the impact of the structure of Iowa
 20 agriculture on future economic growth and the long-
 21 term ability of the independent livestock producer to
 22 play a viable economic role in Iowa's agricultural
 23 future; and
 24 BE IT FURTHER RESOLVED, That the task force shall,
 25 at a minimum, consist of a representative of the Iowa
 26 Cattlemen's Association, a representative of the Iowa
 27 Pork Producers Association, a representative of the
 28 Iowa Corn Growers Association, a representative of the
 29 Iowa Soybean Association, a representative of the Iowa
 30 Poultry Association, a representative of the Iowa

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1 Bankers Association, a representative of the
 2 Agribusiness Association of Iowa, a representative of
 3 the Iowa Area Development Group, a representative of
 4 the Professional Developers of Iowa, a professor of
 5 agricultural policy and economics designated by the
 6 President of Iowa State University of Science and
 7 Technology, two persons representing value-added
 8 processors doing business in Iowa, the chairpersons

9 and ranking members of the standing committees on
 10 Agriculture in both the Senate and the House of
 11 Representatives, the Director of the Department of
 12 Natural Resources, and the Secretary of Agriculture;
 13 and

14 BE IT FURTHER RESOLVED, That the Secretary of
 15 Agriculture shall serve as chairperson of the task
 16 force; and

17 BE IT FURTHER RESOLVED, That, by January 10, 2003,
 18 the task force shall submit a written report to the
 19 General Assembly regarding the findings of the task
 20 force which shall include recommendations.

SENATE CONCURRENT RESOLUTION 101: filed January 14,
 2002; adopted by the Senate on January 17, 2002; adopted by the
 House on February 14, 2002.

1 SENATE CONCURRENT RESOLUTION 101

2 By: Committee on Rules and Administration

3 A concurrent resolution to amend Joint Rule 20
 4 of the joint rules of the Senate and House.

5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 6 REPRESENTATIVES CONCURRING, That Joint Rule 20,
 7 adopted by the Seventy-ninth General Assembly, 2001
 8 Session, providing for time of committee passage and
 9 consideration of bills, is amended for the 2002

10 Session as follows:

11 Rule 20

12 Time of Committee Passage and Consideration of Bills

13 1. This rule does not apply to concurrent or
 14 simple resolutions, joint resolutions nullifying
 15 administrative rules, senate confirmations, bills
 16 embodying redistricting plans prepared by the
 17 legislative service bureau pursuant to chapter 42, or
 18 bills passed by both houses in different forms.
 19 Subsection 2 of this rule does not apply to
 20 appropriations bills, ways and means bills, legalizing
 21 acts, administrative rules review committee bills,
 22 bills sponsored by standing committees in response to
 23 a referral from the president of the senate or the
 24 speaker of the house of representatives relating to an
 25 administrative rule whose effective date has been
 26 delayed until the adjournment of the next regular
 27 session of the general assembly by the administrative
 28 rules review committee, bills cosponsored by majority
 29 and minority floor leaders of one house, bills in
 30 conference committee, and companion bills sponsored by

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1 the majority floor leaders of both houses after
 2 consultation with the respective minority floor
 3 leaders. For the purposes of this rule, a joint
 4 resolution is considered as a bill. To be considered
 5 an appropriations or ways and means bill for the
 6 purposes of this rule, the appropriations committee or
 7 the ways and means committee must either be the
 8 sponsor of the bill or the committee of first referral
 9 in the originating house.

10 2. To be placed on the calendar in the house of
 11 origin, a bill must be first reported out of a
 12 standing committee by Friday of the 10th week of the
 13 first session and the ~~8th~~ 6th week of the second
 14 session. To be placed on the calendar in the other
 15 house, a bill must be first reported out of a standing
 16 committee by Friday of the 13th week of the first
 17 session and the ~~11th~~ 9th week of the second session.

18 3. During the 11th week of the first session and
 19 the ~~9th~~ 7th week of the second session, each house
 20 shall consider only bills originating in that house
 21 and unfinished business. During the 14th week of the
 22 first session and the ~~12th~~ 10th week of the second
 23 session, each house shall consider only bills
 24 originating in the other house and unfinished
 25 business. Beginning with the 15th week of the first
 26 session and the ~~13th~~ 11th week of the second session,
 27 each house shall consider only bills passed by both
 28 houses, bills exempt from subsection 2, and unfinished
 29 business.

30 4. A motion to reconsider filed and not disposed

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1 of on an action taken on a bill or resolution which is
 2 subject to a deadline under this rule may be called up
 3 at any time before or after the day of the deadline by
 4 the person filing the motion or after the deadline by
 5 the majority floor leader, notwithstanding any other
 6 rule to the contrary.

SENATE CONCURRENT RESOLUTION 104: filed January 23,
 2002; as amended and adopted by the Senate on January 31, 2002;
 concurred and adopted by the House on February 20, 2002.

1 SENATE CONCURRENT RESOLUTION 104
 2 By: Committee on Agriculture
 3 (SUCCESSOR TO SSB 3012)
 4 A concurrent resolution urging the United States
 5 Congress provide funding for the modernization of

6 lock and dam infrastructure on the Upper Mississippi
7 and Illinois Rivers Inland Waterways Transportation
8 System.

9 WHEREAS, over 360 miles of the Upper Mississippi
10 River and 11 navigation locks and dams are contained
11 on the border of or in the state of Iowa; and

12 WHEREAS, there are approximately 70 manufacturing
13 facilities, terminals, and docks on the waterways of
14 Iowa, providing thousands of jobs in this state; and

15 WHEREAS, the construction of the lock and dam
16 system has spurred economic growth and a higher
17 standard of living in the Mississippi and Illinois
18 river basin, and today supplies more than 300 million
19 tons of the nation's cargo, supporting more than
20 400,000 jobs, including 90,000 in manufacturing; and

21 WHEREAS, more than 60 percent of American
22 agricultural exports including corn, wheat, and
23 soybeans are shipped down the Mississippi and Illinois
24 rivers to foreign markets; and

25 WHEREAS, Iowa agricultural producers, industry, and
26 consumers rely on efficient transportation to remain
27 competitive in a global economy, with efficiencies in
28 river transport offsetting higher costs compared to
29 those incurred by foreign competitors; and

30 WHEREAS, the Upper Mississippi and Illinois lock

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1 and dam system annually saves our nation more than
2 \$1.5 billion in higher transportation costs; and

3 WHEREAS, approximately 17 million tons of
4 commodities and products including grain, coal,
5 chemicals, and aggregates are annually shipped to,
6 from, and within Iowa by barge, representing \$2.7
7 billion in value; and

8 WHEREAS, shippers moving by barge in Iowa realize
9 an annual savings of approximately \$170 million
10 compared to other transportation modes; and

11 WHEREAS, Iowa docks ship commodities and products
12 by barge to 14 states and receive commodities and
13 products from 18 states; and

14 WHEREAS, river transportation is the most
15 environmentally benign form of transporting
16 commodities and products, creating minimal levels of
17 noise pollution, and emitting 35 to 60 percent fewer
18 pollutants than trucks or trains, according to the
19 United States Environmental Protection Agency; and

20 WHEREAS, decreasing river transport capacity would
21 add millions of trucks and railcars to our nation's
22 transportation infrastructure, dramatically increasing
23 air pollution, traffic congestion, and highway
24 maintenance costs; and

25 WHEREAS, lakes and wildlife refuges created by the
 26 lock and dam system provide habitat and breeding
 27 grounds for migratory waterfowl and fish; and
 28 WHEREAS, the lakes and 500 miles of wildlife refuge
 29 along the Upper Mississippi and Illinois river basin
 30 support a \$1 billion-a-year recreational industry,

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1 including hunting, fishing, and tourism; and
 2 WHEREAS, many of Iowa's locks and dams are more
 3 than 60 years old and only 600 feet in length, making
 4 them unable to accommodate modern barge tows of up to
 5 1,200 feet long, nearly tripling locking times and
 6 causing lengthy delays and ultimately increasing
 7 shipping costs; and
 8 WHEREAS, the expansion and modernization of locks
 9 has been proven nationwide as the best method of
 10 optimizing efficiency, reducing congestion, and
 11 providing for additional safety of inland waterway
 12 administration; and
 13 WHEREAS, failing to construct 1,200-foot locks will
 14 force agricultural producers and industry to use more
 15 expensive alternative modes of transportation,
 16 including road and rail systems; and
 17 WHEREAS, according to the United States Army Corps
 18 of Engineers, congestion along the Upper Mississippi
 19 and Illinois rivers costs agricultural producers and
 20 consumers in the basin \$98 million per year in higher
 21 transportation costs; and
 22 WHEREAS, upgrading the system of locks and dams on
 23 the Upper Mississippi and Illinois rivers will provide
 24 3,000 construction and related jobs over a 15-year to
 25 20-year period; NOW THEREFORE,
 26 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 27 REPRESENTATIVES CONCURRING, That the General Assembly
 28 recognizes the importance of the Upper Mississippi and
 29 Illinois Rivers Inland Transportation System to the
 30 economic prosperity and ecological vitality of the

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1 state, the region, and the nation, and urges the
 2 United States Congress to provide immediate funding to
 3 modernize its lock and dam infrastructure.
 4 BE IT FURTHER RESOLVED, That the Secretary of the
 5 Senate send copies of this concurrent resolution to
 6 the President of the United States; the Chief of
 7 Engineers and Commander of the United States Corps of
 8 Engineers; the President of the United States Senate;
 9 the Speaker of the United States House of
 10 Representatives; the Chair of the Senate Committee on

11 Commerce, Science, and Transportation; the Chair of
 12 the United States Senate Committee on Agriculture,
 13 Nutrition and Forestry; the Chair of the House of
 14 Representatives Committee on Transportation and
 15 Infrastructure; the Chair of the United States House
 16 of Representatives Committee on Agriculture; and
 17 Iowa's congressional delegation.

SENATE CONCURRENT RESOLUTION 107: filed January 30,
 2002; adopted by the Senate on February 5, 2002.

1 SENATE CONCURRENT RESOLUTION 107
 2 By: Kramer, Veenstra, Boettger, Redwine, Lamberti,
 3 Tinsman, Bolkcom, Kibbie, Soukup, Hammond, King,
 4 Zieman, McKibben, Shearer, Jensen, Rehberg, Dearden,
 5 Fink, Iverson, Rittmer, Behn, Horn, Dvorsky, Black,
 6 McKinley, Houser, Freeman, Drake, Greiner, Lundby,
 7 Connolly, Gronstal, Fraise, Harper, Sexton, McCoy,
 8 Holveck, Deluhery, Schuerer, Maddox, Redfern, and
 9 Flynn
 10 A concurrent resolution relating to the Medicaid
 11 program and requesting assistance from the federal
 12 government.
 13 WHEREAS, the Medicaid program provides health and
 14 long-term care coverage for tens of millions of
 15 Americans; and
 16 WHEREAS, the Medicaid program is jointly financed
 17 with state and federal funds, with the federal
 18 portion, the Federal Medical Assistance Percentage
 19 (FMAP), being recalculated, annually, based on the
 20 relationship between each state's per capita personal
 21 income and the national average per capita personal
 22 income over three calendar years; and
 23 WHEREAS, the Federal Medical Assistance Percentage
 24 for fiscal year 2003 will be based on state income for
 25 the 1998-2000 period, which does not reflect the
 26 current economic downturn; and
 27 WHEREAS, in addition to the receipt of federal
 28 funds based on the Federal Medical Assistance
 29 Percentage, many states have relied on the use of the
 30 upper payment limit process in the payment of public

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1 nursing facilities and public hospitals to meet the
 2 costs of their Medicaid programs; and
 3 WHEREAS, the upper payment limit process under the
 4 Medicaid program was revised in 2001 resulting in the
 5 elimination of the upper payment limit process, after
 6 a transition period, for all but public hospitals; and
 7 WHEREAS, final rules published in January 2002 by

8 the Centers for Medicare and Medicaid Services of the
9 United States Department of Health and Human Services
10 would revise the upper payment limit for public
11 hospitals down from 150 percent of the Medicare limit
12 to 100 percent, resulting in an additional reduction
13 in the receipt of federal funds by the states; and

14 WHEREAS, many states were experiencing increased
15 growth in Medicaid spending due to health care
16 inflation, rising prescription drug costs, the unique
17 role of Medicaid in serving elderly and disabled
18 populations that often have high medical costs, and
19 other factors, prior to the recent economic downturn;
20 and

21 WHEREAS, in times of economic downturn, due to loss
22 of employment and other factors, the number of people
23 eligible for Medicaid increases, resulting in the
24 competing pressures on the states to maintain or
25 expand their Medicaid programs while at the same time
26 to reduce state Medicaid spending; and

27 WHEREAS, state budget shortfalls that force states
28 to trim their Medicaid programs to reduce state
29 Medicaid spending may be counterproductive by
30 simultaneously reducing the influx into the state of

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1 an equal or even greater amount of federal Medicaid
2 funds, thereby foregoing a potential stimulus to the
3 economy; and

4 WHEREAS, the federal government, unlike a majority
5 of the states, is not subject to a balanced budget
6 requirement and can therefore increase expenditures
7 during economic downturns; and

8 WHEREAS, time is of the essence in addressing the
9 current state budget shortfall, including the Medicaid
10 budget within the current fiscal year; NOW THEREFORE,

11 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
12 REPRESENTATIVES CONCURRING, That the General Assembly
13 of the State of Iowa urges the United States Congress
14 to increase the Federal Medical Assistance Percentage
15 rate, and to also provide a one-time supplementary
16 appropriation to the states under the Medicaid program
17 to maintain current eligibility standards and
18 benefits; and

19 BE IT FURTHER RESOLVED, That the General Assembly
20 of the State of Iowa urges the Centers for Medicare
21 and Medicaid Services of the United States Department
22 of Health and Human Services to approve the Iowa
23 Medicaid state plan amendment submitted on November
24 26, 2001, to allow Iowa, like other states, to utilize
25 the upper payment limit for assessment of payments to
26 public hospitals; and

27 BE IT FURTHER RESOLVED, That the General Assembly
 28 of the State of Iowa urges the President of the United
 29 States, the Congress of the United States, and the
 30 Secretary of Health and Human Services to implement

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1 strategies to contain the growing costs of health care
 2 and specifically the costs of the Medicaid program;
 3 and
 4 BE IT FURTHER RESOLVED, That copies of this
 5 resolution be sent by the Secretary of the Senate to
 6 the President of the United States, the President of
 7 the United States Senate, the Speaker of the United
 8 States House of Representatives, the United States
 9 Secretary of Health and Human Services, and to all
 10 members of Iowa's congressional delegation.

SENATE CONCURRENT RESOLUTION 109: filed February 7,
 2002; adopted by the Senate on March 26, 2002.

1 SENATE CONCURRENT RESOLUTION 109
 2 By: Hansen
 3 A concurrent resolution requesting that the governor
 4 annually designate the third week in the month of
 5 October as Cultural Awareness Week.
 6 WHEREAS, the people of Iowa celebrate the spirit of
 7 diversity with harmony represented by the various
 8 cultures that make up the fabric of the state of Iowa;
 9 and
 10 WHEREAS, many cultures have contributed to the rich
 11 heritage of the state of Iowa; and
 12 WHEREAS, the diversity of the people in this state
 13 enhances Iowa's economic, political, and cultural
 14 vitality; and
 15 WHEREAS, it is important to take time to reflect on
 16 the importance of Iowa's individual and collective
 17 heritage; and
 18 WHEREAS, it is important to teach the children of
 19 Iowa tolerance and respect for the rich variety of
 20 Iowa's people; NOW THEREFORE,
 21 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 22 REPRESENTATIVES CONCURRING, That the governor is
 23 requested to annually proclaim the third week in the
 24 month of October as Cultural Awareness Week, to
 25 encourage the citizens of the state to reflect on the
 26 many contributions of different cultures to the vigor
 27 of the state, and to encourage the state's educators
 28 to teach the children of Iowa that the people of Iowa
 29 and the state of Iowa together are truly "many faces,
 30 one state"; and

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- 1 BE IT FURTHER RESOLVED, That upon passage of this
- 2 Resolution, an official copy shall be transmitted to
- 3 the governor.

SENATE CONCURRENT RESOLUTION 110: filed February 13, 2002; adopted by the Senate on March 27, 2002.

1 SENATE CONCURRENT RESOLUTION 110
 2 By: Houser
 3 A concurrent resolution honoring Dr. William Campbell
 4 for more than fifty years of service to the people
 5 of Iowa.
 6 WHEREAS, Dr. William Campbell began his career of
 7 service in this state as public school psychologist in
 8 1951; and
 9 WHEREAS, Dr. Campbell served as assistant
 10 administrator of the State Mental Health Institute at
 11 Cherokee from 1952 until 1968 and was director of
 12 planning and research for the predecessor agency to
 13 the Department of Human Services in 1968 and 1969; and
 14 WHEREAS, Dr. Campbell has served as the
 15 superintendent of the Glenwood Resource Center from
 16 March 19, 1969, to the present, and during that period
 17 he also served for three years as superintendent of
 18 the State Mental Health Institute at Clarinda; and
 19 WHEREAS, Dr. Campbell has been a leader in numerous
 20 state and national organization efforts for improving
 21 the quality of services to persons with mental illness
 22 or developmental disabilities and for enhancing the
 23 level of professionalism among those who provide the
 24 services; and
 25 WHEREAS, Dr. Campbell's accomplishments and
 26 interests are many as demonstrated by his attainment
 27 of the rank of full colonel in the Army Reserve, by
 28 riding his bicycle great distances on the Des Moines
 29 Register's Annual Great Bicycle Ride Across Iowa
 30 (RAGBRAI), by playing bridge, and by visiting resource

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- 1 center residents in area hospitals; and
- 2 WHEREAS, Dr. Campbell and his wife, Jo, are parents
- 3 to Doug, Gregg, and Steve, grandparents, and great-
- 4 grandparents; NOW THEREFORE,
- 5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
- 6 REPRESENTATIVES CONCURRING, That the General Assembly
- 7 of the State of Iowa recognizes Dr. William Campbell
- 8 and, on behalf of the people of Iowa, expresses
- 9 grateful appreciation to Dr. Campbell for his many

10 years of public service, particularly his efforts
 11 involving persons with developmental disabilities who
 12 have been served through the State Resource Center at
 13 Glenwood; and
 14 BE IT FURTHER RESOLVED, That the Secretary of the
 15 Senate shall produce an official copy of this
 16 resolution for presentation to Dr. William Campbell.

SENATE CONCURRENT RESOLUTION 114: filed from the floor;
 adopted by the Senate on February 26, 2002; adopted by the House on
 February 27, 2002.

1 SENATE CONCURRENT RESOLUTION 114
 2 By: Committee on Rules and Administration
 3 A concurrent resolution to suspend joint rule 20
 4 of the joint rules of the Senate and House of
 5 Representatives for the Seventy-ninth General
 6 Assembly to allow for the consideration of
 7 Senate File 2304 by the House of Representatives
 8 during the seventh week of the 2002 regular session.
 9 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 10 REPRESENTATIVES CONCURRING, That joint rule 20,
 11 subsection 3, of the permanent joint rules of the
 12 Senate and House of Representatives for the Seventy-
 13 ninth General Assembly is suspended to allow the House
 14 of Representatives to consider Senate File 2304 during
 15 the seventh week of the 2002 regular session.

SENATE CONCURRENT RESOLUTION 115: filed February 27,
 2002; adopted by the Senate on March 19, 2002.

1 SENATE CONCURRENT RESOLUTION 115
 2 By: Maddox
 3 A concurrent resolution designating March 2002 as
 4 Iowa Women's History Month.
 5 WHEREAS, Iowa women of every race, class, and
 6 ethnic background have made historic contributions to
 7 the growth and strength of our state and nation in
 8 countless recorded and unrecorded ways, including
 9 through the struggle for women's rights; and
 10 WHEREAS, Iowa women have played and continue to
 11 play a critical economic, cultural, and social role by
 12 constituting a significant portion of the labor force
 13 working inside and outside the home despite being
 14 underpaid; and
 15 WHEREAS, Iowa women were particularly important in
 16 the establishment of early charitable, philanthropic,
 17 and cultural institutions in our state and nation; and
 18 WHEREAS, Iowa women and men amended the
 19 Constitution of the State of Iowa to provide that "All

20 men and women are, by nature, free and equal, and have
 21 certain inalienable rights. . ."; and
 22 WHEREAS, Iowa women have been leaders in the
 23 abolitionist movement, the emancipation movement, the
 24 industrial labor movement, the civil rights movement,
 25 the peace movement, and the women's suffrage movement,
 26 which have created a more fair and just society for
 27 all people; and
 28 WHEREAS, despite these contributions, and those of
 29 women throughout the world, the role of women has been
 30 consistently overlooked and undervalued in the

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1 literature, teaching, and study of history; NOW
 2 THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 4 REPRESENTATIVES CONCURRING, That the General Assembly
 5 designate the month of March 2002 as Iowa Women's
 6 History Month and invite the citizens of Iowa to
 7 continue to uncover the roles women have played
 8 throughout history.

SENATE CONCURRENT RESOLUTION 117: filed March 13,
 2002; adopted by the Senate on April 11, 2002.

1 SENATE CONCURRENT RESOLUTION 117
 2 By: Dvorsky and King
 3 A concurrent resolution honoring Mr. Harold "Tommy"
 4 Thompson upon his retirement as the Executive
 5 Director of the Iowa Communications Network.
 6 WHEREAS, Mr. Harold "Tommy" Thompson has had a long
 7 and distinguished career of service to the citizens of
 8 the State of Iowa, highlighted by serving as State
 9 Project Coordinator for the Papal Visit in 1979,
 10 spearheading the Statewide Recovery Task Force
 11 associated with the farm crisis in 1985, chairing the
 12 Iowa Flood Recovery Task Force from 1993 through 1995,
 13 and serving as the Executive Director of the Iowa 2010
 14 Project aimed at improving the quality of life in Iowa
 15 by the year 2010; and
 16 WHEREAS, Mr. Thompson served in the Iowa National
 17 Guard for over 40 years, and formerly held the
 18 position of Deputy Adjutant General; and
 19 WHEREAS, Mr. Thompson has served as the Executive
 20 Director of the Iowa Communications Network since its
 21 inception in 1994; and
 22 WHEREAS, under Mr. Thompson's leadership, the Iowa
 23 Communications Network has become the largest fully
 24 automated full motion video network in the world,
 25 providing advanced services to education, state and

26 federal government, library, telemedicine, and
 27 telejustice users; and
 28 WHEREAS, Mr. Thompson's commitment to integrating
 29 technologies to enhance Iowa's quality of life has
 30 resulted in reducing the digital divide which

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1 previously isolated rural communities in the state and
 2 has assured authorized users of the Iowa
 3 Communications Network low-cost access to network
 4 services; and

5 WHEREAS, during his tenure with the Iowa
 6 Communications Network, Mr. Thompson created the
 7 network structure, completed the Part III connections
 8 to school districts and libraries bringing the total
 9 number of classrooms connected to the network to 754,
 10 and made substantial progress toward the completion of
 11 a major network upgrade and increase in services; and

12 WHEREAS, Mr. Thompson's vision and stewardship have
 13 brought the Iowa Communications Network alive for
 14 thousands of students and citizens of the State of
 15 Iowa, opening up opportunities for learning and access
 16 to needed services which would otherwise not exist;

17 NOW THEREFORE,

18 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 19 REPRESENTATIVES CONCURRING, That the General Assembly
 20 of the State of Iowa pay tribute to Mr. Harold "Tommy"
 21 Thompson for his outstanding accomplishments on behalf
 22 of, and devoted service to, the Iowa Communications
 23 Network and the citizens of this state, and, upon his
 24 retirement, wish him health and happiness in the years
 25 ahead; and

26 BE IT FURTHER RESOLVED, That an official copy of
 27 this Resolution be prepared and presented to Mr.
 28 Harold "Tommy" Thompson.

SENATE CONCURRENT RESOLUTION 118: filed April 2, 2002;
 adopted by the Senate on April 12, 2002.

1 SENATE CONCURRENT RESOLUTION 118

2 By: Lundby
 3 A concurrent resolution supporting enactment of
 4 Medicare coverage of oral cancer drugs.

5 WHEREAS, cancer is a leading cause of morbidity and
 6 mortality in the State of Iowa and throughout the
 7 nation; and

8 WHEREAS, cancer is disproportionately a disease of
 9 the elderly, with more than half of all cancer
 10 diagnoses occurring in persons age sixty-five or
 11 older, who are dependent on the federal Medicare

12 program for provision of cancer care; and
13 WHEREAS, while treatment with anticancer drugs is
14 the cornerstone of modern cancer care and elderly
15 cancer patients must have access to potentially life-
16 extending drug therapy, the Medicare program's
17 coverage of drugs is limited to injectable drugs or
18 oral drugs that have an injectable version; and
19 WHEREAS, the nation's investment in biomedical
20 research has begun to bear fruit with a compelling
21 array of new oral anticancer drugs that are less
22 toxic, more effective, and more cost-effective than
23 existing therapies, but, because such drugs do not
24 have an injectable equivalent, they are not covered by
25 Medicare; and
26 WHEREAS, noncoverage of these important new
27 products leaves many Medicare beneficiaries confronted
28 with the choice of either substantial out-of-pocket
29 personal costs or selection of more toxic, less
30 effective treatments that are covered by the program;

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1 and
2 WHEREAS, Medicare's failure to cover oral
3 anticancer drugs leaves at-risk many program
4 beneficiaries suffering from blood-related cancers
5 such as leukemia, lymphoma, and myeloma, as well as
6 cancers of the breast, lung, and prostate; and
7 WHEREAS, certain members of the United States
8 Congress have recognized the necessity of Medicare
9 coverage for all oral anticancer drugs and introduced
10 legislation to achieve that result; NOW THEREFORE,
11 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
12 REPRESENTATIVES CONCURRING, That the General Assembly
13 of the State of Iowa respectfully urges the United
14 States Congress to adopt legislation requiring the
15 Medicare program to cover all oral anticancer drugs;
16 and
17 BE IT FURTHER RESOLVED, That copies of this
18 Resolution be sent by the Secretary of the Senate to
19 the President of the United States, the President of
20 the United States Senate, the Speaker of the United
21 States House of Representatives, the United States
22 secretary of Health and Human Services, the
23 Administrator of the Centers for Medicare and Medicaid
24 Services of the United States Department of Health and
25 Human Services, and the members of Iowa's
26 congressional delegation.

**SENATE RESOLUTIONS AND
CONCURRENT RESOLUTIONS**

**Adopted and Not Previously
Printed During the**

Seventy-Ninth General Assembly

2002 Second Extraordinary Session

RESOLUTIONS ADOPTED

Senate resolutions adopted and not previously printed during the Seventy-ninth General Assembly, 2002 Second Extraordinary Session. (No Senate concurrent resolutions adopted.)

SENATE RESOLUTION 168: filed from the floor; adopted by the Senate on May 28, 2002.

1 SENATE RESOLUTION 168
2 By: Committee on Rules and Administration
3 A Senate resolution honoring Mr. Harold "Tommy"
4 Thompson upon his retirement as the Executive
5 Director of the Iowa Communications Network.
6 WHEREAS, Mr. Harold "Tommy" Thompson has had a long
7 and distinguished career of service to the citizens of
8 the State of Iowa, highlighted by serving as State
9 Project Coordinator for the Papal Visit in 1979,
10 spearheading the Statewide Recovery Task Force
11 associated with the farm crisis in 1985, chairing the
12 Iowa Flood Recovery Task Force from 1993 through 1995,
13 and serving as the Executive Director of the Iowa 2010
14 Project aimed at improving the quality of life in Iowa
15 by the year 2010; and
16 WHEREAS, Mr. Thompson served in the Iowa National
17 Guard for over 40 years, and formerly held the
18 position of Deputy Adjutant General; and
19 WHEREAS, Mr. Thompson has served as the Executive
20 Director of the Iowa Communications Network since its
21 inception in 1994; and
22 WHEREAS, under Mr. Thompson's leadership, the Iowa
23 Communications Network has become the largest fully
24 automated full motion video network in the world,
25 providing advanced services to education, state and
26 federal government, library, telemedicine, and
27 telejustice users; and
28 WHEREAS, Mr. Thompson's commitment to integrating
29 technologies to enhance Iowa's quality of life has
30 resulted in reducing the digital divide which

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1 previously isolated rural communities in the state and
2 has assured authorized users of the Iowa
3 Communications Network low-cost access to network
4 services; and
5 WHEREAS, during his tenure with the Iowa
6 Communications Network, Mr. Thompson created the
7 network structure, completed the Part III connections
8 to school districts and libraries bringing the total

9 number of classrooms connected to the network to 754,
 10 and made substantial progress toward the completion of
 11 a major network upgrade and increase in services; and
 12 WHEREAS, Mr. Thompson's vision and stewardship have
 13 brought the Iowa Communications Network alive for
 14 thousands of students and citizens of the State of
 15 Iowa, opening up opportunities for learning and access
 16 to needed services which would otherwise not exist;
 17 NOW THEREFORE,
 18 BE IT RESOLVED BY THE SENATE, That the Senate of
 19 the State of Iowa pay tribute to Mr. Harold "Tommy"
 20 Thompson for his outstanding accomplishments on behalf
 21 of, and devoted service to, the Iowa Communications
 22 Network and the citizens of this state, and, upon his
 23 retirement, wish him health and happiness in the years
 24 ahead; and
 25 BE IT FURTHER RESOLVED, That an official copy of
 26 this Resolution be prepared and presented to Mr.
 27 Harold "Tommy" Thompson.

SENATE RESOLUTION 169: filed from the floor; as amended
 and adopted by the Senate on May 28, 2002.

1 SENATE RESOLUTION 169
 2 By: Committee on Rules and Administration
 3 A Senate resolution pledging that the Senate will
 4 not raise taxes if further action is needed
 5 on the budget for fiscal year 2003 or in order to
 6 balance the state budget for fiscal year 2004.
 7 WHEREAS, The general assembly has been required to
 8 make numerous adjustments to the state budgets for
 9 fiscal years 2002 and 2003 in order to achieve a
 10 balanced budget; and
 11 WHEREAS, The budget shortfalls in fiscal year 2002
 12 and fiscal year 2003 have forced the general assembly
 13 to take money from many one-time sources of money; and
 14 WHEREAS, Some outside of state government are now
 15 calling on the state legislature to raise taxes; and
 16 WHEREAS, Iowans already pay too much in taxes,
 17 despite several tax cuts; and
 18 WHEREAS, Iowans pay an average tax bill above the
 19 national average; and
 20 WHEREAS, several states bordering Iowa pay
 21 significantly lower rates of taxes; and
 22 WHEREAS, The prospect of coming to an agreement for
 23 a budget for fiscal year 2004 looms as a very
 24 difficult task; NOW THEREFORE,
 25 BE IT RESOLVED BY THE SENATE, That the Senate
 26 pledges to find a solution to a balanced budget for
 27 fiscal years 2003 and 2004 without resorting to
 28 raising taxes.

MEMORIALS

IN MEMORIAM

Senators

- John L. Campbell..... April 2, 1924 – January 28, 2002
- William F. Denman..... July 3, 1925 – October 2, 2001
- Edgar H. Holden March 24, 1914 – August 21, 2001
- Wayne D. Keith..... May 24, 1908 – October 5, 2001

JOHN L. CAMPBELL

John L. Campbell was born on April 2, 1924, in Mahaska County. He passed away on January 28, 2002, at the age of seventy-seven. He is survived by his wife, Diane; his three sons, B.G. of Gulf Shores, Alabama, Charley of Hollister, California, and Tom of Oskaloosa; a daughter, Jamie Chase of Montclair, New Jersey; a brother Keith of Oskaloosa; and ten grandchildren.

Campbell lived in Oskaloosa all his life. He attended the University of Chicago and obtained a B.A. from the University of Iowa in 1949. In 1951, Campbell married Diane Barnhouse of Oskaloosa. He was a farmer and owned and operated Edwards and Campbell Construction Co. and several convenience stores. He also taught at William Penn College and was a member of De-Gooders International.

Campbell served in the Merchant Marines during World War II. He had served on the boards of the YMCA, St. James Episcopal Vestry, and Oskaloosa school district. Campbell was a member of the Farm Bureau, Rotary Club, and Elks Club. He had written "The American Story," qualified for six U.S. Golf Association Senior Amateur Championships, and was Iowa Senior Player of the Year in 1989. He enjoyed astronomy, photography, and history.

John Campbell was a Mahaska County republican. He served in the Senate for two years, from 1963 to 1964 during the 60th General Assembly.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable John L. Campbell, 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.

SANDRA H. GREINER
WILLIAM FINK
DENNIS H. BLACK
Committee

WILLIAM F. DENMAN

William F. Denman was born July 3, 1925, in Des Moines, Iowa. He passed away on October 2, 2001, at the age of seventy-six. He is survived by his wife, Lu; a son, Bill Jr. of Arlington Heights; three daughters, Beverly Denman and Elizabeth Denman, both of Des Moines, and Teri Eagan of Aurora, Colorado; a brother, Donald of Des Moines; a sister, Rosalyn Barnson of Colorado Springs, Colorado; a half-sister, Pam Levy of Jerusalem; and five grandchildren.

Denman had lived in Des Moines all his life. He graduated from North High School and attended the University of Missouri. He received his law degree from Drake Law School. Denman continued working as a lawyer right up until the day he died. He was a dedicated lawyer who enjoyed helping people.

Denman was a devout Christian. He was a member of First Assembly of God Church and hosted a born-again Christian radio show. He was also a member of the Iowa Bar Association, the Iowa Trial Lawyers Association, the Polk County Bar Association, the American Legion, and Toastmasters International. Denman enjoyed traveling and music.

William Denman was a Polk County democrat. He served in the House during the 56th, 59th, 60th, and 60th Extra General Assemblies and ran unsuccessfully for the 5th District congressional seat in 1956. He served in the Senate from 1965 to 1968 during the 61st and 62nd General Assemblies. Denman served as the reapportionment chairman of the 61st and 62nd General Assemblies. The Statehouse Press Corp gave Denman the award of "Outstanding Senator" of the 62nd General Assembly.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable William F. Denman, 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 FUTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

MARY E. KRAMER
JACK HOLVECK
MATTHEW W. McCOY
Committee

EDGAR H. HOLDEN

Edgar H. Holden was born on March 24, 1914, in Tama County to Glenn B. and Laura M. (Warner) Holden. He passed away on August 21, 2001, at the age of eighty-seven. He is survived by his wife, Rachel; brothers and sisters-in-law, Charles and Mildred of Davenport, Harvey and Ruth of Washington, Iowa, and Birchard and Mary of Richmond, Virginia; sisters and brothers-in-law, Helen and James Larsen of Minden, Nebraska, Virginia Dunville of Roanoke, Virginia, and Lila and Stewart Shotwell of Richmond, Virginia.

Holden graduated from Davenport High School in 1932 and married Rachel O. Brown on January 1, 1937. After four years with Sturtevant Dairy Co., he went to work for Farm Bureau Service Co. in Mt. Joy as a bookkeeper and was the manager from 1938 to 1949. From 1949 to 1986, Holden and his brothers, Charles and Birchard, owned and operated Propane Gas Co., Holdens Oil Co., Triangle Truckport, and the Edgetowner Restaurant, along with related businesses.

Holden was a 48-year director, president, and chairman of the Central Scott Telephone Co. of Eldridge. He was active in several trade associations and was a director of the Davenport Chamber of Commerce and the Scott County Farm Bureau.

During World War II, Holden served in the European Theater of Operations from the Normandy beaches in France to the Elbe River at Magdeberg, Germany, receiving three battle stars. His unit was with the 9th Army on the North Flank during the "Battle of the Bulge." He was a 50-year member of the American Legion.

Holden was an active member of his community, serving as an elder on local Presbyterian and Synod bodies and in the Gideons. He served as president of the Scott County Pioneers Descendants Society and as president of the Scott County Historical Society. He was a member of the Iowa State Historical Society, the Putnam Museum, and the Hoover Library and Foundation. A long-time Rotarian, he was a contributor to the Rotary Foundation as a Paul Harris Fellow and as a benefactor.

Edgar Holden was a Scott County republican. He served in the House of Representatives from 1967 to 1974 during the 62nd, 63rd, and 64th General Assemblies. He was elected Majority Leader of the House of Representatives in the 65th General Assembly. On December 13, 1977, Holden was elected to the Senate during a special election. He served in the Senate from 1978 to 1988, during the 2nd half of the 67th General Assembly and through the 68th, 69th, 70th, 71st, and 72nd General Assemblies. After serving as a legislator, he served on the Iowa State Banking Board for eight years and on the 7th Judicial District Court Nominating Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Edgar H. Holden, 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.

MAGGIE TINSMAN
PATRICK J. DELUHERY
SHELDON RITTMER
Committee

WAYNE D. KEITH

Wayne Dalton Keith was born on May 24, 1908, in rural Burt to Lynn Wood and Claire Dalton Keith. He passed away on October 5, 2001, at the age of ninety-three. He is survived by his wife Dema of Algona; his children Jane McCullen and husband Jack of Northwood, Edgar Keith and wife Joyce of Algona, Mary Yeoman and husband David of Marion, and Margaret Heald and husband Terry of Marion. Also surviving are twelve grandchildren, twenty-six great grandchildren, and his wife Dema's family.

Keith graduated from Algona High School in 1929. On September 19, 1929, he married Doris Brown and the couple moved to the Keith family farm in Plum Creek Township.

They farmed there for thirty-three years before moving to Oak Lake in 1962 and to Algona in 1978. They enjoyed spending many winters in the Mercedes, Texas, area. His wife Doris died June 21, 1987, and on May 26, 1989, Keith married Dema Janssen in the Little Brown Church at Nashua.

Keith served on the Burt school board and the Whittemore Drying Plant board. He was recognized as a Master Farmer and a Master Swine Producer, and he received the Region 2 Conservation Award for soil conservation practices.

Keith's many civic services included being a member of the Rotary Club where he received their Citizen of the Year Award. Keith worked for the Farm Bureau, serving eight years as vice president of the Iowa Farm Bureau and five years on the Tri-State Farm Service Board. He was a member of the Livestock Committee of the American Farm Bureau for six years. He was a member of the First Baptist Church at Algona and Prudence Lodge #205 A.F. & A.M.

Wayne Keith was a Kossuth County republican. He served in the Senate for four years, from 1969 to 1972 during the 63rd and 64th General Assemblies. He was a member of the legislative tax study committee in the 1970 interim.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Wayne D. Keith, 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 FUTHER 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.

E. THURMAN GASKILL
JOHN P. KIBBIE
STEWART E. IVERSON, JR.
Committee

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- Amendments filed — 214, 225, 409, 497, 688, 689, 695, 725, 767, 847, 852, 882, 886, 896, 899, 901–903, 907, 908, 935, 948, 953, 954, 967, 982, 1076, 1077, 1087, 1123, 1132
- Amendments offered — 767, 896, 907, 967, 1002, 1027, 1036, 1037, 1132
- Amendments withdrawn — 746–748, 908, 967, 1037
- Bills introduced — 72, 108, 130, 132, 172, 325, 326, 328, 357, 359, 392
- Conference committee appointments and reports — 951, 1104
- Honors received — 971
- Petitions presented — 602
- Resolutions introduced — 121, 144, 388, 504, 797, 817, 825, 856, 926, 1046, 1084
- Senate committee appointments — 695

HOLVECK, JACK — Senator, Thirty-sixth District

- Amendments filed — 202, 203, 213, 214, 225, 279, 409, 459, 483, 497, 688, 689, 725, 752, 847, 852, 886, 896–898, 901, 903, 907, 948, 952, 953, 982, 1076, 1248
- Amendments offered — 495, 589, 802, 898, 1014, 1020, 1021, 1029, 1076, 1120
- Amendments withdrawn — 746, 748
- Bills introduced — 244, 326, 327, 329, 359, 533
- Certificates of recognition — 216, 989
- Honors received — 1074
- Presentations — 957
- Resolutions introduced — 121, 144, 388, 504, 797, 817, 825, 856, 926, 990, 1046

HORN, WALLY E. — Senator, Twenty-seventh District

Amendments filed — 214, 409, 688, 689, 852, 886, 901, 907, 948, 1123, 1248

Bills introduced — 245, 255, 326, 328, 606

Conference committee appointments and reports — 951, 1103

Petitions presented — 192

Resolutions introduced — 121, 144, 312, 797, 817, 856, 883, 926, 1046

Senate committee appointments — 695

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Senate File 374, S-5140 — 570; Senate concurred — 663

Senate File 415, S-5248 — 794; Senate concurred — 939

Senate File 429, S-5172 — 637; Senate concurred — 702

Senate File 437, S-5052 — 338; Senate concurred — 584

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Senate File 2018, S-5042 — 294; Senate concurred — 376

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Senate File 2118, S-5439 — 1068; Senate amended and concurred — 1088

Senate File 2141, S-5131 — 530; Senate concurred — 581

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Senate File 2192, S-5186 — 667; Senate concurred — 734

Senate File 2197, S-5234 — 749; Senate amended and concurred — 801;

Senate receded — 1144

Senate File 2203, S-5233 — 749; Senate concurred — 782

Senate File 2205, S-5401 — 973; Senate concurred — 994

Senate File 2228, S-5280 — 865; Senate amended and concurred — 998

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HOUSER, HUBERT — Senator, Forty-third District

- Amendments filed — 162, 882, 935, 954, 970, 1033, 1087
- Amendments offered — 968, 970
- Bills introduced — 42, 56, 109, 130, 132, 172, 173, 302
- Presentations — 821
- Resolutions introduced — 121, 144, 254, 817, 825, 856, 1046
- Senate committee appointments — 20, 118

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- Amendments filed — 620, 621
- Appointees, investigation of — 240, 276, 277, 337, 352, 677, 678, 714-716, 842, 843
- Appointments to — 310, 444, 695
- Bills introduced by — 123, 156, 185, 254, 283, 296, 304, 327, 328, 358, 360
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IVERSON, STEWART E., JR. — Senator, Ninth District, Majority Leader

- Address to the Senate — 3
- Amendments filed — 1032
- Amendments offered — 59
- Amendments withdrawn — 759
- Bills introduced — 42, 56, 116, 172, 482, 839, 927
- Certificates of recognition — 119, 142, 196, 310, 355, 441, 551, 552, 602, 729, 755, 795, 836, 1040, 1115
- Leadership recognition — 1204
- Presentations — 179, 1109
- Resolutions introduced — 116, 121, 144, 185, 388, 504, 797, 817, 825, 856, 926, 1046

JENSEN, JOHN W. — Senator, Eleventh District

- Amendments filed — 426, 516, 535, 626, 892, 954, 1049
- Amendments offered — 517, 1049
- Amendments withdrawn — 626
- Bills introduced — 24, 42, 56, 107, 110, 145, 173, 174, 245
- Honors received — 1070
- Presentations — 215, 252, 728, 945, 966
- Presiding at sessions of the Senate — 1038
- Resolutions introduced — 121, 144, 244, 312, 388, 504, 797, 817, 825, 926, 1046
- Senate committee appointments — 80, 118, 404

JOHNSON, JOANN — Senator, Thirty-ninth District

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- Amendments filed — 540, 621, 632
- Appointees, investigation of — 241, 277, 352, 678, 716, 717, 843
- Appointments to — 444
- Bills introduced by — 84, 154, 155, 186, 230, 231, 234, 302, 303, 357–359, 389, 391, 392
- Bills referred to — 13, 65, 72, 85, 94, 110, 121, 132, 146, 172, 173, 198, 207, 210, 244, 251, 268, 287, 294, 327, 328, 339, 344, 345, 420, 481, 512, 533, 541, 571, 592, 600, 601, 617, 628, 638, 640, 641
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KIBBIE, JOHN P. — Senator, Fourth District, Assistant Minority Leader

- Amendments filed — 214, 225, 409, 411, 413, 417, 426, 483, 648, 688, 689, 695, 726, 765, 766, 799, 852, 862, 882, 886, 901, 903, 907, 948, 953, 982, 1059, 1077–1082, 1086, 1095, 1123, 1197, 1248
- Amendments offered — 413, 417, 648, 743, 765, 901, 995, 1025, 1078, 1079, 1082, 1086, 1197
- Amendments withdrawn — 1079, 1097
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- Conference committee appointments and reports — 924, 1058
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- Resolutions introduced — 13, 121, 144, 388, 504, 797, 817, 856, 926, 1046

KING, STEVE — Senator, Sixth District

- Amendments filed — 162, 319, 467, 626, 695, 708, 725, 813, 828, 892, 953–955, 969, 1032, 1058, 1059, 1087, 1095, 1139, 1189
- Amendments offered — 162, 383, 467, 626, 653, 703, 708, 813, 828, 892, 967, 969, 1001, 1066, 1087, 1095, 1126
- Amendments withdrawn — 162, 708, 1087, 1096, 1189
- Bills introduced — 42, 72, 109, 172, 173, 302, 329, 345
- Certificates of recognition — 404
- Conference committee appointments and reports — 951, 1103
- Resolutions introduced — 121, 144, 388, 605, 606, 797, 817, 926, 1046

KRAMER, MARY E. — Senator, Thirty-seventh District, President of the Senate

- Address to the Senate — 1
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- Amendments offered — 1090
- Amendments withdrawn — 1194
- Bills introduced — 42, 56, 172
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- Leadership recognition — 1204
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LAMBERTI, JEFF — Senator, Thirty-third District

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Amendments offered — 418, 419, 513, 558, 895, 945, 1046, 1047, 1089, 1147, 1196, 1243, 1246
Amendments withdrawn — 1147
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LORD, DAVID G. — Senator, Thirty-ninth District

Amendments filed — 954, 1033, 1059
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LUNDBY, MARY A. — Senator, Twenty-sixth District

Amendments filed — 337, 379, 418, 725, 852, 953, 954, 964, 1076, 1104, 1123
Amendments offered — 379, 418, 736, 964, 1076
Amendments withdrawn — 379, 964, 1132

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- Bills introduced — 43, 145, 146, 156, 173, 218, 255, 283, 325–328, 533
- Certificates of recognition — 989
- Presentations — 885
- Resolutions introduced — 121, 144, 388, 817, 825, 883, 925, 990, 1046

MADDOX, GENE — Senator, Thirty-eighth District, Assistant Majority Leader

- Amendments filed — 161, 192, 249, 279, 337, 402, 459, 515, 569, 744
- Amendments offered — 161, 264, 495, 515, 569, 648, 742, 744, 779, 787, 792
- Amendments withdrawn — 569, 648
- Bills introduced — 13, 14, 42, 56, 65, 72, 94, 146, 172, 210, 231
- Certificates of recognition — 242, 989
- Conference committee appointments and reports — 951, 1103
- Honors received — 985
- Petitions presented — 197
- Presentations — 698
- Presiding at sessions of the Senate — 1135
- Resolutions introduced — 121, 144, 388, 430, 504, 817, 825, 856, 990, 1046

MAJORITY LEADER, Senator Stewart Iverson Jr. — (See IVERSON, STEWART, JR.)

McCOY, MATT — Senator, Thirty-fourth District, Assistant Minority Leader

- Amendments filed — 202, 214, 225, 263, 523, 688, 689, 852, 886, 948, 953, 1087, 1196, 1248
- Amendments offered — 202, 523, 1026, 1248
- Bills introduced — 130, 156, 326, 343–345
- Presentations — 698
- Resolutions introduced — 121, 144, 504, 797, 817, 825, 856, 926, 1046

McKEAN, ANDY — Senator, Twenty-eighth District, President Pro Tempore of the Senate

- Amendments filed — 496, 535, 954, 1132
- Amendments offered — 496
- Bills introduced — 42, 56, 85, 145, 173, 302
- Honors received — 1067
- Presentations — 1112
- Resolutions introduced — 121, 388, 797, 817, 825, 856, 883, 926, 1055
- Senate committee appointments — 310

McKIBBEN, LARRY — Senator, Thirty-second District

- Amendments filed — 98, 402, 435, 471, 535, 854, 882, 953, 961, 1032, 1033, 1132

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- Amendments offered — 98, 435, 471, 767, 959, 961
- Amendments withdrawn — 435, 961
- Bills introduced — 41, 42, 56, 146, 172, 173, 267, 303
- Certificates of recognition — 119, 128, 183, 941
- Presentations — 872, 963
- Presiding at sessions of the Senate — 963, 968, 973
- Resolutions introduced — 121, 144, 388, 504, 797, 817, 825, 856, 926, 1007, 1046
- Senate committee appointments — 310

McKINLEY, PAUL — Senator, Forty-sixth District

- Amendments filed — 298, 953, 1132
- Amendments offered — 298, 1131
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- Certificates of recognition — 548
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MILLER, DAVID P. — Senator, Forty-seventh District

- Amendments filed — 527, 535, 935, 953, 955, 1106, 1139
- Amendments offered — 527, 700, 1166
- Amendments withdrawn — 527, 1166
- Bills introduced — 42, 56, 110, 172, 186, 302, 329
- Conference committee appointments and reports — 951, 1104
- Resolutions introduced — 121, 388, 817, 1046
- Senate committee appointments — 695

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 Senate File 2304, S-5066, Senator Gronstal — 413; prevailed
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Senate File 2315, S-5190, Senator Boettger — 689; amendment out of order

Senate File 2318, S-5496, Senator McKibben — 1123; amendment out of order

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House File 2078, S-5003, Senator Gronstal — 98; amendment in order

House File 2139, S-5113, Senator Angelo — 543; amendment out of order

House File 2404, S-5274, Senator Redfern — 876; amendment out of order

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House File 2506, S-5266, Senator Fiegen — 828; amendment out of order

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PRESIDENT PRO TEMPORE OF THE SENATE, Senator Andy McKean — (See McKEAN, ANDY)

RAGAN, AMANDA — Senator, Tenth District

Amendments filed — 688, 689, 852, 886, 899, 901, 903, 904, 907, 948, 1077, 1123, 1248

Amendments offered — 899, 904, 1077

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Amendments withdrawn — 1077

Oath of office — 639

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REDFERN, DONALD B. — Senator, Twelfth District

Amendments filed — 411, 414, 549, 561, 847, 882, 954, 982, 998, 1121

Amendments offered — 411, 414, 561, 568, 889, 998

Amendments withdrawn — 1121

Bills introduced — 42, 268, 342

Certificates of recognition — 989

Presentations — 883, 1074

Resolutions introduced — 121, 144, 388, 797, 817, 825, 926, 990, 1046,
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REDWINE, JOHN — Senator, Second District, Assistant Majority Leader

Amendments filed — 162, 381, 426, 459, 498, 597, 725, 934, 954, 1088,
1132

Amendments offered — 381, 438, 468, 498, 654, 1088

Amendments withdrawn — 498

Bills introduced — 42, 56, 64, 71, 73, 108, 109, 123, 132, 145, 287, 296,
329, 344, 533

Certificates of recognition — 974

Honors received — 1034

Resolutions introduced — 121, 130, 144, 388, 504, 797, 817, 825, 856,
926, 1046

REHBERG, KITTY — Senator, Fourteenth District

Amendments filed — 535, 566, 598, 695, 708, 819, 847, 862, 933, 935,
953, 955, 982, 1032, 1047, 1059, 1105, 1106, 1139

Amendments offered — 566, 876, 1001, 1043, 1047, 1129, 1133, 1134, 1142

Amendments withdrawn — 876, 1047, 1119, 1129, 1133

Bills introduced — 42, 56, 72, 107, 154, 172, 173, 268, 329, 345

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Amendments offered — 743, 766

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Honors received — 1052

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